



Australian Capital Territory

# **Building and Construction Legislation Amendment Act 2026**

**A2026-2**

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Australian Capital Territory

# **Building and Construction Legislation Amendment Act 2026**

**A2026-2**

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An Act to amend legislation about building and construction, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Building and Construction Legislation Amendment Act 2026*.

## 2 Commencement

(1) This Act (other than the provisions mentioned in subsections (2) to (5)) commences on the 7th day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

(2) Section 6 commences on the day the *Property Developers Act 2024*, schedule 2, amendment 2.6 commences.

(3) Sections 29 to 32 commence on the day the *Building (Swimming Pool Safety) Legislation Amendment Act 2023*, section 6 commences.

(4) Sections 3, 56 and 57 commence on the day after this Act's notification day.

(5) Schedule 1, amendments 1.3 and 1.4 commence on the day the *Building (Swimming Pool Safety) Legislation Amendment Act 2023*, section 29 commences.

## legislation amended

This Act amends the following legislation:

- *Building Act 2004*
- *Building (General) Regulation 2008*
- *Construction Occupations (Licensing) Act 2004*
- *Construction Occupations (Licensing) Regulation 2004*
- *Gas Safety Act 2000*

- *Professional Engineers Act 2023*
- *Property Developers Act 2024.*

*Note* This Act also amends other legislation (see sch 1).

**Part 2**

**Building Act 2004**

**4**

**Completion of building work**

**Section 48 (3) (e)**

*substitute*

(e) a copy of any notice given to the certifier under section 43 (2);

**5**

**Section 48 (3) (n) (ii)**

*after*

drawings

*insert*

showing the completed building work

**6**

**Approval of building manual**

**Section 48A (3)**

*omit*

may only

*substitute*

must

**7**

**Notification by certifier of contraventions of building and development approvals—building work**

**Section 50 (3), example**

*omit*

**8**

**Definitions—pt 5A**

**Section 83 (1), definition of *compliance certificate***

*omit*

**9 Section 83 (1), new definitions***insert*

***compliance status certificate***, for a regulated swimming pool—see section 83K (1).

***complete exemption*** means a Ministerial exemption or standing exemption that exempts a regulated swimming pool from all of the safety standards.

***partial Ministerial exemption*** means a Ministerial exemption that exempts a regulated swimming pool from only part of the safety standards.

**10 Subdivision 5A.2.2 and section 83K headings***substitute***Subdivision 5A.2.2 Compliance status certificates****83JA Application—sdiv 5A.2.2**

This subdivision does not apply in relation to a regulated swimming pool if—

- (a) the pool is subject to a complete exemption; or
- (b) both of the following documents have been issued in relation to all of the safety barrier for the pool:
  - (i) a building approval for the erection or alteration of a safety barrier for the pool that, if erected or altered in accordance with the plans, will comply with the safety standards, to the extent that the pool is not subject to a partial Ministerial exemption;

- (ii) a certificate of occupancy for the safety barrier for the pool stating that the safety barrier was erected or altered in accordance with the building approval mentioned in subparagraph (i).

## **83K      Compliance status certificates**

### **11      Section 83K (1)**

*omit*

(the **owner**) a written certificate (a **compliance certificate**)

*substitute*

(the **pool owner**) a written certificate (a **compliance status certificate**)

### **12      Section 83K (1) (a) and (b)**

*omit*

Ministerial exemption

*substitute*

partial Ministerial exemption

### **13      Section 83K (2)**

*omit*

the owner a compliance certificate

*substitute*

the pool owner a compliance status certificate

**14      Section 83K (3)***omit*

the owner

*substitute*

the pool owner

**15      Section 83K (4)***omit*

the owner a compliance certificate

*substitute*

the pool owner a compliance status certificate

**16      Section 83K (5)***omit*

given the owner

*substitute*

given the pool owner

**17      Section 83K (5) (a)***omit*

the owner a compliance certificate

*substitute*

the pool owner a compliance status certificate

**18        Section 83K (5) (b)**

*omit*

compliance certificate to the owner

*substitute*

compliance status certificate to the pool owner

**19        Section 83K (6) (b)**

*omit*

compliance certificate

*substitute*

compliance status certificate

**20        Section 83K (6) (b)**

*omit*

Ministerial exemption

*substitute*

partial Ministerial exemption

**21        Section 83K (6) (c)**

*omit*

compliance certificate

*substitute*

compliance status certificate

**22 Section 83L heading***substitute***83L Period for which compliance status certificate in force****23 Section 83L (1)***omit*

compliance certificate

*substitute*

compliance status certificate

**24 Section 83L (1) (c)***omit*

Ministerial exemption

*substitute*

partial Ministerial exemption

**25 Section 83M heading***substitute***83M Failure to lodge compliance status certificate etc for regulated swimming pool****26 Section 83M (1) (c) and (d)***substitute*

- (c) the pool is not subject to complete exemption; and
- (d) the relevant documents have not been issued for all of the safety barrier for the pool; and

- (da) the person is given a compliance status certificate by an authorised person before 1 May 2028; and
- (db) the person fails to lodge the compliance status certificate, with any partial exemption certificate, with the construction occupations registrar within 30 days after the day the person receives the compliance status certificate; and

**27      Section 83M (1) (e)**

*omit*

subsection (1) (d)

*substitute*

paragraph (db)

**28      New section 83M (3)**

*insert*

(3) In this section:

***partial exemption certificate*** means an exemption certificate that exempts a regulated swimming pool from only part of the safety standards.

***relevant documents***, in relation to a safety barrier for a regulated swimming pool, means both of the following:

- (a) a building approval for the erection or alteration of a safety barrier for the pool that, if erected or altered in accordance with the plans, will comply with the safety standards, to the extent that the pool is not subject to a partial Ministerial exemption;
- (b) a certificate of occupancy for the pool stating that the safety barrier was erected or altered in accordance with the building approval mentioned in paragraph (a).

**29 Section 83OB heading***substitute***83OB Failure to obtain compliance status certificate for regulated swimming pool****30 Section 83OB (1) (c)***substitute*

- (c) the pool is not subject to a complete exemption; and
- (ca) the relevant documents have not been issued for all of the safety barrier for the pool; and

**31 Section 83OB (1) (d) and (e)***omit*

compliance certificate

*substitute*

compliance status certificate

**32 New section 83OB (3)***insert*

- (3) In this section:

***relevant documents***, in relation to a safety barrier for a regulated swimming pool, means both of the following:

- (a) a building approval for the erection or alteration of a safety barrier for the pool that, if erected or altered in accordance with the plans, will comply with the safety standards, to the extent that the pool is not subject to a partial Ministerial exemption;

(b) a certificate of occupancy for the pool stating that the safety barrier was erected or altered in accordance with the building approval mentioned in paragraph (a).

**33      Authorised person**  
**Section 83P (6) (b)**

*omit*

compliance certificates

*substitute*

compliance status certificates

**34      Dictionary, definition of *compliance certificate***

*omit*

**35      Dictionary, new definitions**

*insert*

***compliance status certificate***, for a regulated swimming pool, for part 5A (Regulated swimming pools)—see section 83K (1).

***complete exemption***, for part 5A (Regulated swimming pools)—see section 83K (1).

***partial Ministerial exemption***, for part 5A (Regulated swimming pools)—see section 83K (1).

**Part 3**

**Building (General)  
Regulation 2008**

**36      Standing exemptions  
Table 36E, item 2, column 2**

*omit*

built before 1 May 2023

**Part 4**

**Construction Occupations  
(Licensing) Act 2004**

**37**

**What is an *operational Act*?**

**Section 16, new dot points**

*insert*

- *Professional Engineers Act 2023*
- *Property Developers Act 2024*

**38**

**Notification requirements for licensees**

**Section 26B (1)**

*omit*

(a *notification event*);

*substitute*

(a *notification event*):

**39**

**Section 26B (1) (b) (ii)**

*substitute*

- (ii) the corporation is placed into administration, receivership or liquidation;

**40**

**Section 28 heading**

*substitute*

**28**

**Eligibility for licence—corporations and partnerships**

**41**

**Section 28 (5) to (8) and example**

*omit*

**42        New section 28A***insert***28A        Nominees of corporations or partnerships**

- (1) A corporation or partnership may, in writing, appoint an individual to be a nominee if the individual—
  - (a) meets any eligibility requirements prescribed by regulation; and
  - (b) is licensed in the construction occupation and occupation class (if any) appropriate for each of the construction services for which the individual is to be responsible; and
  - (c) agrees in writing to the appointment.
- (2) If the nominee is to be responsible for the adequate supervision of only some of the construction services to be provided by the corporation or partnership, the appointment must state the services for which the nominee is responsible.
- (3) A nominee of a corporation or partnership for a construction service, construction occupation or occupation class automatically stops being a nominee for the service, occupation or class if the nominee stops being eligible to be appointed as a nominee for the service, occupation or class.

**Example**

Satnam is a class A builder and is the appointed nominee for a corporation that provides construction services. The registrar applies to the ACAT for an occupational discipline order and the ACAT orders the cancellation of Satnam's class A builders licence. The cancellation of the licence means that Satnam is not eligible to be a nominee and his appointment as a nominee automatically ends. There is no need for Satnam to resign as nominee or for the corporation to revoke his appointment.

**43        Rectification order—licensee or former licensee wound up etc before order made**  
**Section 39A (1) (c) (ii)**

*substitute*

- (ii) the entity is placed into administration, receivership or liquidation; or

**44        Section 39A (2) (a)**

*omit*

or a controller or administrator was appointed for the entity or the entity was deregistered

*substitute*

placed into administration, receivership or liquidation or deregistered

**45        Section 39B heading**

*substitute*

**39B        Rectification order—licensee or former licensee wound up etc after order made**

**46        Section 39B (1) (c) (ii)**

*substitute*

- (ii) the entity is placed into administration, receivership or liquidation; or

**47        Automatic suspension of corporate licence**  
**Section 49 (2) (b)**

*substitute*

- (b) is placed into administration, receivership or liquidation; or

**48        Automatic suspension of licence—no nominee**  
**Section 50A (2), note**

*omit*

(see s 28)

*substitute*

(see s 28A)

**49        Dictionary, definition of *nominee***

*omit*

section 28

*substitute*

section 28A

**Part 5**

**Construction Occupations  
(Licensing) Regulation 2004**

**50**

**Section 19 heading**

*substitute*

**19**

**Eligibility requirements for nominees—Act, s 28A (1) (a)**

**51**

**Section 19**

*omit everything before paragraph (a), substitute*

An individual must meet all of the following eligibility requirements:

**52**

**Section 19**

*omit*

*; and*

*substitute*

*;*

**Part 6****Gas Safety Act 2000****53        Offence—unsafe medical gas system  
Section 12A (c) (ii)***before*

the person

*insert*

the construction occupations registrar and

**Part 7**

**Professional Engineers Act 2023**

**54**

**Definitions—div 10.1**

**Section 74 (2), definition of *operational Act*, new paragraph (fa)**

*insert*

(fa) *Property Developers Act 2024*;

**55**

**Incorporating, applying or adopting documents in regulations and certain instruments**

**Section 87 (1) (b)**

*substitute*

(b) an instrument made under—

- (i) section 83 (Qualifications, experience and competencies for professional engineers); or
- (ii) section 84 (Continuing professional development for professional engineers); or
- (iii) section 85 (Codes of practice).

**Part 8****Property Developers Act 2024****56      Registrar must keep register  
Section 25 (2) (d)***omit*

and director identification numbers

**57      Section 25 (6)***omit***58      Dictionary, definition of *relevant law*, new paragraph (ca)***insert*(ca) the *Community Housing Providers National Law (ACT)*;**59      Dictionary, definition of *relevant law*, new note***insert*

*Note*      The *Community Housing Providers National Law (ACT) Act 2013*, s 7 applies the Community Housing Providers National Law set out in the *Community Housing Providers (Adoption of National Law) Act 2012* (NSW) appendix as if it were an ACT law called the *Community Housing Providers National Law (ACT)*.

## **Schedule 1      Consequential amendments**

(see s 3)

### **Part 1.1      Civil Law (Sale of Residential Property) Regulation 2004**

#### **[1.1]      Section 10B (1) and (2)**

*omit*

compliance certificate

*substitute*

compliance status certificate

#### **[1.2]      Section 10B (3), definition of *compliance certificate***

*substitute*

*compliance status certificate*, for a regulated swimming pool—see the *Building Act 2004*, section 83K (1).

#### **[1.3]      Section 10B (1) to (3)**

*omit*

compliance certificate

*substitute*

compliance status certificate

#### **[1.4]      Section 10B (4), definition of *compliance certificate***

*substitute*

*compliance status certificate*, for a regulated swimming pool—see the *Building Act 2004*, section 83K (1).

## Part 1.2 Residential Tenancies Regulation 1998

**[1.5] Section 1AAB (3) and (4)**

*omit*

## compliance certificate

*substitute*

## compliance status certificate

## [1.6] Section 1AAB (6), definition of *compliance certificate*

*substitute*

***compliance status certificate***, for a regulated swimming pool—see the [Building Act 2004](#), section 83K (1).

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## Endnotes

**1      Presentation speech**

Presentation speech made in the Legislative Assembly on 23 October 2025.

**2      Notification**

Notified under the [Legislation Act](#) on 16 February 2026.

**3      Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Building and Construction Legislation Amendment Bill 2026, which originated in the Legislative Assembly as the Building and Construction Legislation Amendment Bill 2025 (No 2) and was passed by the Assembly on 4 February 2026.

Clerk of the Legislative Assembly

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