

Australian Capital Territory

Building and Construction Legislation Amendment Act 2026 (No 2)

A2026-20

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Australian Capital Territory

Building and Construction Legislation Amendment Act 2026 (No 2)

A2026-20

An Act to amend legislation about building and construction

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

J2025-1602

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Part 1 Preliminary

1 Name of Act

This Act is the *Building and Construction Legislation Amendment Act 2026 (No 2)*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the legislation mentioned in parts 2 to 5.

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Part 2 Building Act 2004

4 Overview—div 3.3 New section 25A (2) (da)

insert

(da) section 29A sets out the requirements for building approval in relation to substantially completed building work;

5 Building approval applications Section 26 (1)

omit

the certifier

substitute

a certifier

6 Certifier not to consider certain applications New section 27 (1) (ca)

insert

(ca) if the application is for a new building approval mentioned in section 29A—the construction occupations registrar has issued a certificate under section 72A for the substantially completed building work; and

7 Issue of building approvals Section 28 (2) (a), note

omit

see s 29 (1) (g)

substitute

see this Act, s 29 (1) (g)

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8 New section 29A

insert

29A Building approvals for substantially completed building work

(1) This section applies if—

(a) a building approval (the ***original building approval***) was issued for building work on a parcel of land; and

(b) the building work to which the original building approval applied was substantially completed before the original building approval expired; and

(c) a building approval (the ***new building approval***) is issued for the remaining uncompleted building work on the parcel of land.

(2) The new building approval must be issued in relation to the building code as in force—

(a) if requested by the applicant—at the time the plans for the original building approval were approved; or

(b) at the time the plans for the new building approval are approved.

Note A building approval issued under par (a) operates for 1 year (see s 36 (1A)).

(3) In this section:

substantially completed—building work is ***substantially completed*** if the following has been completed:

(a) for a class 1, class 10a or class 10b building—

(i) the structural framework; and

(ii) the placement of formwork and steel reinforcing for any reinforced concrete member;

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(b) for a building other than a class 1, class 10a or class 10b building—

(i) any structural framework stated by the certifier in the original building approval; and

(ii) the placement of formwork and steel reinforcing for any reinforced concrete member stated by the certifier in the original building approval.

9 Period for which approvals operate New section 36 (1A)

insert

(1A) However, a building approval issued under section 29A (2) (a) operates for 1 year beginning on the day of issue.

10 Complying with building code Section 49 (6)

substitute

(6) For this section, building work is taken to result in a building that complies with the building code if the building complies with the building code as in force at the relevant time.

(7) In this section:

original building approval—see section 29A (1) (a).

relevant time means—

(a) for building work to which a new building approval issued under section 29A (2) (a) relates—when the plans for the building work were approved for the original building approval; or

(b) for building work to which any other building approval relates—when the plans for the building work were approved; or

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(c) if there are no approved plans for the building work or approved plans are not required for the building work—when the building work is carried out.

11 New section 72A

insert

72A Certificate for substantially completed building work

(1) This section applies if—

(a) a building approval (the ***original building approval***) was issued for building work on a parcel of land; and

(b) the building work to which the original building approval applied was substantially completed before the original building approval expired.

(2) If the construction occupations registrar is satisfied that the substantially completed building work was carried out in accordance with the prescribed requirements for the work, the registrar may, on application by the owner of the parcel of land where the building work was carried out, issue a certificate to that effect.

(3) In this section:

substantially completed—see section 29A (3).

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Part 3 Building (General) Regulation 2008

12 Exemption from part of Act Schedule 1, part 1.3, new item 24A

insert

24A	photovoltaic panel, or solar water heater, installed on class 2, 3, 4, 5, 6, 7, 8 or 9 building	(a) pt 3 (Building work); and (b) pt 5 (Building occupancy); and (c) pt 6 (Residential building work—warranties, conditions, insurance etc)	engineer registered as professional engineer in structural engineering under the *Professional Engineers Act 2023* has certified that the building on which panel or heater is installed is structurally sufficient, sound and stable

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Part 4 Construction Occupations (Licensing) Act 2004

13 Licence renewal New section 25 (3A)

insert

(3A) Instead of refusing to renew a licence, the registrar may renew the licence in the same construction occupation as, but a different occupation class from, the licence applied for if—

(a) the registrar is satisfied that the applicant is eligible to be licensed in the different occupation class; and

(b) the applicant agrees to the renewal.

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Part 5 Construction Occupations (Licensing) Regulation 2004

14 Reviewable decisions Schedule 4, new item 9A

insert

9A	Act, 25 (3A)	renew licence other than licence applied for	applicant for renewal

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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 September 2026.

2 Notification

Notified under the Legislation Act on 9 November 2026.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Building and Construction Legislation Amendment Bill 2026 (No 2), which originated in the Legislative Assembly as the Building and Construction Legislation Amendment Bill 2026 and was passed by the Assembly on 28 October 2026.

Clerk of the Legislative Assembly

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