

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Sustainable Development)

Building and Construction Legislation Amendment Bill 2025 (No 2)

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
Part 2	
Building Act 2004	
4 Completion of building work Section 48 (3) (e)	4
5 Section 48 (3) (n) (ii)	4

Contents

	Page
6 Approval of building manual	
Section 48A (3)	4
7 Notification by certifier of contraventions of building and development approvals—building work	
Section 50 (3), example	4
8 Definitions—pt 5A	
Section 83 (1), definition of <i>compliance certificate</i>	4
9 Section 83 (1), new definitions	5
10 Subdivision 5A.2.2 and section 83K headings	5
11 Section 83K (1)	6
12 Section 83K (1) (a) and (b)	6
13 Section 83K (2)	6
14 Section 83K (3)	7
15 Section 83K (4)	7
16 Section 83K (5)	7
17 Section 83K (5) (a)	7
18 Section 83K (5) (b)	8
19 Section 83K (6) (b)	8
20 Section 83K (6) (b)	8
21 Section 83K (6) (c)	8
22 Section 83L heading	9
23 Section 83L (1)	9
24 Section 83L (1) (c)	9
25 Section 83M heading	9
26 Section 83M (1) (c) and (d)	9
27 Section 83M (1) (e)	10
28 New section 83M (3)	10
29 Section 83OB heading	11
30 Section 83OB (1) (c)	11
31 Section 83OB (1) (d) and (e)	11
32 New section 83OB (3)	11
33 Authorised person	
Section 83P (6) (b)	12

		Page
34	Dictionary, definition of <i>compliance certificate</i>	12
35	Dictionary, new definitions	12
Part 3	Building (General) Regulation 2008	
36	Standing exemptions Table 36E, item 2, column 2	13
Part 4	Construction Occupations (Licensing) Act 2004	
37	What is an <i>operational Act</i> ? Section 16, new dot points	14
38	Notification requirements for licensees Section 26B (1)	14
39	Section 26B (1) (b) (ii)	14
40	Section 28 heading	14
41	Section 28 (5) to (8) and example	14
42	New section 28A	15
43	Rectification order—licensee or former licensee wound up etc before order made Section 39A (1) (c) (ii)	16
44	Section 39A (2) (a)	16
45	Section 39B heading	16
46	Section 39B (1) (c) (ii)	16
47	Automatic suspension of corporate licence Section 49 (2) (b)	16
48	Automatic suspension of licence—no nominee Section 50A (2), note	17
49	Dictionary, definition of <i>nominee</i>	17
Part 5	Construction Occupations (Licensing) Regulation 2004	
50	Section 19 heading	18
51	Section 19	18
52	Section 19	18

	Page
Part 6	
Gas Safety Act 2000	
53 Offence—unsafe medical gas system Section 12A (c) (ii)	19
Part 7	
Professional Engineers Act 2023	
54 Definitions—div 10.1 Section 74 (2), definition of <i>operational Act</i> , new paragraph (fa)	20
55 Incorporating, applying or adopting documents in regulations and certain instruments Section 87 (1) (b)	20
Part 8	
Property Developers Act 2024	
56 Registrar must keep register Section 25 (2) (d)	21
57 Section 25 (2) (l) (iii)	21
58 Section 25 (2) (m)	21
59 Section 25 (6)	21
60 Dictionary, definition of <i>relevant law</i> , new paragraph (ca)	21
61 Dictionary, definition of <i>relevant law</i> , new note	21
Schedule 1	
Consequential amendments	22
Part 1.1	
Civil Law (Sale of Residential Property) Regulation 2004	22
Part 1.2	
Residential Tenancies Regulation 1998	23

2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Sustainable Development)

Building and Construction Legislation Amendment Bill 2025 (No 2)

A Bill for

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

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

Part 1 Preliminary

1 Name of Act

This Act is the *Building and Construction Legislation Amendment Act 2025 (No 2)*.

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 56 to 59 commence on the day the *Property Developers Act 2024*, section 25 commences.

(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.

3 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*

1
2
3

- *Professional Engineers Act 2023*
 - *Property Developers Act 2024.*
- Note* This Act also amends other legislation (see sch 1).

1 **Part 2 Building Act 2004**

2 **4 Completion of building work**
3 **Section 48 (3) (e)**

4 *substitute*

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

6 **5 Section 48 (3) (n) (ii)**

7 *after*

8 drawings

9 *insert*

10 showing the completed building work

11 **6 Approval of building manual**
12 **Section 48A (3)**

13 *omit*

14 may only

15 *substitute*

16 must

17 **7 Notification by certifier of contraventions of building and**
18 **development approvals—building work**
19 **Section 50 (3), example**

20 *omit*

21 **8 Definitions—pt 5A**
22 **Section 83 (1), definition of *compliance certificate***

23 *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;

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

5 **83K Compliance status certificates**

6 **11 Section 83K (1)**

7 *omit*

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

9 *substitute*

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

11 **12 Section 83K (1) (a) and (b)**

12 *omit*

13 Ministerial exemption

14 *substitute*

15 partial Ministerial exemption

16 **13 Section 83K (2)**

17 *omit*

18 the owner a compliance certificate

19 *substitute*

20 the pool owner a compliance status certificate

1 **14 Section 83K (3)**

2 *omit*

3 the owner

4 *substitute*

5 the pool owner

6 **15 Section 83K (4)**

7 *omit*

8 the owner a compliance certificate

9 *substitute*

10 the pool owner a compliance status certificate

11 **16 Section 83K (5)**

12 *omit*

13 given the owner

14 *substitute*

15 given the pool owner

16 **17 Section 83K (5) (a)**

17 *omit*

18 the owner a compliance certificate

19 *substitute*

20 the pool owner a compliance status certificate

- 1 **18 Section 83K (5) (b)**
- 2 *omit*
- 3 compliance certificate to the owner
- 4 *substitute*
- 5 compliance status certificate to the pool owner

- 6 **19 Section 83K (6) (b)**
- 7 *omit*
- 8 compliance certificate
- 9 *substitute*
- 10 compliance status certificate

- 11 **20 Section 83K (6) (b)**
- 12 *omit*
- 13 Ministerial exemption
- 14 *substitute*
- 15 partial Ministerial exemption

- 16 **21 Section 83K (6) (c)**
- 17 *omit*
- 18 compliance certificate
- 19 *substitute*
- 20 compliance status certificate

1	22	Section 83L heading
2		<i>substitute</i>
3	83L	Period for which compliance status certificate in force
4	23	Section 83L (1)
5		<i>omit</i>
6		compliance certificate
7		<i>substitute</i>
8		compliance status certificate
9	24	Section 83L (1) (c)
10		<i>omit</i>
11		Ministerial exemption
12		<i>substitute</i>
13		partial Ministerial exemption
14	25	Section 83M heading
15		<i>substitute</i>
16	83M	Failure to lodge compliance status certificate etc for
17		regulated swimming pool
18	26	Section 83M (1) (c) and (d)
19		<i>substitute</i>
20		(c) the pool is not subject to complete exemption; and
21		(d) the relevant documents have not been issued for all of the safety
22		barrier for the pool; and

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

27 Section 83M (1) (e)

- 8 *omit*
- 9 subsection (1) (d)
- 10 *substitute*
- 11 paragraph (db)

28 New section 83M (3)

- 13 *insert*
- 14 (3) In this section:
- 15 ***partial exemption certificate*** means an exemption certificate that
16 exempts a regulated swimming pool from only part of the safety
17 standards.
- 18 ***relevant documents***, in relation to a safety barrier for a regulated
19 swimming pool, means both of the following:
- 20 (a) a building approval for the erection or alteration of a safety
21 barrier for the pool that, if erected or altered in accordance with
22 the plans, will comply with the safety standards, to the extent
23 that the pool is not subject to a partial Ministerial exemption;
- 24 (b) a certificate of occupancy for the pool stating that the safety
25 barrier was erected or altered in accordance with the building
26 approval mentioned in paragraph (a).

- 1 **29** **Section 83OB heading**
- 2 *substitute*
- 3 **83OB** **Failure to obtain compliance status certificate for**
4 **regulated swimming pool**
- 5 **30** **Section 83OB (1) (c)**
- 6 *substitute*
- 7 (c) the pool is not subject to a complete exemption; and
- 8 (ca) the relevant documents have not been issued for all of the safety
9 barrier for the pool; and
- 10 **31** **Section 83OB (1) (d) and (e)**
- 11 *omit*
- 12 compliance certificate
- 13 *substitute*
- 14 compliance status certificate
- 15 **32** **New section 83OB (3)**
- 16 *insert*
- 17 (3) In this section:
- 18 ***relevant documents***, in relation to a safety barrier for a regulated
19 swimming pool, means both of the following:
- 20 (a) a building approval for the erection or alteration of a safety
21 barrier for the pool that, if erected or altered in accordance with
22 the plans, will comply with the safety standards, to the extent
23 that the pool is not subject to a partial Ministerial exemption;

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

4 **33 Authorised person**
5 **Section 83P (6) (b)**

- 6 *omit*
7 compliance certificates
8 *substitute*
9 compliance status certificates

10 **34 Dictionary, definition of *compliance certificate***

- 11 *omit*

12 **35 Dictionary, new definitions**

- 13 *insert*
14 ***compliance status certificate***, for a regulated swimming pool, for
15 part 5A (Regulated swimming pools)—see section 83K (1).
16 ***complete exemption***, for part 5A (Regulated swimming pools)—see
17 section 83K (1).
18 ***partial Ministerial exemption***, for part 5A (Regulated swimming
19 pools)—see section 83K (1).

1 **Part 3** **Building (General)**
2 **Regulation 2008**

3 **36** **Standing exemptions**
4 **Table 36E, item 2, column 2**

5 *omit*
6 built before 1 May 2023

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

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.

Section 43

- 1 **43** **Rectification order—licensee or former licensee wound**
2 **up etc before order made**
3 **Section 39A (1) (c) (ii)**
- 4 *substitute*
- 5 (ii) the entity is placed into administration, receivership or
6 liquidation; or
- 7 **44** **Section 39A (2) (a)**
- 8 *omit*
- 9 or a controller or administrator was appointed for the entity or the
10 entity was deregistered
- 11 *substitute*
- 12 placed into administration, receivership or liquidation or deregistered
- 13 **45** **Section 39B heading**
- 14 *substitute*
- 15 **39B** **Rectification order—licensee or former licensee wound**
16 **up etc after order made**
- 17 **46** **Section 39B (1) (c) (ii)**
- 18 *substitute*
- 19 (ii) the entity is placed into administration, receivership or
20 liquidation; or
- 21 **47** **Automatic suspension of corporate licence**
22 **Section 49 (2) (b)**
- 23 *substitute*
- 24 (b) is placed into administration, receivership or liquidation; or

1 **48 Automatic suspension of licence—no nominee**
2 **Section 50A (2), note**

3 *omit*

4 (see s 28)

5 *substitute*

6 (see s 28A)

7 **49 Dictionary, definition of *nominee***

8 *omit*

9 section 28

10 *substitute*

11 section 28A

1	Part 5	Construction Occupations
2		(Licensing) Regulation 2004
3	50	Section 19 heading
4		<i>substitute</i>
5	19	Eligibility requirements for nominees—Act, s 28A (1) (a)
6	51	Section 19
7		<i>omit everything before paragraph (a), substitute</i>
8		An individual must meet all of the following eligibility requirements:
9	52	Section 19
10		<i>omit</i>
11		; and
12		<i>substitute</i>
13		;

1

Part 6Gas Safety Act 2000

2

53Offence—unsafe medical gas system

3

Section 12A (c) (ii)

4

before

5

the person

6

insert

7

the construction occupations registrar and

(fa) *Property Developers Act 2024*;

(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 (2) (l) (iii)

omit

58 Section 25 (2) (m)

omit

59 Section 25 (6)

omit

60 Dictionary, definition of *relevant law*, new paragraph (ca)

insert

(ca) the *Community Housing Providers National Law (ACT)*;

61 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).

1 **Part 1.2** **Residential Tenancies**
2 **Regulation 1998**

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

4 *omit*
5 compliance certificate
6 *substitute*
7 compliance status certificate

8 **[1.6] Section 1AAB (6), definition of *compliance certificate***

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

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 2025.

3 Republications of amended laws

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

© Australian Capital Territory 2025