

2026

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning and Sustainable Development)

# Building and Construction Legislation Amendment Bill 2026

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J2025-1602

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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# Building and Construction Legislation Amendment Bill 2026

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## A Bill for

An Act to amend legislation about building and construction

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

|    |               |                                                                            |
|----|---------------|----------------------------------------------------------------------------|
| 1  | <b>Part 1</b> | <b>Preliminary</b>                                                         |
| 2  | <b>1</b>      | <b>Name of Act</b>                                                         |
| 3  |               | This Act is the <i>Building and Construction Legislation Amendment Act</i> |
| 4  |               | <i>2026</i> .                                                              |
| 5  | <b>2</b>      | <b>Commencement</b>                                                        |
| 6  |               | This Act commences on the day after its notification day.                  |
| 7  | <i>Note</i>   | The naming and commencement provisions automatically commence on           |
| 8  |               | the notification day (see <a href="#">Legislation Act</a> , s 75 (1)).     |
| 9  | <b>3</b>      | <b>Legislation amended</b>                                                 |
| 10 |               | This Act amends the legislation mentioned in parts 2 to 5.                 |

## 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)

**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;

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

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

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

8 **9 Period for which approvals operate**  
9 **New section 36 (1A)**

10 *insert*

11 (1A) However, a building approval issued under section 29A (2) (a)  
12 operates for 1 year beginning on the day of issue.

13 **10 Complying with building code**  
14 **Section 49 (6)**

15 *substitute*

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

19 (7) In this section:

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

21 ***relevant time*** means—

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

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

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

4 **11 New section 72A**

5 *insert*

6 **72A Certificate for substantially completed building work**

- 7 (1) This section applies if—  
8 (a) a building approval (the *original building approval*) was issued  
9 for building work on a parcel of land; and  
10 (b) the building work to which the original building approval  
11 applied was substantially completed before the original building  
12 approval expired.  
13 (2) If the construction occupations registrar is satisfied that the  
14 substantially completed building work was carried out in accordance  
15 with the prescribed requirements for the work, the registrar may, on  
16 application by the owner of the parcel of land where the building work  
17 was carried out, issue a certificate to that effect.  
18 (3) In this section:  
19 *substantially completed*—see section 29A (3).

## 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<br>(b) pt 5 (Building occupancy); and<br>(c) pt 6 (Residential building work—warranties, conditions, insurance etc) | engineer registered as professional engineer in structural engineering under the <i>Professional Engineers Act 2023</i> has certified that the building on which panel or heater is installed is structurally sufficient, sound and stable |
|-----|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1 **Part 4** **Construction Occupations**  
2 **(Licensing) Act 2004**

3 **13 Licence renewal**  
4 **New section 25 (3A)**

5 *insert*

6 (3A) Instead of refusing to renew a licence, the registrar may renew the  
7 licence in the same construction occupation as, but a different  
8 occupation class from, the licence applied for if—

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

11 (b) the applicant agrees to the renewal.

1 **Part 5** **Construction Occupations**  
2 **(Licensing) Regulation 2004**

3 **14 Reviewable decisions**  
4 **Schedule 4, new item 9A**

5 *insert*

|    |                               |                                                 |                       |
|----|-------------------------------|-------------------------------------------------|-----------------------|
| 9A | <a href="#">Act</a> , 25 (3A) | renew licence other<br>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 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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