

2026

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning and Sustainable Development)

Property Developers Legislation Amendment Bill 2026

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Legislation repealed	2

Part 2 Building Act 2004

5	Certifier not to consider certain applications Section 27 (1) (ca)	3
6	Section 27 (2), new definition of <i>suitable property developer licence</i>	3
7	Approval of certain residential building work when property developer licence required Section 28AA (2) and (3)	3

Part 3 Civil Law (Sale of Residential Property) Act 2003

8	Definitions—pt 2A Section 19AA (1), definition of <i>Commonwealth or State entity</i>	5
9	Section 19AA (1), new definition of <i>suitable property developer licence</i>	5
10	Off-the-plan contracts—seller must be licensed Section 19AB (1) (a)	5
11	Section 19AB (1) (b)	6
12	Section 19AB (2) (c)	6
13	Off-the-plan contracts—advertising Section 19AC (1) (a)	6
14	Section 19AC (1) (b)	7
15	Section 19AC (2) (c)	7
16	Section 19AC (3) (a)	7
17	Section 19AC (3) (b)	8
18	Disclosure statements Section 19AD (1) (a)	8
19	Dictionary, new definition of <i>suitable property developer licence</i>	8

Part 4 Civil Law (Sale of Residential Property) Regulation 2004

20	New sections 12A to 12C	9
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Part 5 Planning Act 2023

21	Division 7.3.3	11
22	Conditional approvals Section 187 (1) (g)	14

	Page
23	Section 187 (6), new definition of <i>suitable property developer licence</i> 15
24	Dictionary, new definition of <i>Commonwealth or State entity</i> 15
25	Dictionary, definition of <i>property developer licence</i> 15
26	Dictionary, new definitions 15
Part 6	Property Developers Act 2024
27	Section 7 16
28	Applications for licence renewal Section 13 (2) (d), new note 16
29	Notifying registrar about change of circumstances Section 23 (1) (e) (i) 16
30	Section 23 (1) (e) (ii) and (iii) 17
31	Approval of rating entities Section 27 (2) (a) 17
32	Application—pt 5 Section 44 (1) 17
33	Registrar may give rectification order to directors if property developer wound up etc Section 52 (3) 18
34	Stop work orders Section 60 (6), definition of <i>relevant provision</i> , paragraph (a) 18
35	Definitions—div 9.1 Section 108 (1), definitions of <i>law of another jurisdiction</i> and <i>non-territory agency</i> 19
36	Sharing public safety information—non-territory agencies Section 110 (1) (b) 19
37	New section 110 (3) 19
38	Offences—use or divulge protected information Section 111 (3) (a) (i) 19
39	Section 111 (3) (a) (ii) 19
40	Section 111 (4) 20
41	Section 111 (5), definition of <i>protected information</i> 20
42	Section 119 heading 20
43	Section 119 20
44	Dictionary, definitions of <i>law of another jurisdiction</i> and <i>non-territory agency</i> 20

Contents

		Page
45	Dictionary, definition of <i>relevant law</i> , new paragraph (ja)	21
46	Dictionary, definition of <i>residential development activities</i> , paragraph (b)	21
Part 7	Property Developers Regulation 2025	
47	Information to be included in licence application—Act, s 11 (2) (d) New section 5 (1) (b) (ia)	22
48	Information to be included in licence renewal application—Act, s 13 (2) (e) New section 6 (1) (ba)	22

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(As presented)

(Minister for Planning and Sustainable Development)

Property Developers Legislation Amendment Bill 2026

A Bill for

An Act to amend legislation about property developers, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Property Developers Legislation Amendment Act*
4 *2026*.

5 **2 Commencement**

6 (1) This Act (other than section 4 and parts 3 and 4) commences on the
7 day after its notification day.

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

10 (2) Section 4 and parts 3 and 4 commence on the commencement of the
11 [Property Developers Act 2024](#), schedule 2, amendment 2.31.

12 **3 Legislation amended**

13 This Act amends the legislation mentioned in parts 2 to 7.

14 **4 Legislation repealed**

15 The [Civil Law \(Sale of Residential Property\) Amendment](#)
16 [Regulation 2025 \(No 1\)](#) (SL2025-22) is repealed.

Part 2 Building Act 2004

5 Certifier not to consider certain applications Section 27 (1) (ca)

substitute

(ca) if the application is for a building approval for residential building work—each person arranging for the building work to be carried out, or a related entity of the person, holds a suitable property developer licence; and

6 Section 27 (2), new definition of *suitable property developer licence*

insert

suitable property developer licence, in relation to residential building work, means a property developer licence that does not restrict the licensee from arranging for the work to be carried out.

7 Approval of certain residential building work when property developer licence required Section 28AA (2) and (3)

substitute

(2) The building approval is subject to the condition that the residential building work may only be arranged to be carried out by a person who holds a suitable property developer licence or whose related entity holds a suitable property developer licence.

(3) In this section:

related entity—see section 27 (2).

residential building work—see *Property Developers Act 2024*, dictionary.

- 1 *suitable property developer licence*, in relation to residential building
2 work—see section 27 (2).

Part 3 Civil Law (Sale of Residential Property) Act 2003

8 Definitions—pt 2A Section 19AA (1), definition of *Commonwealth or State entity*

substitute

Commonwealth or State entity means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

Note *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

9 Section 19AA (1), new definition of *suitable property developer licence*

insert

suitable property developer licence, in relation to an off-the-plan contract for the sale of a unit or residence in a regulated residential building, means a property developer licence that does not restrict the licensee from entering into the contract.

10 Off-the-plan contracts—seller must be licensed Section 19AB (1) (a)

after

the sale of

insert

a unit or residence in

- 1 **11 Section 19AB (1) (b)**
- 2 *substitute*
- 3 (b) none of the following holds a suitable property developer
- 4 licence:
- 5 (i) the seller;
- 6 (ii) a related entity of the seller;
- 7 (iii) the person arranging for the building work in relation to
- 8 the regulated residential building to be carried out for the
- 9 purposes of the *Building Act 2004*.
- 10 *Note* A suitable property developer licence is required for certain
- 11 purposes under the *Building Act 2004* (see that *Act*, s 27 (1)
- 12 (ca), s 28AA and s 69 (1) (c)).

13 **12 Section 19AB (2) (c)**

14 *omit*

15 excluded

16 *substitute*

17 prescribed

18 **13 Off-the-plan contracts—advertising**

19 **Section 19AC (1) (a)**

20 *after*

21 the sale of

22 *insert*

23 a unit or residence in

14 Section 19AC (1) (b)*substitute*

(b) the advertisement does not contain the licence number of a suitable property developer licence held by—

(i) the seller; or

(ii) a related entity of the seller; or

(iii) the person arranging for the building work in relation to the regulated residential building to be carried out for the purposes of the *Building Act 2004*.

Note A suitable property developer licence is required for certain purposes under the *Building Act 2004* (see that *Act*, s 27 (1) (ca), s 28AA and s 69 (1) (c)).

15 Section 19AC (2) (c)*omit**excluded**substitute**prescribed***16 Section 19AC (3) (a)***after*

the sale of

insert

a unit or residence in

17 Section 19AC (3) (b)

substitute

- (b) the advertisement includes a statement about the licence number of a suitable property developer licence held by—
- (i) the seller; or
 - (ii) a related entity of the seller; or
 - (iii) the person arranging for the building work in relation to the regulated residential building to be carried out for the purposes of the *Building Act 2004*; and

**18 Disclosure statements
Section 19AD (1) (a)**

substitute

- (a) if section 19AB requires the seller or another person to hold a suitable property developer licence—the following:
- (i) the licence number;
 - (ii) a statement that the register kept under the *Property Developers Act 2024*, section 25 contains information about property developers licensed under that Act;

19 Dictionary, new definition of *suitable property developer licence*

insert

suitable property developer licence, in relation to an off-the-plan contract for the sale of a unit or residence in a regulated residential building, for part 2A (Off-the-plan contracts)—see section 19AA (1).

Part 4 Civil Law (Sale of Residential Property) Regulation 2004

20 New sections 12A to 12C

in part 2, insert

12A People exempted from off-the-plan seller licence requirements—Act, s 19AB (2) (c)

A person who is the seller under an off-the-plan contract for the sale of a unit or residence in a regulated residential building is prescribed if—

- (a) the unit or residence has previously been sold under another off-the-plan contract (the *previous contract*); and
- (b) the person was not the person who held the suitable property developer licence required for the previous contract; and
- (c) the person is not a property developer within the meaning of the *Property Developers Act 2024*, part 5.

12B People exempted from off-the-plan advertising licence requirements—Act, s 19AC (2) (c)

A person who publishes an advertisement for the sale of a unit or residence in a regulated residential building under an off-the-plan contract is prescribed if—

- (a) the unit or residence has previously been sold under another off-the-plan contract (the *previous contract*); and
- (b) neither the proposed seller, or a related entity of the proposed seller, was the seller under the previous contract.

- 1 **12C Additional disclosure requirements—Act, s 19AD (1) (c)**
- 2 (1) This section applies to a disclosure statement for an off-the-plan
- 3 contract if the seller is prescribed under section 12A.
- 4 (2) The disclosure statement must include—
- 5 (a) the licence number of the suitable property developer licence
- 6 that was required for the previous contract mentioned in
- 7 section 12A; and
- 8 (b) a statement that the register kept under the *Property Developers*
- 9 *Act 2024*, section 25 contains information about property
- 10 developers licensed under that Act.

Part 5 Planning Act 2023

21 Division 7.3.3

substitute

Part 7.3A Residential building development—property developer licences

162A Definitions—pt 7.3A

In this part:

Commonwealth or State entity means an agency of the Commonwealth or a State that substantially corresponds to a territory entity.

Note ***State*** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

property developer licence means a licence under the [Property Developers Act 2024](#).

regulated residential building—see the [Property Developers Act 2024](#), dictionary.

related entity, of a person, means—

(a) if the person is a corporation—a corporation that holds all of the issued share capital of the person; or

(b) an entity prescribed by regulation.

residential building development means—

(a) building or altering a regulated residential building; and

(b) another development prescribed by regulation.

1 *suitable property developer licence*, in relation to residential building
2 development, means a property developer licence that does not
3 restrict the licensee from undertaking the development.

4 **162B Development applications for certain residential building**
5 **development—property developer licence required**

6 (1) The territory planning authority must not accept a development
7 application in relation to proposed residential building development
8 unless at least 1 of the following holds a suitable property developer
9 licence:

- 10 (a) the proponent of the development proposal;
11 (b) a related entity of the proponent;
12 (c) the person arranging for the building work to be carried out for
13 the purposes of the *Building Act 2004*.

14 *Note* A suitable property developer licence is required for some purposes
15 under the *Building Act 2004* (see that *Act*, s 27 (1) (ca), s 28AA
16 and s 69 (1) (c)).

17 (2) This section does not apply to—

- 18 (a) a development application made by—
19 (i) the Territory, the Commonwealth or a State; or

20 *Note* *State* includes the Northern Territory (see *Legislation Act*,
21 dict, pt 1).

- 22 (ii) a territory entity or a Commonwealth or State entity; or
23 (iii) a person prescribed by regulation; or
24 (b) a development application prescribed by regulation.

1 **162C Transitional—amendments of existing development**
2 **applications for certain residential building**
3 **development—property developer licence required**

4 (1) This section applies if a development approval is given in relation to
5 residential building development before section 162B commences.

6 (2) The territory planning authority must not accept an application for a
7 significant amendment of the development approval in relation to the
8 residential building development unless at least 1 of the following
9 holds a suitable property developer licence:

10 (a) the proponent of the development proposal;

11 (b) a related entity of the proponent;

12 (c) the person arranging for the building work to be carried out for
13 the purposes of the *Building Act 2004*.

14 *Note* A suitable property developer licence is required for some purposes
15 under the *Building Act 2004* (see that *Act*, s 27 (1) (ca), s 28AA
16 and s 69 (1) (c)).

17 (3) This section does not apply to—

18 (a) an application made by—

19 (i) the Territory, the Commonwealth or a State; or

20 *Note* *State* includes the Northern Territory (see *Legislation Act*,
21 dict, pt 1).

22 (ii) a territory entity or a Commonwealth or State entity; or

23 (iii) a person prescribed by regulation; or

24 (b) an application prescribed by regulation.

- 1 (4) In this section:
- 2 *significant amendment*, of a development approval in relation to a
- 3 residential building development, means an amendment of the
- 4 approval—
- 5 (a) to increase the gross floor area of the building by more than
- 6 10%; or
- 7 (b) to vary the lease; or
- 8 (c) prescribed by regulation.
- 9 (5) This section expires on the day the *Property Developers Act 2024*,
- 10 part 12 (Transitional) expires.
- 11 *Note* A transitional provision is repealed on its expiry but continues to have
- 12 effect after its repeal (see [Legislation Act](#), s 88).

22 Conditional approvals

14 Section 187 (1) (g)

- 15 *substitute*
- 16 (g) if a person is required to hold a suitable property developer
- 17 licence because of part 7.3A—must include a condition that any
- 18 residential building work may only be arranged to be carried out
- 19 by—
- 20 (i) a person who holds a suitable property developer licence;
- 21 or
- 22 (ii) a related entity of a person who holds a suitable property
- 23 developer licence.

23 Section 187 (6), new definition of *suitable property developer licence*

insert

suitable property developer licence, in relation to residential building work, means a property developer licence that does not restrict the licensee from arranging for the work to be carried out.

24 Dictionary, new definition of *Commonwealth or State entity*

insert

Commonwealth or State entity, for part 7.3A (Residential building development—property developer licences)—see section 162A.

25 Dictionary, definition of *property developer licence*

substitute

property developer licence, for part 7.3A (Residential building development—property developer licences)—see section 162A.

26 Dictionary, new definitions

insert

regulated residential building, for part 7.3A (Residential building development—property developer licences)—see the [Property Developers Act 2024](#), dictionary.

related entity, of a person, for part 7.3A (Residential building development—property developer licences)—see section 162A.

residential building development, for part 7.3A (Residential building development—property developer licences)—see section 162A.

suitable property developer licence, in relation to residential building development, for part 7.3A (Residential building development—property developer licences)—see section 162A.

Part 6 Property Developers Act 2024

27 Section 7

substitute

7 Purpose—pt 2

The purpose of this part is to allow a person to apply for and to obtain a licence for the following:

- (a) to apply for development approval in relation to certain residential building development under the *Planning Act 2023*;
- (b) to apply for a building approval or certificate of occupancy in relation to certain residential building work under the *Building Act 2004*;
- (c) to sell, or advertise the sale of, certain residential property off-the-plan under the *Civil Law (Sale of Residential Property) Act 2003*.

28 Applications for licence renewal
Section 13 (2) (d), new note

insert

Note A licensee must notify the registrar within 14 days of certain changes of circumstances (see s 23).

29 **Notifying registrar about change of circumstances**
Section 23 (1) (e) (i)

after

the sale of

insert

a unit or residence in

30 Section 23 (1) (e) (ii) and (iii)

after

applying for

insert

, or arranging for someone else to apply for,

**31 Approval of rating entities
Section 27 (2) (a)**

substitute

(a) the entity—

(i) holds an Australian financial services licence that authorises the entity to provide services in accordance with this Act; or

(ii) complies with any other requirement prescribed by regulation; and

**32 Application—pt 5
Section 44 (1)**

substitute

(1) This part applies to residential building work if—

(a) a development approval is given for the work on or after 11 July 2024; or

(b) an approval is given for the work by the national capital authority under the *Australian Capital Territory (Planning and Land Management) Act 1988* (Cwlth), section 12 on or after the day this paragraph commences.

**33 Registrar may give rectification order to directors if
property developer wound up etc
Section 52 (3)**

substitute

(3) However, the registrar must not take action under subsection (2) if satisfied that—

(a) a latent defects insurance policy or other similar insurance policy that covers the work required to rectify the serious defect, or possible serious defect, has been issued in relation to the residential building work; and

(b) the insurance policy complies with any requirements for latent defects insurance prescribed under the *Building Act 2004*, section 95A.

(3A) In deciding whether to take action under subsection (2), the registrar must consider any matter prescribed by regulation.

**34 Stop work orders
Section 60 (6), definition of *relevant provision*,
paragraph (a)**

omit

section 162A

substitute

section 162B

35 Definitions—div 9.1
Section 108 (1), definitions of *law of another jurisdiction*
and *non-territory agency*

omit

36 Sharing public safety information—non-territory agencies
Section 110 (1) (b)

substitute

(b) the information relates to compliance with a law of the Commonwealth or a State that provides for public safety; and

37 New section 110 (3)

insert

(3) In this section:

non-territory agency means an agency of the Commonwealth or a State that exercises functions substantively corresponding to those exercised by a public safety agency.

Note ***State*** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

38 Offences—use or divulge protected information
Section 111 (3) (a) (i)

omit

, another territory law,

39 Section 111 (3) (a) (ii)

omit

by a public official under this Act or another territory law

substitute

under this Act or another law applying in the ACT

1	40	Section 111 (4)
2		<i>omit</i>
3		public official
4		<i>substitute</i>
5		person
6	41	Section 111 (5), definition of <i>protected information</i>
7		<i>substitute</i>
8		<i>protected information</i> means information about a person that is
9		disclosed to, or obtained by another person because of the exercise,
10		or the purported exercise, of a function under this Act by the other
11		person or someone else.
12	42	Section 119 heading
13		<i>substitute</i>
14	119	Protection from liability
15	43	Section 119
16		<i>omit</i>
17		public official
18		<i>substitute</i>
19		person
20	44	Dictionary, definitions of <i>law of another jurisdiction</i> and
21		<i>non-territory agency</i>
22		<i>omit</i>

- 1 **45 Dictionary, definition of *relevant law*, new paragraph (ja)**
- 2 *insert*
- 3 (ja) a law of a State corresponding, or substantially corresponding,
- 4 to this Act;
- 5 *Note* *State* includes the Northern Territory (see [Legislation Act](#), dict,
- 6 pt 1).
- 7 **46 Dictionary, definition of *residential development***
- 8 ***activities*, paragraph (b)**
- 9 (b) marketing and selling units and residences in regulated
- 10 residential buildings including off-the-plan.

1 **Part 7** **Property Developers**
2 **Regulation 2025**

3 **47 Information to be included in licence application—Act,**
4 **s 11 (2) (d)**
5 **New section 5 (1) (b) (ia)**

6 *before section 5 (1) (b) (i), insert*

- 7 (ia) information about the matters mentioned in the Act,
8 section 9 (1) for any current or former associated entity or
9 key person for the corporation; and

10 **48 Information to be included in licence renewal**
11 **application—Act, s 13 (2) (e)**
12 **New section 6 (1) (ba)**

13 *insert*

- 14 (ba) if the applicant is a corporation and any information about a
15 matter mentioned in the Act, section 9 (1) about a current or
16 former associated entity or key person for the corporation has
17 changed since the applicant last made a licence application or
18 renewal application—details of the changes;

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.
