

2025

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

Building and Construction Legislation Amendment Bill 2025 (No 2)

**Explanatory Statement
and
Human Rights Compatibility Statement
(*Human Rights Act 2004, s 37*)**

**Presented by
Mr Chris Steel MLA
Minister for Planning and Sustainable Development
October 2025**

BUILDING AND CONSTRUCTION LEGISLATION AMENDMENT BILL 2025 (No 2)

This explanatory statement (the **statement**) relates to the Building and Construction Legislation Amendment Bill 2025 (No 2) (the **Bill**) as presented to the ACT Legislative Assembly. It does not form part of the Bill and has not been endorsed by the Legislative Assembly.

The statement is to be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as providing a definitive interpretation of the meaning of a provision, this being a task for the courts.

The Bill **is not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

OVERVIEW OF THE BILL

The Bill includes minor and technical amendments to enhance the administration, efficiency, and enforcement of the existing building regulatory system.

The Bill 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*; and
- *Property Developers Act 2024*.

This Bill also makes consequential amendments at schedule 1 to the following subordinate legislation:

- *Civil Law (Sale of Residential Property) Regulation 2004*; and
- *Residential Tenancies Regulation 1998*.

The Bill:

- Clarifies the legal requirements and ensures consistent interpretation across relevant legislation, supporting effective enforcement and good governance.

- Addresses issues identified during the implementation of the Property Developers Licensing and Regulation Scheme, with the goal of improving the clarity and effectiveness of the legislation.
- Makes it explicit that ‘works as executed’ or ‘as-built’ plans are to be provided following the completion of building work.
- Updates technical and regulatory provisions to reflect current legislative practices, making compliance easier to understand and reducing unnecessary administrative complexity.
- Advances ongoing safety reforms, including measures to improve home swimming pool safety, aiming to better protect the ACT community.
- Reduces administrative burden on government and industry.

CONSULTATION ON THE PROPOSED APPROACH

Consultation on the Bill was conducted with ACT Government directorates and entities, including Access Canberra and the Construction Occupations Registrar within the City and Environment Directorate, to ensure the Bill would not negatively affect service delivery or digital infrastructure, supporting operational continuity.

Digital Canberra was engaged to assess potential impacts on digital infrastructure, safeguarding system integrity and functionality.

The Civil and Regulatory Law Branch of the Justice and Community Safety Directorate was consulted regarding the consequential amendments, with further engagement planned on related instrument changes outside the scope of this Bill to maintain legal consistency.

Additionally, the Human Rights and Social Policy team within the Justice and Community Safety Directorate provided input during drafting to ensure human rights considerations were thoroughly addressed. Their insights informed the human rights statement included in the explanatory document, underscoring the government’s commitment to upholding human rights standards throughout this reform process.

Targeted consultation has also been undertaken with key industry stakeholders, including Swimming Pool and Spas Association, the Australian Institute of Building Surveyors (AIBS), Master Builders Association (MBA), Housing Industry Australia (HIA), and the Property Council of Australia.

CLIMATE IMPACT

The ACT’s building reform agenda prioritises the development of a climate-resilient and environmentally sustainable built environment for both current and future generations. While this Bill does not explicitly address climate change, it supports

this goal by strengthening the ACT's building and construction regulatory system, ensuring it promotes sustainable building practices.

CONSISTENCY WITH HUMAN RIGHTS

During the development of the Bill, due regard was given to its compatibility with the rights set out in the *Human Rights Act 2004* (the **HRA**). The Bill is **not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the HRA.

An assessment of the Bill against section 28 of the HRA is provided below. Section 28 provides that human rights are subject only to reasonable limits set by laws that can be demonstrably justified in a free and democratic society.

Detailed human rights assessments are contained in the explanatory statements to the relevant Bills for the legislation that is being amended. The human rights assessment here focusses on the minor and technical amendments included in this Bill.

Rights engaged

The Bill engages the following sections of the HRA:

- Section 9 – Right to life (promoted)
- Section 16 – Right to freedom of expression (limited)
- Section 27B – Right to work and other work-related rights (promoted)

Rights Promoted

Right to Life – regulation of medical gas systems

The right to life is a fundamental human right protected under the HRA, emphasising the state's obligation to safeguard individuals from preventable risks that threaten their health, safety, and wellbeing. In the context of medical gas systems, this right is particularly salient given the serious consequences of improper installation and maintenance, which can result in avoidable harm or loss of life.

Historical incidents in New South Wales in 2015 and 2016 underscore these risks. In those cases, infants were mistakenly administered nitrous oxide instead of oxygen in hospital settings, tragically resulting in one death and one serious injury. Such events highlight the critical need for stringent regulation and oversight to prevent similar tragedies and uphold the right to life for all.

In certain circumstances, the ACT Government has a duty to adopt proactive measures that protect residents from immediate and identifiable threats. The Bill promotes the right to life by strengthening the existing medical gas regulation

scheme, established through the *Building and Construction Legislation Amendment Act 2023*. The Bill mandates medical gasfitters to notify the Construction Occupations Registrar of medical gas systems that pose a risk, by submitting relevant evidence. This requirement enhances safety practices, minimises risks, and reinforces the government's commitment to protecting every individual's right to life. Currently, such information is only required to be provided to the facility manager; this change ensures broader oversight and promotes safer protocols across the board.

Right to Life – Home Swimming Pool Safety Reforms

Building on the foundation of the *Building (Swimming Pool Safety) Legislation Amendment Bill 2023*, the amendments to the *Building Act 2004* aim to enhance the protection of the fundamental human right to life by strengthening safety standards for residential swimming pools.

Drowning is the leading cause of death and serious injury among children under five in the ACT. The legislation advances the right to life by emphasising rigorous safety measures, such as proper certification and management of pool barriers, to prevent preventable tragedies.

By clarifying and streamlining compliance requirements, the reforms reduce confusion, improve enforcement, and promote consistent application of safety standards. These measures ensure better oversight and compliance, directly contributing to community safety and safeguarding the right to life from avoidable drowning incidents.

Right to work and other work-related rights

The right to work and other related rights under section 27B of the HRA affirms that everyone has the right to work, including to choose their occupation or profession freely. It also provides that everyone has the right to the enjoyment of just and favourable conditions of work.

The amendments support this right by creating a fairer, more transparent regulatory framework that promotes safe and effective working conditions for all.

In requiring medical gasfitters to notify the Construction Occupations Registrar of systems posing safety risks enhances oversight and accountability, enabling timely responses to workplace hazards. This ensures professionals can perform their duties effectively and safely without facing unwarranted delays or obstacles.

Similarly, streamlining residential pool safety regulations clarifies compliance requirements and reduces confusion, making it easier for property owners, builders, and regulators to meet safety standards. This reduces administrative delays and the risk of non-compliance due to misinterpretation, facilitating lawful participation in construction, inspection, and maintenance activities.

Together, these reforms foster a safer, fairer environment where workers, property developers, and contractors can operate with confidence. By strengthening safety standards and enforcement mechanisms, they uphold the right to work and contribute to a healthier, more equitable community aligned with the principles of the HRA.

Rights Limited

Freedom of opinion and expression – Property Developers Scheme

The right to freedom of opinion and expression under section 16 of the HRA protects the right of people in the ACT to hold opinions without interference and the right to freedom of expression.

Nature of the right and the limitation (s 28 (2) (a) and (c))

Section 16 (2) provides that this right includes the freedom to seek, receive and impart information, which is relevant to the obligations of public authorities to provide access to government held information.

Clauses 56-59 of the Bill limits this right by amending the requirements for information to be published on a publicly accessible register under the *Property Developers Act 2024*. Specifically, the amendments omit the obligation to publish the following details about licensed property developers on this register:

- The director identification numbers of current and former directors for the licensee and its associated entities.
- The details and status of any regulatory action (however described) taken against a licensee or an associated entity of a licensee under a relevant law.
- Past and current residential development activities undertaken by the licensee and their associated entities.

Currently, the register is not yet published; these amendments will serve to refine the type of information that will be made publicly available once the register is operational, ensuring that only relevant and necessary details are published.

Legitimate Purpose (s 28 (2) (b))

The publicly accessible register is designed to ensure accurate, transparent, and accessible information regarding licensed property developers and other relevant entities with the industry. It is in the public interest for information about licensed property developers and related entities to be publicly accessible. This allows consumers, investors, regulators, and other stakeholders to make informed decisions, verify the credentials and status of licensees, monitor compliance with regulations, and ensure that property development activities are conducted responsibly. Such information will include licensing information, registration details,

regulatory and compliance information and business details, where deemed reasonable.

The purpose of these limitations is to enable effective functioning of the public register by maintaining transparency while focusing on publishing information that is genuinely necessary for the public interest and manageable for the administrator. The government aims to uphold transparency and accountability, but also to avoid disclosing information that is superfluous, already available through other sources, or potentially prejudicial or misleading. Excluding information from the register that is not in the public interest will help to protect licensees from prejudice and promote their right to privacy.

These changes align future public disclosures with best practices and with Commonwealth practice, ensuring that the publicly accessible register provides meaningful, relevant information that supports public oversight without unnecessary or duplicative content.

Rational connection between the limitation and the purpose (s 28 (2) (d))

The limits to the register publication are directly connected to the purpose by ensuring that, once established, only information that is in the public interest, such as key development activities, regulatory status, and licence conditions, will be published. Other details remain excluded to protect privacy, safety, and security interests.

Because the register is not yet live, and the relevant provisions within the *Property Developers Act 2024* have not yet commenced, these amendments will simply refine the scope of future mandatory disclosures, preventing the publication of superfluous or potentially prejudicial information. This approach helps ensure that the government's transparency remains targeted, effective, and balances with the need to safeguard individuals and the integrity of the industry.

Proportionality (s 28 (2) (e))

The limitations are proportionate because they carefully balance the rights of individuals and the community to access information with the government's objectives of maintaining fair, effective, and efficient regulation. By narrowing the scope of information to be published once the register is established, the amendments ensure that only relevant and essential details are disclosed for public oversight and understanding, while also safeguarding the privacy rights of licensees and their associated entities, such as their director identification numbers.

This targeted approach minimises unnecessary interference with the right to access information, reducing the risk of prejudice or harm to licensees, particularly where certain data, such as ongoing regulatory actions or detailed personal identifiers, may be either misleading or not helpful for the general public.

Additionally, since the register is not yet operational, these limits do not diminish current transparency. Instead, they serve as a prudent, proportionate refinement to future public disclosures. This ensures that transparency is delivered in a manner that is manageable, relevant, and aligned with best practices, avoiding information overload and unnecessary harm to individuals or entities involved.

Section 25 (4) of the *Property Developers Act 2024* remains, giving the Construction Occupations Registrar discretion to publish relevant information. This may include details of regulatory actions against a licensee or its directors, or past development issues related to defects.

Regarding director identification numbers, these are not relevant for the public, as they are not published elsewhere and would not assist in cross-referencing the activities of directors outside their role as licensed property developers in the ACT. Additionally, while legally disclosable, publishing director identification numbers would be inconsistent with the approach of the Australian Business Registry Service, which administers these numbers without publicly providing them.

The Construction Occupations Registrar may not always have access to details or the status of regulatory actions against a licensee or their related entities, especially if such actions are taken under laws managed by the Commonwealth.

As noted above, the Registrar will publish only information they deem relevant on the public register (as per section 25 (4)). Publishing historical or current residential development activities undertaken by licensees and their entities could be unhelpful and unmanageable. For some licensees, this might involve extensive lists of past projects, while others may be entities established solely for a single project, with no prior activities to report. Past defect rectifications are also unlikely to be publicly available, making this information less useful for members of the public making informed decisions about engaging with a particular developer.

The Construction Occupations Registrar will consider all available information, including information submitted and provided in rating reports as part of licence applications; any previous regulatory action against a developer or their associated entities, either by the ACT Government or under a relevant law administered by another jurisdiction; or any other matter that may impact their suitability to hold a property developer licence, and will use this to inform decisions on whether to grant, condition, or refuse a licence.

Overall, the restrictions strike an appropriate balance, upholding transparency in areas that serve the public interest while protecting licensees from prejudice. They ensure that once the register is live, the public will have access to accurate, relevant and timely information, promoting the effective and responsible functioning of the register.

Freedom of opinion and expression – Amendment to section 87 (1) (b) of the
Professional Engineers Act 2023

Nature of the right and the limitation (s 28 (2) (a) and (c))

The right to freedom of opinion and expression under section 16 of the HRA protects the right of people in the ACT to seek, receive and impart information and ideas of all kinds, in any way chosen by them.

Clause 55 of this Bill seeks to address an oversight in the original drafting of the *Professional Engineers Act 2023*. It will add an additional Disallowable Instrument to section 87 (Incorporating, applying or adopting documents in regulations and certain instruments) of the Act. This will allow the instrument to disapply section 47 (5) and (6) of the *Legislation Act 2001*.

The change to allow Government to not publish certain documents referenced in an instrument constitutes a limitation on the right to access comprehensive information. However, this does not prevent the public from accessing the information, as it will remain publicly available via hyperlinks in the instrument to the referenced documents and federal legislation. Therefore, the limitation narrows the sources of access but still preserves the essence of the right.

Legitimate Purpose (s 28 (2) (b))

The purpose of this legislative measure is to facilitate a practical and lawful approach to managing legislative documentation. Specifically, it aims to address circumstances where publishing certain instruments is not feasible or appropriate due to copyright restrictions or copyright ownership limitations, or where another jurisdiction's published legislation is referenced.

By disapplying the requirement to publish these instruments, while still ensuring that the information remains publicly accessible, the measure seeks to uphold transparency and public accessibility in a manner consistent with legal and intellectual property considerations.

Rational connection between the limitation and the purpose (s 28 (2) (d))

There is a clear and direct rational connection between the limitation—disapplying the obligation to publish certain instruments within the legislation—and the legitimate purpose of addressing copyright restrictions and jurisdictional considerations.

Proportionality (s 28 (2) (e))

The limitation is proportionate because it strikes an appropriate balance between respecting the right to access information and addressing legal, copyright, and

jurisdictional constraints. While it temporarily restricts the requirement for direct publication within each instrument, it does not eliminate access; the public can still readily access the information via provided links. This ensures that the core aspect of the right—the ability to seek and receive information—is preserved, maintaining transparency and accountability.

Additionally, the restriction is limited to cases where publication is either legally problematic or unnecessary due to jurisdictional considerations and does not broadly restrict access to relevant information. The measure is implemented in a targeted manner, ensuring that the restriction is minimised to only what is necessary to achieve the legitimate aims of respecting intellectual property rights and jurisdictional boundaries. Therefore, the measure remains a reasonable and justified limitation that does not unduly compromise the public's right to access information.

Building and Construction Legislation Amendment Bill 2025 (No 2)

Human Rights Act 2004 - Compatibility Statement

In accordance with section 37 of the *Human Rights Act 2004* I have examined the **Building and Construction Legislation Amendment Bill 2025 (No 2)**. In my opinion, having regard to the Bill and the outline of the policy considerations and justification of any limitations on rights outlined in this explanatory statement, the Bill as presented to the Legislative Assembly is consistent with the *Human Rights Act 2004*.

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Tara Cheyne MLA
Attorney-General

CLAUSE NOTES

Part 1 Preliminary

Clause 1 Name of Act

This clause provides that the name of the Act is the *Building and Construction Legislation Amendment Act 2025 (No 2)*.

Clause 2 Commencement

This clause provides for the commencement of the Act.

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

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

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

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

The remaining provisions commence on the 7th day after its notification day.

Clause 3 Legislation amended

This clause lists the legislation amended by the Act. The legislation amended includes:

- *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*.

This Act also makes consequential amendments at schedule 1.

Part 2 Building Act 2004

This part makes amendments to the *Building Act 2004* to improve clarity of regulatory requirements in relation to completion of building work and compliance certificates under the home swimming pool safety reforms.

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

This clause serves as a consequential amendment to eliminate an outdated reference to section 43 (2) (a) which was removed from the legislation through the *Building and Construction Legislation Amendment Act 2016*.

Clause 5 Section 48 (3) (n) (ii)

This clause inserts clarifying language to the existing section to specify that plans and drawings provided must clearly demonstrate the completed building work at the end of the construction process.

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

This clause removes “may only” provides and substitutes that the building licensee in charge of the building “must” give the certifier a draft building manual for the building work and apply to the certifier for approval of the manual. A building manual provides information for the ongoing management and maintenance of the building.

**Clause 7 Notification by certifier of contraventions of building and
development approvals – building work
Section 50 (3), example**

This clause removes the example, as it is no longer valid following the changes introduced in clause 4.

**Clause 8 Definitions – pt 5A
Section 83 (1), definition of *compliance certificate***

This clause removes the current definition of “compliance certificate”. This is consequential on the updating of the definition at clause 9.

Clause 9 Section 83 (1), new definition

This clause introduces a new definition of “compliance status certificate.” The amendment updates the current definition to include the term “status” in the name, clarifying that these certificates indicate the status of a swimming pool. It is intended to make it clear that a compliance certificate can substantiate both compliance and non-compliance.

This amendment has no impact on compliance certificates already issued, as it only involves changing the name of the certificate. The content of the certificate, what determines its status as a compliance certificate, remains unchanged. Existing certificates will remain valid and enforceable, and there is no change to their legal effect.

This clause also introduces definitions for “complete exemption” and “partial Ministerial exemption” to clarify their meanings when used within Part 5A.

Clause 10 Subdivision 5A.2.2 and section 83K headings

This clause inserts a new section clarifying that subdivision 5A.2.2 does not apply to a regulated swimming pool if the pool is subject to a full exemption or holds a valid certificate of occupancy. These conditions ensure that certain pools are deemed compliant or exempt, provided the specified criteria are met.

This clause also updates the headings in section 83K to align with the naming conventions outlined in clause 9. The revised headings will accurately reflect "compliance status certificates."

Clause 11 Section 83K (1)

This clause amends the term "owner" by explicitly stating it as "pool owner". The purpose of this change is to prevent any potential confusion, given that a separate and specific definition of "owner" already exists under clause 83K. Importantly, this change is purely for clarity and consistency in drafting; it does not alter or impact the existing legal definition of "owner" as set out in clause 83K or elsewhere in the legislation. The amendment ensures that the terminology used clearly refers to the owner of the pool, aligning the language without changing the underlying legal meaning. Additionally, it amends the reference to "compliance certificate" to align with the changes made in clause 9.

Clause 12 Section 83K (1) (a) and (b)

This clause amends the reference from "Ministerial Exemption" to "partial Ministerial Exemption" to reflect the need for compliance status certificate when a Ministerial exemption does not cover the entire regulated swimming pool. If a full Ministerial exemption is in place, there would be no requirement to comply with section 83K.

Clause 13 Section 83K (2)

This clause amends subsection 83K (2). Specifically, it replaces the phrase "the owner a compliance certificate" with "the pool owner a compliance status certificate." The amendment ensures the language is consistent and precise and reflects amendments at clause 9 and 11.

Clause 14 Section 83K (3)

This clause amends subsection 83K (3). Specifically, it replaces the phrase "the owner" with "the pool owner." The amendment ensures the language is consistent and precise and reflects amendment at 11.

Clause 15 Section 83K (4)

This clause amends subsection 83K (4). Specifically, it replaces the phrase "the owner a compliance certificate" with "the pool owner a compliance status certificate." The amendment ensures the language is consistent and precise and reflects amendments at clause 9 and 11.

Clause 16 Section 83K (5)

This clause amends subsection 83K (5). Specifically, it replaces the phrase "given the owner" with "given the pool owner." The amendment ensures the language is consistent and precise and reflects amendment at 11.

Clause 17 Section 83K (5) (a)

This clause amends subsection 83K (5) (a). Specifically, it replaces the phrase "the owner a compliance certificate" with "the pool owner a compliance status certificate." The amendment ensures the language is consistent and precise and reflects amendments at clause 9 and 11.

Clause 18 Section 83K (5) (b)

This clause amends subsection 83K (5) (b). Specifically, it replaces the phrase "compliance certificate to the owner" with "compliance status certificate to the pool owner." The amendment ensures the language is consistent and precise and reflects amendments at clause 9 and 11.

Clause 19 Section 83K (6) (b)

This clause amends subsection 83K (6) (b). Specifically, it replaces the phrase "compliance certificate" with "compliance status certificate." The update ensures consistent and precise terminology and is consequential to the amendments made in clause 9.

Clause 20 Section 83K (6) (b)

This clause amends subsection 83K (6) (b). Specifically, it replaces the phrase "Ministerial exemption" with "partial Ministerial exemption." The amendment makes it clear that the section applies where there is a partial Ministerial exemption and does not capture regulated pools with complete exemptions.

Clause 21 Section 83K (6) (c)

This clause amends subsection 83K (6) (c). Specifically, it replaces the phrase "compliance certificate" with "compliance status certificate." The update ensures consistent and precise terminology and is consequential to the amendments made in clause 9.

Clause 22 Section 83L heading

This clause amends the existing heading for section 83L, by substituting it with “Period for which compliance status certificate in force”. This aligns with amendments made in clause 9.

Clause 23 Section 83L (1)

This clause amends subsection 83L (1), replacing the phrase "compliance certificate" with "compliance status certificate." The update ensures consistent and precise terminology and is consequential to the amendments made in clause 9.

Clause 24 Section 83L (1) (c)

This clause amends subsection 83L (1) (c). Specifically, it replaces the phrase "Ministerial exemption" with "partial Ministerial exemption." The amendment makes it clear that the section applies where there is a partial Ministerial exemption and does not capture regulated pools with complete exemptions.

Clause 25 Section 83M heading

This change amends the heading at section 83M, by substituting it with “Period for which compliance status certificate in force”. This aligns with amendments made in clause 9.

Clause 26 Section 83M (1) (c) and (d)

This clause substitutes section 83M (1) (c) to (d) by clarifying the conditions under which a pool’s safety compliance is verified, mandates the issuance of a compliance status certificate before 1 May 2028, and sets out requirements for lodging relevant documentation with the construction occupations registrar.

This clause also substitutes the date in section 83M (1) (d), replacing "1 June 2028" with "83M (1) (da), 1 May 2028," to accurately reflect the end of the transition period and establish clear timeframes for community compliance.

Clause 27 Section 83M (1) (e)

This clause removes the current reference to “subsection (1) (d)” and replaces it with “subsection (1) (db)” to reflect amendments at clause 26.

Clause 28 New section 83M (3)

This clause introduces key definitions for section 83M, relevant to regulated swimming pools. Specifically, it defines, “a partial exemption certificate” and “relevant documents”. This section provides clear definitions to guide the application and interpretation of compliance obligations, exemptions, and certificates related to regulated swimming pools under the legislation.

Clause 29 Section 83OB heading

This clause amends the heading at section 83OB, by substituting it with “Failure to obtain compliance status certificate for regulated swimming pool”. This aligns with amendments made in clause 9.

Clause 30 Section 83OB (1) (c)

This clause amends section 83OB (1) (c) to introduce “relevant documents” and where these haven’t been issued an owner may be committing an offence. Relevant documents are defined in clause 32 and serve as evidence that the individual has achieved compliance with the safety standards through the building approval process.

Clause 31 Section 83OB (1) (d) and (e)

This clause amends subsection 83OB (1) (d) and (e), replacing the phrase “compliance certificate” with “compliance status certificate.” The update ensures consistent and precise terminology and is a consequential adjustment resulting from the amendments made in clause 9.

Clause 32 New section 83OB (3)

This clause introduces new section 83OB (3), which defines the term “relevant documents” in relation to a safety barrier for a regulated swimming pool. This clause clearly establishes that “relevant documents” are the building approval and the occupancy certificate, both of which serve as proof of compliance with safety standards for the pool’s safety barrier.

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

This clause amends subsection 83P (6) (b), replacing the phrase “compliance certificate” with “compliance status certificate.” The update ensures consistent and precise terminology and is a consequential adjustment resulting from the amendments made in clause 9.

Clause 34 Dictionary, definition of *compliance certificate*

This clause removes the current definition of “compliance certificate”. This is a consequential adjustment resulting from the amendments made in clause 9.

Clause 35 Dictionary, new definition

This clause introduces a new definition of “compliance status certificate.” The amendment updates the current definition to include the term “status” in the name, clarifying that these certificates indicate the status of a swimming pool. It is intended

to make it clear that a compliance certificate can substantiate both compliance and non-compliance.

This amendment has no impact on compliance certificates already issued, as it only involves changing the name of the certificate. The content of the certificate, what determines its status as a compliance certificate, remains unchanged. Existing certificates will remain valid and enforceable, and there is no change to their legal effect.

This clause also introduces definitions for “complete exemption” and “partial Ministerial exemption” to clarify their meanings when used within Part 5A.

Part 3 Building (General) Regulation 2008

This part makes amendments to the *Building (General) Regulation 2008* to amend the standing exemptions at Table 36E.

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

This clause removes the 'built before 1 May 2023' date for standing exemptions on spa lids, establishing a standing exemption for all spas that have a lockable, child-resistant lid installed, regardless of their date of construction.

Part 4 Construction Occupations (Licensing) Act 2004

This part makes amendments to the *Construction Occupations (Licensing) Act 2004* to enhance readability, clarify expectations, and improve punctuation. It also updates relevant operational Acts.

Clause 37 What is an operational Act? Section 16, new dot points

This clause amends the *Construction Occupations (Licensing) Act 2004* to include the *Professional Engineers Act 2023*, and the *Property Developers Act 2024* as operational Acts, establishing their relevance for licensing purposes.

Clause 38 Notification requirements for licensees Section 26B (1)

This clause is a technical amendment to correct the punctuation.

Clause 39 Section 26B (1) (b) (ii)

This clause substitutes section 26B (1) (b) (ii) to ensure all circumstances in which a corporation is subject to winding up are fully captured. This correction addresses a

drafting oversight that previously omitted certain scenarios, such as voluntary winding up.

Clause 40 Section 28 heading

This clause amends the current heading to “Eligibility for licence—corporations and partnerships”, improving clarity about the section’s focus and content. It is a consequential amendment arising from the changes made in clause 42.

Clause 41 Section 28 (5) to (8) and example

This clause omits subsections 28 (5) to (8) and the associated example to facilitate the amendments in clause 42, which will split the existing section 28 into two distinct sections. This separation aims to enhance clarity by clearly distinguishing those subsections 28 (1) to (4) address corporation and partnership eligibility, while subsections 28 (5) to (8) focus on the suitability of nominees. Clause 42 will reintroduce these provisions as a separate section, further clarifying their distinct purposes.

Clause 42 New section 28A

This clause inserts a new section 28A, by splitting it into two separate sections and introducing a new section 28A to improve clarity and understanding. Previously, section 28 only contained provisions related to both the eligibility criteria for corporations and partnerships, as well as the suitability requirements for nominees.

To better distinguish these distinct areas, clause 41 deletes the existing subsections 28 (5) through (8), which addressed nominee suitability, and the associated example. These provisions are then reintroduced as new section 28A, explicitly focusing on nominee suitability.

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

This clause substitutes section 39A (1) (c) (ii) of the legislation related to rectification orders to clarify the circumstances under which a rectification order can be made against a licensee or former licensee who has been wound up or otherwise ceased trading. It updates and clarifies the legal grounds for action against such entities, aligning with standard terminology and practices related to financial and corporate distress.

Clause 44 Section 39A (2) (a)

This clause amends section 39A (2) (a) by removing the existing wording and replacing it with “placed into administration, receivership or liquidation or deregistered”, aligned with standard insolvency and corporate administration language.

Clause 45 Section 39B heading

This clause substitutes the heading to “Rectification order—licensee or former licensee wound up etc after order made” making the heading consistent with the heading for section 39A and ensure the heading accurately reflects the contents of the provision.

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

This clause substitutes section 39B (1) (c) (ii) with “the entity is placed into administration, receivership or liquidation; or” to align with standard insolvency and corporate administration language.

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

This clause substitutes section 49 (2) (b) to ensure all circumstances in which a corporation is subject to winding up are fully captured. This amendment addresses a drafting oversight that previously omitted certain scenarios, such as voluntary winding up.

Clause 48 Automatic suspension of licence – no nominee Section 50A (2), note

This clause amends a legislative reference by replacing the cross-reference from section 28 to 28A, following the previous split of section 28. This omission and substitution ensure that the legal references remain accurate and consistent with the updated legislative structure.

Clause 49 Dictionary, definition of *nominee*

This clause amends the dictionary reference by replacing the cross-reference from section 28 to 28A, following the previous split of section 28. This omission and substitution ensure that the legal references remain accurate and consistent with the updated legislative structure.

Part 5 Construction Occupations (Licensing) Regulation 2004

This part makes amendments to the *Construction Occupations (Licensing) Regulation 2004*, consequential to the amendments to the *Construction Occupations (Licensing) Act 2004* at Part 4.

Clause 50 Section 19 heading

This clause substitutes the heading at section 19 with "Eligibility Requirements for Nominees—Act, s 28A (1) (a)" to refer to the new section introduced at clause 41, designated as section 28A.

Clause 51 Section 19

This clause omits everything before paragraph (a) section 19 to clarify the eligibility criteria for an individual to serve as a nominee. This is a consequential amendment resulting from the broader changes introduced in clause 41.

Clause 52 Section 19

This clause is a technical amendment to correct the punctuation and will amend each paragraph in section 19.

Part 6 Gas Safety Act 2000

This part makes an amendment to the *Gas Safety Act 2000* to maintain a strong regulatory system.

Clause 53 Offence-unsafe medical gas system Section 12A (c) (ii)

This clause updates the requirement to provide written notice of an identified risk, requiring it to be given to the Construction Occupations Registrar in addition to the person responsible for the medical gas system, as soon as practicable.

Part 7 Professional Engineers Act 2023

This part makes an amendment to the *Professional Engineers Act 2023* to amend the operational Acts and make minor technical amendments.

Clause 54 Definitions-div10.1 Section 74 (2), definition of *operational Act*, new paragraph (fa)

This clause amends the *Professional Engineers Act 2023* to include the *Property Developers Act 2024* as an operational Act, establishing their relevance for regulatory purposes.

Clause 55 Incorporating, applying or adopting documents in regulations and certain instruments
Section 87 (1) (b)

This clause provides that an instrument made under sections 83, 84 or 85 of the *Professional Engineers Act 2023* may incorporate, apply or adopt (with or without change or modification) a law or an Australian Standard as in force from time to time, or an instrument, as in force from time to time.

This clause disapplies section 47 (5) and (6) of the *Legislation Act 2001* (the **Legislation Act**). This disapplication remedies a drafting error, where an instrument made under section 83 of the *Professional Engineers Act 2023*, was not subject to disapplication.

Part 8 Property Developers Act 2024

This part makes an amendment to the *Property Developers Act 2024* to ensure the Act is fit for purpose and free of unnecessary obligations.

Clause 56 Registrar must keep register
Section 25 (2) (d)

This clause removes the requirement for the registrar to include director identification numbers in the register of licensed property developers. The names of current and former directors for the licensed property developer and associated entities will still be published. It was not considered that the director identification number would provide additional information to assist and support consumers.

Clause 57 Section 25 (2) (l) (iii)

This clause omits section 25 (2) (l) (iii) in its entirety. Section 25 (2) (l) (iii) requires the registrar to publish the details and status of any regulatory action (however described) taken against the licensed property developer or an associated entity. This section will be removed to protect the privacy and legal rights of a property developer, and to avoid prejudicing any regulatory action underway. The registrar will keep records of relevant regulatory actions to inform the licence assessment, including such information obtained from a ratings report, but will not publish these details. The removal of section 25 (2) (l) (iii) is justified on the grounds of operational practicality and effectiveness.

Clause 58 Section 25 (2) (m)

This clause omits section 25 (2) (m) in its entirety. Section 25 (2) (m) requires the registrar to publish the details of past and current residential development activities undertaken by the licensee and associated entities. This section will be removed as it was considered ineffective, as developers often establish a corporate structure to

undertake a single development, then disband the structure. The registrar will keep records of residential development activities, including such information obtained from a ratings report, but will not publish these details. The removal of section 25 (2) (m) is justified to enhance efficiency and reduce redundancy within the legislative framework.

Clause 59 Section 25 (6)

This clause omits section 25 (6) in its entirety. This is a consequential to the amendments made in clause 55.

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

This clause inserts the *Community Housing Providers National Law (ACT)* as a relevant law for the purpose of ensuring compliance with the objects and objectives of the *Property Developers Act 2024*. It is intended to clarify that this inclusion does not alter or extend the scope or application beyond its original purpose.

Clause 61 Dictionary, definition of *relevant law*, new note

This clause inserts a note clarifying that section 7 of the *Community Housing Providers National Law (ACT) Act 2013* adopts and applies the national law as if it were local ACT law. This ensures clarity that the national law functions within ACT law, following proper drafting standards.

Schedule 1 Consequential amendments

The amendments to the *Civil Law (Sale or Residential Property) Regulation 2004* and *Residential Tenancies Regulation 1998* are consequential to the amendments being made to the *Building Act 2004* at Part 2.

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

Clause 1.1 Section 10B (1) and (2)

This clause amends subsection 10B (1) and (2), replacing the phrase "compliance certificate" with "compliance status certificate." The update ensures consistent and precise terminology and is a consequential adjustment resulting from the amendments made in clause 9.

Clause 1.2 Section 10B (3), definition of *compliance certificate*

This clause substitutes the current definition of "compliance certificate" and introduces a new definition "compliance status certificate." This change follows the updated definition in clause 9. The revised definition clarifies that the certificate indicates the status of a swimming pool, specifying that it can confirm both

compliance and non-compliance. This update only changes the name; the content and legal validity of existing certificates remain unaffected.

Clause 1.3 Section 10B (1) to (3)

This clause omits subsection 10B (1) to (3) and substitutes the phrase "compliance certificate" with "compliance status certificate." The update ensures consistent and precise terminology and is a consequential adjustment resulting from the amendments made in clause 9.

Clause 1.4 Section 10B (4), definition of *compliance certificate*

This clause removes the current definition of "compliance certificate" and introduces a new definition "compliance status certificate." This change follows the updated definition in clause 9. The revised definition clarifies that the certificate indicates the status of a swimming pool, specifying that it can confirm both compliance and non-compliance. This update only changes the name; the content and legal validity of existing certificates remain unaffected.

Part 1.2 Residential Tenancies Regulation 1998

Clause 1.5 Section 1AAB (3) and (4)

This clause amends subsection 1AAB (3) and (4), replacing the phrase "compliance certificate" with "compliance status certificate." The update ensures consistent and precise terminology and is a consequential adjustment resulting from the amendments made in clause 9.

Clause 1.6 Section 1AAB (6), definition of *compliance certificate*

This clause removes the current definition of "compliance certificate" and introduces a new definition "compliance status certificate." This change follows the updated definition in clause 9. The revised definition clarifies that the certificate indicates the status of a swimming pool, specifying that it can confirm both compliance and non-compliance. This update only changes the name; the content and legal validity of existing certificates remain unaffected.