

CONSUMER LEGISLATION AMENDMENT BILL 2026

(Amendments made by the Legislative Council)

1. Clause 1, page 3, after line 18 insert—
 "(iii) in relation to proxy voting; and".
2. Clause 1, page 4, after line 28 insert—
 "(iv) to make technical amendments in relation to off-the-plan contracts; and".
3. Clause 1, page 6, after line 3 insert—
 "(kaa) to amend the **Building Act 1993** in relation to developer bonds; and".
4. Clause 1, before line 4 insert—
 "(kab) to amend the **Building Act 1993** in relation to prefabrication work and prefabrication builders and to make consequential amendments to the **Building and Plumbing Administration and Enforcement Act 2026**; and".
5. Clause 1, before line 4 insert—
 "(kac) to amend the **Building Act 1993** in relation to complex plumbing work and to make consequential amendments to the **Building and Plumbing Administration and Enforcement Act 2026**; and".
6. Clause 1, before line 4 insert—
 "(kad) to amend the **Building Act 1993** and the **Building and Plumbing Administration and Enforcement Act 2026** in relation to minor matters; and".
7. Clause 1, page 6, line 7, omit "**1989**." and insert "**1989**; and".
8. Clause 1, page 6, after line 7 insert—
 "(la) to amend the **Domestic Building Contracts Amendment Act 2025** to delay its forced commencement date."

9. Clause 2, line 11, omit "Parts 8, 10 and 11" and insert "Part 8, Part 10 and Part 11".
10. Clause 2, line 11, after "Part 8, " insert "Division 2 of Part 9,".
11. Clause 2, line 11, before "come into operation" insert "and Division 3 of Part 12A".
12. Clause 2, line 11, before "come into operation" insert "and Division 4 of Part 12A".
13. Clause 2, line 11, before "come into operation" insert "and Division 5 of Part 12A (other than sections 178ZF and 178ZJ)".
14. Clause 2, line 11, before "come into operation" insert "and Part 12B".
15. Clause 2, line 16, omit "(5)" and insert "(5), (5A)".
16. Clause 2, line 24, omit "7" and insert "7, sections 106, 107 and 108".
17. Clause 2, line 25, after "Part 12" insert "and sections 178ZF and 178ZJ".
18. Clause 2, line 25, after "Part 12" insert "and Division 2 of Part 12A".
19. Clause 2, line 25, after "Part 12" insert "and Division 1 of Part 12A".
20. Clause 2, after line 26 insert—

"(5A) If sections 106, 107 and 108 do not come into operation before 1 July 2027, those sections come into operation on that day."
21. Clause 2, line 28, omit "and Part 12" and insert ", Part 12".
22. Clause 2, line 28, before "does not come" insert "or Division 1 of Part 12A".
23. Clause 2, line 28, before "does not come" insert "or Division 2 of Part 12A".
24. Clause 2, line 28, before "does not come" insert "or section 178ZF or section 178ZJ".
25. Clause 32, after line 11 insert—

'(1A) For section 18(2) of the **Owners Corporations Act 2006** substitute—

"(2) If a matter may be resolved by an order of a court or tribunal for payment of an amount or relief that is no more than twice the total amount of the current annual fees set by an owners corporation under section 23, and the owners corporation is authorised to do so by ordinary resolution, the owners corporation may commence any proceeding in a court or tribunal that has jurisdiction to make an order of that nature.".'

26. Clause 32, line 19, omit "any of the following courts or" and insert 'a court or tribunal that has jurisdiction to make an order of that nature.'.'

27. Clause 32, lines 20 to 30, omit all words and expressions on these lines.

NEW CLAUSE

28. Insert the following New Clause to follow clause 43—

'43A Restriction on number of lot owners on behalf of whom a proxy may vote on a resolution

For section 89D(1) of the **Owners Corporations Act 2006** substitute—

"(1) A person must not vote as a proxy on a resolution at a meeting of the owners corporation on behalf of more than one lot owner.".'

29. Clause 61, page 74, lines 3 and 4, omit all words and expressions on those lines.

30. Clause 61, page 74, line 12, omit all words and expressions on that line.

31. Clause 62, page 75, after line 15 insert—

""(5A) A rent increase in contravention of this section is invalid.'.

32. Clause 62, page 75, line 16 omit ""(6)' and insert "(6)".

33. Clause 63, page 76, lines 8 to 12, omit all words and expressions on those lines.

34. Clause 63, page 76, after line 30 insert—
- "(ab) state that the site owner intends to apply to the Tribunal at least 14 days after the day on which the notice is given for an order requiring payment of the special rent increase specified in the notice by the site tenants given the notice; and".
35. Clause 63, page 77, lines 13 to 31, page 78, lines 1 to 32 and page 79, lines 1 to 22, omit all words and expressions on those lines.
36. Clause 63, page 79, lines 28 to 30, omit "notice if, within the proposal period, there is a circumstance specified in subsection (2)." and insert "notice.".
37. Clause 63, page 80, lines 1 to 15, omit all words and expressions on those lines and insert—
- "(2) An application under subsection (1) must not be made until at least 14 days after the proposal notice is given to each site tenant proposed to be subject to the special rent increase in accordance with section 206SD.".
38. Clause 63, page 80, line 32, omit "(1)" and insert "(1)(a)".
39. Clause 63, page 80, after line 34 insert—
- "(2A) An order under subsection (1)(a) may be subject to one or more of the following conditions specified in the order—
- (a) payment of the amount of special rent increase is for a period specified in the order;
- (b) a site tenant is required to pay a reduced amount of rent specified in the order beginning on the day after the period of special rent increase.".
40. Clause 63, page 81, line 1, omit "(1)" and insert "(1)(a)".
41. Clause 63, page 81, after line 24 insert—
- "(ca) any reason for a reduced amount of rent to be payable by a site tenant after a period of special rent increase, including the completion of a repair or improvement to a facility or service available within the Part 4A park; and".

42. Clause 65, page 83, line 32, omit 'corporate.'" and insert "corporate."
43. Clause 65, page 83, after line 32 insert—
- '(3) A site owner must not require a site tenant to pay a deferred management charge that is more than the lesser of the following amounts—
- (a) 20% of the purchase price paid by the site tenant for the Part 4A dwelling on the Part 4A site under the site agreement;
- (b) a prescribed percentage (if any) of the purchase price paid by the site tenant for that Part 4A dwelling.
- Penalty: 60 penalty units for a natural person;
- 300 penalty units for a body corporate.'".
- NEW CLAUSE
44. Insert the following New Clause to follow clause 65—
- '65A Section 206ZV amended**
- (1) In the heading to section 206ZV of the **Residential Tenancies Act 1997**, after "**clean**" insert "**, safe and in good repair**".
- (2) In section 206ZV(1) of the **Residential Tenancies Act 1997**, for "clean and in a safe condition." **substitute—**
- "in a condition that meets each of the following standards—
- (a) clean;
- (b) safe;
- (c) in good repair.'".
45. Clause 73, line 17, omit "206SB" and insert '206SB";'.
46. Clause 73, line 18, omit—
- '78B Section 206SF";'.
47. Clause 73, line 21, omit '206ZCA(2)";' and insert "206ZCA(2)".

48. Clause 73, after line 21 insert—
 '85C Section 206ACA(3)";'.
49. Clause 74, line 21, omit "206SE, 206SF, 206SG,".
50. Clause 105, line 3, omit all words and expressions on this line and insert—

"Division 1—Contracts for sale of land

105 Definitions".

51. Clause 107, line 20, omit "**commission**" and insert "**amounts from deposit**".
52. Clause 107, line 22, before "If" insert "(1)".
53. Clause 107, line 24, omit "under" and insert "in accordance with".
54. Clause 107, line 31, omit 'entitled.'".' and insert "entitled.".
55. Clause 107, after line 31 insert—
 '(2) Subsection (1) does not prevent an estate agent from receiving an amount of money from the vendor for any of the following before settlement or rescission of the contract—
 (a) the commission;
 (b) any auction expense or other amount to which the estate agent is or will become entitled.'".'
56. Clause 109, lines 19 to 24, omit all words and expressions on those lines and insert—
 '(a) if the land is publicly advertised for sale other than by auction or a fixed-date sale—the day that is 14 days after the land is first publicly advertised for sale; or
 (b) if the land is publicly advertised for sale by auction or a fixed-date sale—the day that is 14 days before the first auction date or first fixed date; or
 (c) if the land—
 (i) is not publicly advertised for sale—before the purchaser signs the contract for the sale of land; or

(ii) is to be sold—

(A) within 14 days after the land is first publicly advertised for sale—before the purchaser signs the contract for the sale of land; or

(B) on a day that is more than 14 days before a first auction date or a first fixed date—before the purchaser signs the contract for the sale of land;".'

57. Clause 113, line 7, after "amended by" insert "Division 1 of".

58. Clause 113, line 19, after "on which" insert "Division 1 of".

NEW CLAUSE

59. Insert the following new Division to follow clause 113—

'Division 2—Off-the-plan contracts and developer bonds

113A Rescission of off-the-plan contract—residential apartment buildings

After section 9AEA(2) of the **Sale of Land Act 1962** insert—

"(3) Subsection (1) does not apply to a purchaser if the developer of the residential apartment building is excepted from the requirement under section 137ZP(1) of the **Building Act 1993** to arrange for the issue or execution of a developer bond.".'

NEW CLAUSES

60. Insert the following new Part heading to follow clause 178—

"Part 12A—Amendment of Building Act 1993".

61. Insert the following new Division before Part 13—

'Division 1—Prefabrication work

178A Purposes

After section 1(e) of the **Building Act 1993** insert—

"(ea) to regulate prefabrication work; and".

178B Definitions

- (1) In section 3(1) of the **Building Act 1993**, in the definition of ***building practitioner***—
 - (a) in paragraph (f), after "builder" (where second occurring) **insert** "(other than a prefabrication builder)";
 - (b) after paragraph (f) **insert**—

"(fa) a prefabrication builder; or".
- (2) In section 3(4) of the **Building Act 1993**, for "building work or plumbing work" (where twice occurring) **substitute** "building work, plumbing work or prefabrication work".

178C New section 3AA inserted

After section 3 of the **Building Act 1993 insert**—

"3AA Use of prefabricated building systems

In this Act, unless the contrary intention appears—

- (a) a reference to the construction of a building includes a reference to the use of a prefabricated building system (within the meaning of Part 2A) in the construction of the building; and
- (b) a reference to a building product or a building material (however described) includes a reference to a prefabricated building system (within the meaning of Part 2A)."

178D Building regulations

- (1) After section 7(1)(a) of the **Building Act 1993 insert**—

"(ab) prefabrication work;"
- (2) In section 7(2)(b) of the **Building Act 1993**, for "(b) or (c)" **substitute** "(ab), (b) or (c)".

178E Accreditation of building products

After section 14(5) of the **Building Act 1993 insert**—

- "(6) Part 2A does not apply in respect of a building product accredited under this section."

178F Building surveyor must not refuse to approve building work on certain grounds

At the end of section 15 of the **Building Act 1993** insert—

"(2) Part 2A does not apply in respect of a building system, construction method, design, component or system of a kind referred to in this section."

178G New Part 2A inserted

After Part 2 of the **Building Act 1993** insert—

"Part 2A—Prefabrication work

15C Definitions

In this Part—

building component means a thing that—

- (a) when used in the construction of a building is, or forms part of, a building element; and
- (b) when used in the construction of a building cannot be inspected without—
 - (i) opening the component and causing damage to it in the process; or

Example

Cutting a wall lining to expose the wall frame.

- (ii) carrying out testing that is likely to destroy the component or part of the component;

building element, in relation to a building, means—

- (a) an internal or external load-bearing component that is essential to the stability of the building or a part of the building; or
- (b) the building enclosure, being any part of the building that separates its interior from the external environment; or
- (c) waterproofing; or

- (d) a fire safety system within the meaning of the National Construction Code; or
- (e) any aspect of the following required for compliance with the National Construction Code—
 - (i) mechanical services; or
 - (ii) plumbing services; or
 - (iii) electrical services; or
 - (iv) vertical transportation; or
- (f) a prescribed building element or a building element belonging to a prescribed class of building element;

module means a three-dimensional structure that, when used in the construction of a building, includes at least one building component;

prefabricated building system means—

- (a) a module; or
- (b) a building component;

prefabrication work means—

- (a) making or manufacturing (by use of any method) a prefabricated building system on land that is not the land on which the system will be used in the construction of a building; or
- (b) assembling 2 or more prefabricated building systems on land that is not the land on which the systems will be used in the construction of a building.

15D Offences relating to prefabrication work

- (1) A person must not make, manufacture or assemble a prescribed prefabricated building system or prefabricated building system belonging to a prescribed class of prefabricated building system for use in the construction of a building if that use will not comply with—

- (a) this Act and the building regulations; and
- (b) the plumbing laws; and
- (c) any binding determination that applies to the prefabrication work; and
- (d) the **Electricity Safety Act 1998**, the regulations made under that Act and any Order made under section 4 of that Act.

Penalty: 500 penalty units, in the case of a natural person;
2500 penalty units, in the case of a body corporate.

Note

Section 314 of the **Building and Plumbing Administration and Enforcement Act 2026** applies in respect of an offence against this subsection.

- (2) A person must not make or manufacture (by use of a prescribed method) a prefabricated building system for use in the construction of a building if that use will not comply with—
- (a) this Act and the building regulations; and
 - (b) the plumbing laws; and
 - (c) any binding determination that applies to the prefabrication work; and
 - (d) the **Electricity Safety Act 1998**, the regulations made under that Act and any Order made under section 4 of that Act.

Penalty: 500 penalty units, in the case of a natural person;
2500 penalty units, in the case of a body corporate.

Note

Section 314 of the **Building and Plumbing Administration and Enforcement Act 2026** applies in respect of an offence against this subsection.

- (3) A person must not carry out prescribed prefabrication work or prefabrication work belonging to a prescribed class of prefabrication work—
- (a) if electrical installation work within the meaning of the **Electricity Safety Act 1998** is carried out in conjunction with the prefabrication work—if the electrical installation work does not comply with the **Electricity Safety Act 1998**, the regulations made under that Act and any Order made under section 4 of that Act; and
 - (b) if plumbing work within the meaning of Part 12A is carried out in conjunction with the prefabrication work—if the plumbing work does not comply with Part 12A and the plumbing laws.

Penalty: 500 penalty units, in the case of a natural person;
2500 penalty units, in the case of a body corporate.

Note

Section 314 of the **Building and Plumbing Administration and Enforcement Act 2026** applies in respect of an offence against this subsection.

- (4) Subsections (1), (2) and (3) are civil penalty provisions for the purposes of Part 6.7 of the **Building and Plumbing Administration and Enforcement Act 2026**.
- (5) For the purposes of subsections (1) and (2), use of a prescribed prefabricated building system or a prefabricated building system in the construction of a building means use of the system in accordance with any instructions provided by the person who made, manufactured or assembled it.

Note

See also section 169D(1).

15E Offence relating to prefabricated building systems

- (1) A registered prefabrication builder must not supply a specified prefabricated building system, for use in the construction of a building, if the specified prefabricated building system is not accompanied by—

- (a) written information about—
 - (i) the use for which the system is intended; and
 - (ii) any limitation on that use or condition to which that use is subject; and
 - (iii) any prescribed matters; and
- (b) written certification from the registered prefabrication builder that, having regard to the matters referred to in paragraph (a), the system (when used in the construction of a building) complies with the building regulations; and
- (c) if the specified prefabricated building system includes electrical work in respect of which the **Electricity Safety Act 1998** requires the issue of a certificate of compliance—the certificate of compliance in respect of the electrical installation work; and
- (d) if the specified prefabricated building system includes plumbing work in respect of which Part 12A requires the issue of a compliance certificate—the compliance certificate in respect of the work; and
- (e) written instructions for the safe transport and handling of the system; and
- (f) written instructions for the use of the system.

Penalty: 120 penalty units, in the case of a natural person;
600 penalty units, in the case of a body corporate.

Note

Section 314 of the **Building and Plumbing Administration and Enforcement Act 2026** applies in respect of an offence against this subsection.

- (2) Subsection (1) is a civil penalty provision for the purposes of Part 6.7 of the **Building and Plumbing Administration and Enforcement Act 2026**.
- (3) For the purposes of subsection (1), use of a specified prefabricated building system means use of the system in accordance with any instructions provided by the registered

prefabrication builder who made, manufactured or assembled it.

(4) In this section—

specified prefabricated building system means—

- (a) a prescribed prefabricated building system or prefabricated building system belonging to a prescribed class of prefabricated building system; or
- (b) a prefabricated building system that is made or manufactured by use of a prescribed method."

178H Refusal of building permit

(1) After section 24(1) of the **Building Act 1993** insert—

"(1A) The relevant building surveyor must not issue a building permit for the carrying out of building work that includes the use of an affected prefabricated building system unless the relevant building surveyor is satisfied that the application includes information sufficient to demonstrate that the person that is named as the builder in the building permit will be provided with the following documents by the following persons, in respect of the affected prefabricated building system—

- (a) the documents referred to in section 15E(1)(a) to (f)—by the registered prefabrication builder; and
- (b) any prescribed document—by a prescribed person or a person belonging to a prescribed class of person."

(2) After section 24(8) of the **Building Act 1993** insert—

"(9) In this section—

affected prefabricated building system means a prefabricated building system or prefabricated building system belonging to a prescribed class of prefabricated building system that is prescribed as an affected prefabricated building system but does not include a prefabricated building system that is exempted by the regulations from the operation of subsection (1A);

prefabricated building system has the same meaning as in Part 2A."

178I Inspection of building work—general powers

At the end of section 35 of the **Building Act 1993** insert—

"(2) In addition, if the building work includes the use of an affected prefabricated building system within the meaning of section 24(9), the relevant building surveyor may inspect any document referred to in section 24(1A) that relates to the affected prefabricated building system."

178J Refusal of occupancy permit

Before section 44(1)(c) of the **Building Act 1993** insert—

"(bb) if the building work includes the use of an affected prefabricated building system within the meaning of section 24(9), unless the relevant building surveyor has seen the documents referred to in section 24(1A) in respect of the system; and"

178K Application of Act to the Crown and public authorities

In section 217(1) of the **Building Act 1993**, after "Parts 2," insert "2A,".

178L Building surveyor may rely on certificate by other registered building practitioner or endorsed building engineer

(1) After section 238(1)(a) of the **Building Act 1993** insert—

"(ab) that an affected prefabricated building system within the meaning of section 24(9) to be used in the proposed building work complies with the requirements of this Act and the building regulations; or"

(2) After section 238(2) of the **Building Act 1993** insert—

"(2A) A municipal building surveyor or a private building surveyor, in carrying out a function under this Act or the regulations, may rely on—

(a) in the case of prefabrication work that includes electrical installation work—a certificate under section 44 of the **Electricity Safety Act 1998**; or

(b) in the case of prefabrication work that includes plumbing work—a certificate issued by a licensed plumber under Part 12A."

(3) After section 238(3) of the **Building Act 1993** insert—

"(4) In this section—

licensed plumber has the same meaning as in Part 12A."

178M General regulation-making powers

(1) Before section 261(1)(b) of the **Building Act 1993** insert—

"(ac) the issuing, production and keeping of certificates, other documents and information required by this Act, the building regulations or the plumbing regulations in relation to the carrying out of prefabrication work or the making, manufacturing or assembling of a prefabricated building system;

(ad) the keeping of records of inspections of the carrying out of prefabrication work;"

(2) After section 261(1)(c) of the **Building Act 1993** insert—

"(ca) requiring a person or class of person (the *first person*) to give to another person or class of person any information relating to the carrying out of prefabrication work by the first person;

(cb) requiring a person or class of person (the *first person*) to give to another person or class of person any document or class of document setting out any information relating to a prefabricated building system made, manufactured or assembled by the first person including—

(i) technical specifications; and

(ii) instructions for the use of the system; and

(iii) handling and transportation requirements;"

(3) After section 261(1)(ha) of the **Building Act 1993** insert—

"(hab) without limiting paragraph (ha), specifying the kind of work that a category or class of registered prefabrication builder is

authorised to carry out by that registration including by reference to—

- (i) a prescribed prefabricated building system or class of prescribed prefabricated building system; or
- (ii) a prefabricated building system or class of prefabricated building system that is made or manufactured by use of a prescribed method;".

178N New section 289B inserted

At the end of Part 14 of the **Building Act 1993** insert—

"289B Regulations dealing with transitional matters

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act (including the repeals and amendments made by this Act).
- (2) Regulations made under this section may—
 - (a) have a retrospective effect to the day on which section 178N of the **Consumer Legislation Amendment Act 2026** comes into operation; and
 - (b) be of limited or general application; and
 - (c) leave any matter or thing to be decided by a specified person or class of person; and
 - (d) provide for the exemption of persons or things or a class of person or thing from any of the regulations made under this section.
- (3) Regulations made under this section have effect despite anything to the contrary in any Act (other than the **Consumer Legislation Amendment Act 2026** or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.
- (4) This section is **repealed** on the second anniversary of the day on which it comes into operation."

178O Schedule 1—Building regulations

In Schedule 1 to the **Building Act 1993**, after item 31 insert—

"31A. The provision of certificates under any other Act."

178P Consequential amendment of Building and Plumbing Administration and Enforcement Act 2026

- (1) Before section 260 of the **Building and Plumbing Administration and Enforcement Act 2026** insert—

"259A Prefabricated building systems

In this Part, unless the contrary intention appears—

- (a) a reference to the construction of a building includes a reference to the use of a prefabricated building system (within the meaning of Part 2A of the **Building Act 1993**) in the construction of the building; and
 - (b) a reference to a building product or a building material (however described) includes a reference to a prefabricated building system within the meaning of Part 2A of the **Building Act 1993**."
- (2) After section 314(2)(b) of the **Building and Plumbing Administration and Enforcement Act 2026** insert—
- "(ba) section 15D(1), (2) or (3) or 15E(1) of the **Building Act 1993**;"
- (3) Before section 316(2)(a) of the **Building and Plumbing Administration and Enforcement Act 2026** insert—
- "(aa) section 15D(1), (2) or (3) or 15E(1) of the **Building Act 1993**;"
- (4) After section 356(8) of the **Building and Plumbing Administration and Enforcement Act 2026** insert—
- "(9) In this section, a reference to a building product or a building material (however described) includes a reference to a prefabricated building system within the meaning of Part 2A of the **Building Act 1993**."

NEW CLAUSES

62. Insert the following new Division before Part 13—

'Division 2—Complex plumbing work

178Q Definitions applying to Part 12A

In section 221B of the **Building Act 1993** insert the following definitions—

"***complex plumbing work*** means plumbing work that is prescribed as complex plumbing work;

designer of complex plumbing means a prescribed person who prepares a design of complex plumbing work;

exempt complex plumbing work means complex plumbing work that is prescribed as exempt complex plumbing work;

start work notice (design) has the meaning given by section 221BA;".

178R New section 221BA inserted

After section 221B of the **Building Act 1993** insert—

"221BA Meaning of *start work notice (design)*

A ***start work notice (design)*** is a written notice relating to complex plumbing work that sets out the following in respect of the complex plumbing work—

- (a) a description of the complex plumbing work to be carried out;
- (b) the address, or description of the location, of the premises at which the complex plumbing work is to be carried out;
- (c) the proposed commencement date or dates of the complex plumbing work to be carried out;
- (d) the name and address of the designer of complex plumbing;
- (e) the class of building in which the complex plumbing work is to be carried out;

(f) any prescribed information."

178S New sections 221ZPB to 221ZPJ inserted

After section 221ZPA of the **Building Act 1993** insert—

"221ZPB Designer of complex plumbing must give start work notice (design) to Commission

- (1) A designer of complex plumbing must give a start work notice (design) to the Commission within the prescribed time after the designer is engaged to prepare the design of complex plumbing work to which the notice relates.

Penalty: 120 penalty units, in the case of a natural person;
600 penalty units, in the case of a body corporate.

- (2) A designer of complex plumbing does not commit an offence against subsection (1) if the complex plumbing work is exempt complex plumbing work.

221ZPC Designer of complex plumbing must give start work notice (design) to person who engaged them to prepare design

- (1) A designer of complex plumbing must give the person who engaged the designer to prepare a design of complex plumbing work, as soon as practicable after the designer gives the start work notice (design) for that complex plumbing work to the Commission—

(a) a copy of the start work notice (design) for that complex plumbing work; and

(b) written confirmation that the designer has given the start work notice (design) to the Commission.

- (2) Subsection (1) applies despite anything to the contrary in any agreement.

- (3) A designer of complex plumbing is not required to comply with subsection (1) if the complex plumbing work is exempt complex plumbing work.

221ZPD Person who has engaged designer of complex plumbing must give start work notice (design) to licensed plumber

- (1) This section applies to a person who has—
 - (a) engaged a designer of complex plumbing to prepare a design of complex plumbing work (other than exempt complex plumbing work); and
 - (b) received from the designer of complex plumbing—
 - (i) a copy of a start work notice (design) for that plumbing work; and
 - (ii) a written confirmation that the designer of complex plumbing has given the start work notice (design) to the Commission.
- (2) If the person engages a licensed plumber to carry out the complex plumbing work to which the start work notice (design) relates, the person must give a copy of the start work notice (design) and a copy of the written confirmation to the plumber as soon as practicable after receiving—
 - (a) the start work notice (design); and
 - (b) the written confirmation.

221ZPE Offences relating to designers and complex plumbing work designs

- (1) A person must not prepare a design of complex plumbing work (other than in the circumstances specified in subsection (2)) for use in the carrying out of complex plumbing work if the person does not—
 - (a) hold the prescribed qualifications or have the prescribed experience that a person who prepares designs of complex plumbing work must hold or have; and
 - (b) meet the prescribed requirements that a person must meet in order to prepare designs of complex plumbing work.

Penalty: 500 penalty units, in the case of a natural person;

2500 penalty units, in the case of a body corporate.

- (2) For the purposes of subsection (1), a person may prepare a design of complex plumbing work if—
- (a) the regulations state that the design may be prepared by a person who does not—
 - (i) hold the prescribed qualifications or have the prescribed experience that a person who prepares designs of complex plumbing work must hold or have; and
 - (ii) meet the prescribed requirements that a person must meet in order to prepare designs of complex plumbing work; or
 - (b) the person does so in the circumstances specified in the regulations as the circumstances in which the design may be prepared by a person who does not—
 - (i) hold the prescribed qualifications or have the prescribed experience that a person who prepares designs of complex plumbing work must hold or have; and
 - (ii) meet the prescribed requirements that a person must meet in order to prepare designs of complex plumbing work.
- (3) A designer of complex plumbing who is engaged to prepare a design of complex plumbing work must ensure that the design of the complex plumbing work meets the prescribed requirements.

Penalty: 120 penalty units, in the case of a natural person;
600 penalty units, in the case of a body corporate.

221ZPF Designer of complex plumbing must give certified complex plumbing work design to Commission

- (1) A designer of complex plumbing who is engaged to prepare a design of complex plumbing work must give the Commission, within the prescribed time—

- (a) the design of the complex plumbing work; and
- (b) a written statement certifying whether the design of the complex plumbing work meets the prescribed requirements.

Penalty: 120 penalty units, in the case of a natural person;
600 penalty units, in the case of a body corporate.

- (2) A designer of complex plumbing does not commit an offence against subsection (1) if the complex plumbing work is exempt complex plumbing work.

221ZPG Designer of complex plumbing must give certified complex plumbing work design and related documents to person who engaged them to prepare design

- (1) This section applies if a designer of complex plumbing engaged to prepare a design of complex plumbing work (other than exempt complex plumbing work) has given the Commission—
 - (a) the design of the complex plumbing work; and
 - (b) a written statement certifying whether the design of the complex plumbing work meets the prescribed requirements.
- (2) The designer of complex plumbing must, as soon as practicable after giving the Commission the design of the complex plumbing work and written statement, give the person who engaged the designer—
 - (a) the design; and
 - (b) the written statement; and
 - (c) written confirmation that the designer has given to the Commission the documents referred to under paragraphs (a) and (b).

221ZPH Certified complex plumbing work designs and related documents to be given to licensed plumber

- (1) This section applies to a person who has—

- (a) engaged a designer of complex plumbing to prepare a design of complex plumbing work (other than exempt complex plumbing work); and
- (b) received from the designer—
 - (i) the design of the complex plumbing work; and
 - (ii) a written statement certifying whether the design of the complex plumbing work meets the prescribed requirements; and
 - (iii) written confirmation that the designer has given to the Commission the documents referred to under subparagraphs (i) and (ii).
- (2) If the person engages a licensed plumber to carry out the complex plumbing work to which the design of complex plumbing work relates, the person must give a copy of the design of the complex plumbing work, a copy of the written statement and a copy of the written confirmation to the plumber as soon as practicable after receiving—
 - (a) the design of the complex plumbing work; and
 - (b) the written statement; and
 - (c) the written confirmation.

221ZPI Commission may request further information or material in relation to complex plumbing work

- (1) This section applies if the Commission has received from a designer of complex plumbing work—
 - (a) a start work notice (design) under section 221ZPB; or
 - (b) a design of complex plumbing under section 221ZPF.
- (2) The Commission, by written notice given to the designer of complex plumbing work, may request further information or material in relation to—
 - (a) the complex plumbing work to which a start work notice (design) relates; or
 - (b) the design.

- (3) A notice under subsection (2) must specify—
 - (a) the information or material that is to be given to the Commission; and
 - (b) the date by which the information or material must be given to the Commission.
- (4) On receiving a notice under subsection (2), a designer of complex plumbing work may request, in accordance with any prescribed requirements, the Commission to change the date specified in the notice to a later date.
- (5) If the Commission agrees to the request, the Commission must issue another notice under subsection (2) with a new date by which the information or material must be given to the Commission (a *reissued notice*).
- (6) A designer of complex plumbing given a notice, or reissued notice, under subsection (2), must comply with the notice or reissued notice unless the designer has a lawful excuse.

Penalty: 120 penalty units, in the case of a natural person;
600 penalty units, in the case of a body corporate.

221ZPJ Complex plumbing work prohibited before receipt of certain documents

- (1) A person must not carry out complex plumbing work unless the person has obtained the following—
 - (a) the design of the complex plumbing work; and
 - (b) a written statement from the designer of the complex plumbing who prepared the design certifying whether the design of the complex plumbing work meets the prescribed requirements; and
 - (c) written confirmation that the designer has given the Commission—
 - (i) the design of the complex plumbing work; and
 - (ii) a written statement certifying whether the design of the complex plumbing work meets the prescribed requirements.

Penalty: 500 penalty units, in the case of a natural person;
2500 penalty units, in the case of a body
corporate.

- (2) A person does not commit an offence against subsection (1) if the complex plumbing work is exempt complex plumbing work."

178T Regulations

In section 221ZZZV(1) of the **Building Act 1993**—

- (a) for paragraph (b) **substitute**—

"(b) fees for the purposes of this Part, including—

- (i) fees for examinations or assessments conducted by, or on behalf of, the Commission; or
- (ii) fees for the assessment of start work notices (design) and designs of complex plumbing work by, or on behalf of, the Commission;"

- (b) after paragraph (c) **insert**—

"(ca) prescribing what constitutes complex plumbing work;"

- (c) before paragraph (h) **insert**—

"(ge) qualifications or experience that a person who prepares designs of complex plumbing work must hold or have or requirements that a person must meet in order to prepare designs of complex plumbing work;

- (gf) the preparation or amendment of designs of complex plumbing work, including—

- (i) requirements that a design of complex plumbing work or an amendment of a design of complex plumbing work must meet; or
- (ii) procedures to amend a design of complex plumbing work and matters to be considered, applied or complied with to amend, or when amending, a design of complex plumbing work; or

- (iii) the certification of a design of complex plumbing work or an amended design of complex plumbing work and documents to accompany or form part of the certification; or
- (iv) the giving of amended designs of complex plumbing work to persons;
- (gg) notifications to be given to the Commission before or during the carrying out of complex plumbing work or at specified stages of carrying out complex plumbing work, and the content of the notifications;
- (gh) compliance certificates to be provided by persons who—
 - (i) prepare designs of complex plumbing; or
 - (ii) carry out complex plumbing work;
- (gi) information or documents to be provided with compliance certificates by persons who—
 - (i) prepare designs of complex plumbing; or
 - (ii) carry out complex plumbing work;
- (gj) inspections of complex plumbing work and inspection reports for complex plumbing work;".

178U Consequential amendment of Building and Plumbing Administration and Enforcement Act 2026

After section 38(1)(k) of the **Building and Plumbing Administration and Enforcement Act 2026** insert—

"(ka) to administer the provisions of the **Building Act 1993** relating to the design and carrying out of complex plumbing work;".

178V New sections 289C and 289D inserted

At the end of Part 14 of the **Building Act 1993** insert—

"289C Transitional provision relating to the Consumer Legislation Amendment Act 2026

- (1) The amendments made by Division 2 of Part 12A of the **Consumer Legislation Amendment Act 2026** do not apply to—
- (a) a designer of complex plumbing, in relation to preparing a design of complex plumbing work, if the designer is engaged before the commencement day to prepare the design; or
 - (b) a person carrying out complex plumbing work, if the designer of the complex plumbing work is engaged before the commencement day to prepare the design.

- (2) In this section—

commencement day means the day on which Division 2 of Part 12A of the **Consumer Legislation Amendment Act 2026** comes into operation.

289D Transitional regulations relating to the Consumer Legislation Amendment Act 2026

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act (including the repeals and amendments made by this Act).
- (2) Regulations made under this section may—
- (a) have a retrospective effect to the day on which section 178V of the **Consumer Legislation Amendment Act 2026** comes into operation; and
 - (b) be of limited or general application; and
 - (c) leave any matter or thing to be decided by a specified person or class of person; and
 - (d) provide for the exemption of persons or things or a class of person or thing from any of the regulations made under this section.
- (3) Regulations made under this section have effect despite anything to the contrary in any Act (other than the **Consumer Legislation Amendment Act 2026** or the **Charter**

of Human Rights and Responsibilities Act 2006) or in any subordinate instrument.

- (4) This section is **repealed** on the second anniversary of the day on which it comes into operation."

NEW CLAUSES

63. Insert the following new Division before Part 13—

'Division 3—Developer bonds

178W Definitions

In section 137ZM of the **Building Act 1993** insert the following definition—

"***developer bond requirement*** means the requirement under section 137ZP(1) for the developer of a residential apartment building to arrange for the issue or execution of a developer bond;"

178X Offence to apply for occupancy permit if no developer bond issued

After section 137ZR(1) of the **Building Act 1993** insert—

"(1AB) Subsection (1) does not apply to a person if the developer of the residential apartment building is excepted from the developer bond requirement."

178Y Developer must nominate assessor

After section 137ZT(3) of the **Building Act 1993** insert—

"(4) Subsection (1) does not apply to a developer who is excepted from the developer bond requirement."

178Z Approval of nomination

After section 137ZV(5) of the **Building Act 1993** insert—

"(6) This section does not apply if the developer of the residential apartment building is excepted from the developer bond requirement."

178ZA Developer must appoint assessor

- (1) In section 137ZX(1) of the **Building Act 1993**, for "subsections (2) and (3)" **substitute** "subsections (2), (3) and (6)".
- (2) After section 137ZX(5) of the **Building Act 1993** insert—
"(6) Subsection (1) does not apply to a developer who is excepted from the developer bond requirement."

178ZB Authority may appoint building assessor

After section 137ZY(2) of the **Building Act 1993** insert—

- "(3) This section does not apply if the developer of the residential apartment building is excepted from the developer bond requirement."

178ZC Arrangements for final inspection

After section 137ZZE(5) of the **Building Act 1993** insert—

- "(6) Subsection (1) does not apply to a developer who is excepted from the developer bond requirement."

178ZD Appointment of building assessor for final inspection

After section 137ZZF(3) of the **Building Act 1993** insert—

- "(4) This section does not apply if the developer of the residential apartment building is excepted from the developer bond requirement.".

NEW CLAUSE

64. Insert the following new Division before Part 13—

'Division 4—Miscellaneous amendments

178ZE Refusal of occupancy permit

After section 44(1)(b) of the **Building Act 1993** insert—

- "(ba) if electrical work, in respect of which the **Electricity Safety Act 1998** required the issue of a certificate under Division 3 of Part 3 of that Act, was carried out in conjunction with the building work on the building or part of the building in

respect of which the permit is sought, unless the relevant building surveyor has seen a copy of the certificate; and".

NEW CLAUSES

65. Insert the following new Division before Part 13—

'Division 5—Minor technical amendments

178ZF Definitions and interpretation

In section 3(1) of the **Building Act 1993**—

- (a) in the definition of ***approved prescribed qualification***, for "171AA(1)(b)" **substitute** "171AA(1)(a)(ii)";
- (b) in paragraphs (a) and (b) of the definition of ***relevant building surveyor***, for "or permit," **substitute** "or a permit,".

178ZG Statute law revision

- (1) In section 24(1)(e) of the **Building Act 1993**, for "(2A)" **substitute** "(2E)".
- (2) In section 137Q(5) of the **Building Act 1993**, for "the method by which the premiums are to be calculated" **substitute** "order".

178ZH Notice of intention to apply for occupancy permit

- (1) In section 40A(1) of the **Building Act 1993**, after "The developer" **insert** "(within the meaning of Part 9B)".
- (2) In section 40A(3) of the **Building Act 1993**, after "A developer" **insert** "(within the meaning of Part 9B)".
- (3) In section 40A(5) of the **Building Act 1993**, in paragraphs (a) and (b) of the definition of ***applicable period***, after "occupancy permit application date" (where first occurring) **insert** "(within the meaning of Part 9B)".

178ZI Refusal of occupancy permit

In section 44(2) of the **Building Act 1993**—

- (a) in paragraph (c)—
 - (i) after "developer" (where first occurring) **insert** "(within the meaning of Part 9B)";

- (ii) after "building" **insert** "in accordance with Part 9B";
- (b) in paragraph (e), after "developer" **insert** "(within the meaning of Part 9B)".

178ZJ Approved person

In section 171AAB of the **Building Act 1993**—

- (a) in subsection (1)(b), for "171AA(1)(b)" **substitute** "171AA(1)(a)(ii)";
- (b) in subsection (1)(c), for "171AA(1)(c)" **substitute** "171AA(1)(b)".

178ZK Refusal of building permit

In section 542(2) of the **Building and Plumbing Administration and Enforcement Act 2026**, for "205G(1). (2) and (2A)" **substitute** "205G(1), (2) and (2E)".

NEW CLAUSES

66. Insert the following new Part before Part 13—

**'Part 12B—Amendment of Domestic Building
Contracts Amendment Act 2025**

178ZL Commencement

In section 2(3) of the **Domestic Building Contracts Amendment Act 2025**, for "1 December 2026" **substitute** "31 March 2027".

178ZM Repeal of this Act

In section 82 of the **Domestic Building Contracts Amendment Act 2025**, for "1 December 2027" **substitute** "31 March 2028".

AMENDMENT OF LONG TITLE

- 67. Long title, omit "plans and proceedings," and insert "plans, proceedings and proxy voting,".
- 68. Long title, after "deposit moneys" insert "and off-the-plan contracts".
- 69. Long title, after "used motor cars," insert "the **Building Act 1993** in relation to developer bonds,".

- 70. Long title, before "certain other Acts" insert "the **Building Act 1993** in relation to prefabrication work and prefabrication builders,".
- 71. Long title, before "certain other Acts" insert "the **Building Act 1993** in relation to complex plumbing work,".
- 72. Long title, before "certain other Acts" insert "the **Building Act 1993** and the **Building and Plumbing Administration and Enforcement Act 2026** in relation to minor matters,".
- 73. Long title, before "certain other Acts" insert "the **Domestic Building Contracts Amendment Act 2025** in relation to its commencement,".

Certified –

Clerk of the Legislative Council