



Australian Capital Territory

Building and Construction Legislation Amendment Act 2025

A2025-5

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Australian Capital Territory

Building and Construction Legislation Amendment Act 2025

A2025-5

An Act to amend legislation about building and construction

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

J2024-1369

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Part 1 Preliminary

1 Name of Act

This Act is the *Building and Construction Legislation Amendment Act 2025*.

2 Commencement

This Act commences the day after its notification day.

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

3 Legislation amended

This Act amends the following legislation:

- *Building Act 2004*
- *Building (General) Regulation 2008*
- *Construction Occupations (Licensing) Act 2004*
- *Gas Safety Act 2000*
- *Gas Safety Regulation 2001*
- *Property Developers Act 2024*
- *Water and Sewerage Act 2000*
- *Water and Sewerage Regulation 2001*.

4 Legislation repealed

The following statutory instruments are repealed:

- *Building (Publication of Building Code) Notice 2009 (No 1)* (NI2009-196)
- *Building (Publication of Building Code) Notice 2010 (No 1)* (NI2010-216)
- *Building (Recognised Standard) Declaration 2006* (NI2006-317).

Part 2 Building Act 2004

5 Sections 137 and 138

omit

6 Certified copies of building code Section 139

omit

an office copy

substitute

a copy

7 Section 139A

substitute

139A Recognised standards

- (1) This section applies to a document (including an Australian Standard or Australian/New Zealand Standard) as in force from time to time that has been approved (however described)—
 - (a) by, or on behalf of, the Australian Building Codes Board; or
 - (b) under a system or scheme (however described) administered or approved (however described) by the Australian Building Codes Board; or
 - (c) as prescribed by regulation.
- (2) The Minister may declare the document to be a recognised standard for this Act.
- (3) A declaration is a disallowable instrument.

- (4) The [Legislation Act](#), section 47 (5) and (6) do not apply to a recognised standard.

Note A recognised standard does not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (5) The director-general must ensure that a document declared under subsection (2), other than an Australian Standard or Australian/New Zealand standard, is—
- (a) on the ACT legislation register; or
 - (b) available for inspection by anyone without charge during ordinary business hours at an ACT government office; or
 - (c) accessible on an ACT government website, or by a link on an ACT government website.
- (6) A recognised standard is not enforceable by or against the Territory or anyone else unless it is made accessible in accordance with subsection (5).
- (7) In this section:
- ACT legislation register*—see the [Legislation Act](#), section 18 (1).

8 New section 151A

insert

151A Applying, adopting or incorporating documents in regulations

- (1) A regulation may apply, adopt or incorporate (with or without change or modification)—
- (a) a law, Australian Standard or Australian/New Zealand Standard as in force from time to time; or
 - (b) another instrument as in force from time to time.

- (2) The [Legislation Act](#), section 47 (5) and (6) do not apply to a law, standard or instrument applied, adopted or incorporated under subsection (1).

Note The law, standard or instrument does not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (3) The director-general must ensure that an instrument applied, adopted or incorporated under subsection (1) (b) is—
- (a) on the ACT legislation register; or
 - (b) available for inspection by anyone without charge during ordinary business hours at an ACT government office; or
 - (c) accessible on an ACT government website, or by a link on an ACT government website.
- (4) Any instrument that is applied, adopted or incorporated under subsection (1) (b) is not enforceable by or against the Territory or anyone else unless it is made accessible in accordance with subsection (3).
- (5) In this section:

ACT legislation register—see the [Legislation Act](#), section 18 (1).

9 Regulation-making power Section 152 (4) and (5)

omit

10 Dictionary, definition of *recognised standard*

omit

section 139A (1)

substitute

section 139A (2)

Part 3 Building (General) Regulation 2008

**11 Preparation of whole-of-home calculator energy
 efficiency certificates—Act, s 139C (2)
 Section 44AC (3)**

omit

**12 Non-application of Legislation Act, s 47 (5)
 Section 45**

omit

**13 Definitions—sch 3
 Schedule 3, section 3.1 (1), definition of *tolerances guide*,
 notes 1 and 2**

substitute

Note The tolerances guide does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see [Legislation Act](#), s 47 (7)). The tolerances guide is accessible at www.fairtrading.nsw.gov.au.

Part 4 Construction Occupations (Licensing) Act 2004

14 What is a *construction occupation*? New section 7 (fa)

insert

- (fa) gas appliance worker;

15 Definitions—pt 11AA Section 123AA, definition of *public safety agency*, new paragraphs (fa) and (fb)

insert

- (fa) the chief health officer appointed under the *Public Health Act 1997*;
- (fb) a public health officer appointed under the *Public Health Act 1997*;

16 New section 128A

insert

128A Applying, adopting or incorporating documents in regulations

- (1) A regulation may apply, adopt or incorporate (with or without change or modification)—
- (a) a law, Australian Standard or Australian/New Zealand Standard as in force from time to time; or
- (b) another instrument as in force from time to time.

- (2) The [Legislation Act](#), section 47 (5) and (6) do not apply in relation to a law, standard or instrument applied, adopted or incorporated under subsection (1).

Note The law, standard or instrument does not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (3) The director-general must ensure that an instrument applied, adopted or incorporated under subsection (1) (b) is—
- (a) on the ACT legislation register; or
 - (b) available for inspection by anyone without charge during ordinary business hours at an ACT government office; or
 - (c) accessible on an ACT government website, or by a link on an ACT government website.
- (4) Any instrument that is applied, adopted or incorporated under subsection (1) (b) is not enforceable by or against the Territory or anyone else unless it is made accessible in accordance with subsection (3).
- (5) In this section:

ACT legislation register—see the [Legislation Act](#), section 18 (1).

17 Regulation-making power Section 129 (4) and (5)

omit

18 New part 24*insert***Part 24 Validation—gas appliance workers****196 Validation of gas appliance worker as construction occupation**

- (1) This section applies to anything done or purported to have been done under this Act or another territory law by or in relation to a gas appliance worker after 29 March 2015 and before the commencement day.
- (2) The thing is taken to be, and always to have been, validly done if it would have been validly done had section 7, as amended by the *Building and Construction Legislation Amendment Act 2025*, been in force when it was done or purported to have been done.
- (3) In this section:

commencement day means the day the *Building and Construction Legislation Amendment Act 2025*, section 14 commences.

197 Expiry—pt 24

This part expires on the day it commences.

Note If a law validates something, the validating effect of the law does not end only because of the repeal of the law (see [Legislation Act](#), s 88 (1)).

19 Dictionary, new definition of *director**insert*

director—see the [Corporations Act](#), section 9AC.

Part 5 Gas Safety Act 2000

20 Meaning of *gas appliance worker* Section 6D, definition of *gas appliance worker*

omit

, part 3

21 Meaning of *gasfitter* Section 6E, definition of *gasfitter*

substitute

gasfitter means a person licensed in the construction occupation of gasfitter under the [Construction Occupations \(Licensing\) Act 2004](#).

22 Meaning of *relevant standard* Section 6H (1), definition of *relevant standard*, paragraph (a)

omit everything before subparagraph (i), substitute

(a) for gasfitting work, other than medical gasfitting work or medical gas technician work, means—

23 New section 6H (1), definition of *relevant standard*, new paragraph (c)

insert

(c) for medical gasfitting work and medical gas technician work means—

- (i) AS 2896 as in force from time to time; or
- (ii) if another standard is prescribed—that standard.

24 Section 6H (2) and note

after

AS/NZS 1375,

insert

AS 2896,

**25 Offence—certificate of compliance
Section 9 (b) (ii)**

after

system

insert

, medical gas system

26 New section 12A

in division 2.1, insert

12A Offence—unsafe medical gas system

A gasfitter commits an offence if—

- (a) the gasfitter carries out gasfitting work on a medical gas system; and
- (b) the system poses a substantive risk to the safety of any person or property; and
- (c) the gasfitter fails—
 - (i) to take immediate action to eliminate the risk; or

- (ii) to give notice in writing about the risk, and the action taken to eliminate the risk, to the person responsible for the medical gas system as soon as practicable.

Maximum penalty: 50 penalty units.

27 **General powers on entry to premises**
Section 47 (2)

after

system

insert

, medical gas system

28 **Section 47 (1) (e)**

after

occupier

insert

the person responsible for a medical gas system,

29 **Regulation-making power**
Section 69 (2) (a) and (b)

substitute

- (a) the installation, operation, maintenance, commissioning, testing, inspection or repair of consumer piping systems, medical gas systems or gas appliances; and
- (b) the safety of people who own, or are likely to be near, a consumer piping system, a medical gas system or a gas appliance; and

30 Section 69 (2) (h) and (i)

after

systems

insert

, medical gas systems

31 Dictionary, new definition of AS 2896

insert

AS 2896 means AS 2896 (Medical gas systems—Installation and testing of non-flammable medical gas pipeline systems).

Part 6 Gas Safety Regulation 2001

32 Section 12 (1)

substitute

- (1) For the [Act](#), section 9 (b), the certificate of compliance must be signed by the gasfitter and given to—
 - (a) for gasfitting work other than medical gasfitting work or medical gas technician work—the owner or occupier of the premises where the gasfitting work is completed; or
 - (g) for medical gasfitting work or medical gas technician work—the person responsible for the medical gas system.
- (1A) The gasfitter must give the certificate of compliance to the person mentioned in subsection (1) either—
 - (a) by giving it to the person personally; or
 - (b) by leaving it, addressed to the person, in a conspicuous place on the premises.

33 Section 12 (2) (b)

substitute

- (b) for gasfitting work other than medical gasfitting work or medical gas technician work—the owner of the gas distribution network.

34 Dictionary, note 3*insert*

- medical gasfitting work
- medical gas system
- medical gas technician work

35 Dictionary, definition of *defect tag**omit*

Part 7 Property Developers Act 2024

36 Incorporating, applying or adopting documents in regulations and instruments Section 120 (3)

omit

subsection (1)

substitute

subsection (1) (b)

Part 8 Water and Sewerage Act 2000

37 Sections 44E and 44F

omit

38 New section 46

insert

46 Applying, adopting or incorporating documents in regulations

- (1) A regulation may apply, adopt or incorporate (with or without change or modification)—
 - (a) a law, Australian Standard or Australian/New Zealand Standard as in force from time to time; or
 - (b) another instrument as in force from time to time.
- (2) The [Legislation Act](#), section 47 (5) and (6) do not apply in relation to a law, standard or instrument applied, adopted or incorporated under subsection (1).

Note The law, standard or instrument does not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).

- (3) The director-general must ensure that an instrument applied, adopted or incorporated under subsection (1) (b) is—
 - (a) on the ACT legislation register; or
 - (b) available for inspection by anyone without charge during ordinary business hours at an ACT government office; or
 - (c) accessible on an ACT government website, or by a link on an ACT government website.

- (4) Any instrument that is applied, adopted or incorporated under subsection (1) (b) is not enforceable by or against the Territory or anyone else unless it is made accessible in accordance with subsection (3).
- (5) In this section:
ACT legislation register—see the [Legislation Act](#), section 18 (1).

39 **Regulation-making power**
Section 49 (3) and (5)

omit

Part 9

Water and Sewerage Regulation 2001

40 Water efficiency requirements—water supply and sanitary plumbing work—Act, s 17A (1) (b) Section 16E (2), new note

insert

Note AS/NZS 6400 does not need to be notified under the [Legislation Act](#) because s 47 (5) and (6) do not apply (see [Act](#), s 44D). The standard may be purchased at www.standards.org.au.

41 Section 16E (5) and note

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 5 February 2025.

2 Notification

Notified under the [Legislation Act](#) on 31 March 2025.

3 Republications of amended laws

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

I certify that the above is a true copy of the Building and Construction Legislation Amendment Bill 2025, which was passed by the Legislative Assembly on 18 March 2025.

Acting Clerk of the Legislative Assembly

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