

2025

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Planning and Sustainable Development)

# Building and Construction Legislation Amendment Bill 2025

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

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(Minister for Planning and Sustainable Development)

# Building and Construction Legislation Amendment Bill 2025

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## A Bill for

An Act to amend legislation about building and construction

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

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

5 **2 Commencement**

6 This Act commences the day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • *Building Act 2004*
- 12 • *Building (General) Regulation 2008*
- 13 • *Construction Occupations (Licensing) Act 2004*
- 14 • *Gas Safety Act 2000*
- 15 • *Gas Safety Regulation 2001*
- 16 • *Property Developers Act 2024*
- 17 • *Water and Sewerage Act 2000*
- 18 • *Water and Sewerage Regulation 2001*.

19 **4 Legislation repealed**

20 The following statutory instruments are repealed:

- 21 • *Building (Publication of Building Code) Notice 2009 (No 1)*  
22 (NI2009-196)
- 23 • *Building (Publication of Building Code) Notice 2010 (No 1)*  
24 (NI2010-216)
- 25 • *Building (Recognised Standard) Declaration 2006*  
26 (NI2006-317).

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1 **Part 2** **Building Act 2004**

2 **5 Sections 137 and 138**

3 *omit*

4 **6 Certified copies of building code**  
5 **Section 139**

6 *omit*

7 an office copy

8 *substitute*

9 a copy

10 **7 Section 139A**

11 *substitute*

12 **139A Recognised standards**

13 (1) This section applies to a document (including an Australian Standard  
14 or Australian/New Zealand Standard) as in force from time to time  
15 that has been approved (however described)—

16 (a) by, or on behalf of, the Australian Building Codes Board; or

17 (b) under a system or scheme (however described) administered or  
18 approved (however described) by the Australian Building Codes  
19 Board; or

20 (c) as prescribed by regulation.

21 (2) The Minister may declare the document to be a recognised standard  
22 for this Act.

23 (3) A declaration is a disallowable instrument.

- 1 (4) The [Legislation Act](#), section 47 (5) and (6) do not apply to a  
2 recognised standard.
- 3 *Note* A recognised standard does not need to be notified under the [Legislation](#)  
4 [Act](#) because s 47 (5) and (6) do not apply (see [Legislation Act](#), s 47 (7)).
- 5 (5) The director-general must ensure that a document declared under  
6 subsection (2), other than an Australian Standard or Australian/New  
7 Zealand standard, is—
- 8 (a) on the ACT legislation register; or
- 9 (b) available for inspection by anyone without charge during  
10 ordinary business hours at an ACT government office; or
- 11 (c) accessible on an ACT government website, or by a link on an  
12 ACT government website.
- 13 (6) A recognised standard is not enforceable by or against the Territory  
14 or anyone else unless it is made accessible in accordance with  
15 subsection (5).
- 16 (7) In this section:
- 17 *ACT legislation register*—see the [Legislation Act](#), section 18 (1).

## 18 **8 New section 151A**

19 *insert*

### 20 **151A Applying, adopting or incorporating documents in** 21 **regulations**

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

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

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

7 (3) The director-general must ensure that an instrument applied, adopted  
8 or incorporated under subsection (1) (b) is—

9 (a) on the ACT legislation register; or

10 (b) available for inspection by anyone without charge during  
11 ordinary business hours at an ACT government office; or

12 (c) accessible on an ACT government website, or by a link on an  
13 ACT government website.

14 (4) Any instrument that is applied, adopted or incorporated under  
15 subsection (1) (b) is not enforceable by or against the Territory or  
16 anyone else unless it is made accessible in accordance with  
17 subsection (3).

18 (5) In this section:

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

20 **9 Regulation-making power**  
21 **Section 152 (4) and (5)**

22 *omit*

23 **10 Dictionary, definition of *recognised standard***

24 *omit*

25 section 139A (1)

26 *substitute*

27 section 139A (2)

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## 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](http://www.fairtrading.nsw.gov.au).

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

3 **14** **What is a *construction occupation*?**  
4 **New section 7 (fa)**

5 *insert*

6 (fa) gas appliance worker;

7 **15** **Definitions—pt 11AA**  
8 **Section 123AA, definition of *public safety agency*, new**  
9 **paragraphs (fa) and (fb)**

10 *insert*

11 (fa) the chief health officer appointed under the *Public Health*  
12 *Act 1997*;

13 (fb) a public health officer appointed under the *Public Health*  
14 *Act 1997*;

15 **16** **New section 128A**

16 *insert*

17 **128A** **Applying, adopting or incorporating documents in**  
18 **regulations**

19 (1) A regulation may apply, adopt or incorporate (with or without change  
20 or modification)—

21 (a) a law, Australian Standard or Australian/New Zealand Standard  
22 as in force from time to time; or

23 (b) another instrument as in force from time to time.

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

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

7 (3) The director-general must ensure that an instrument applied, adopted  
8 or incorporated under subsection (1) (b) is—

9 (a) on the ACT legislation register; or

10 (b) available for inspection by anyone without charge during  
11 ordinary business hours at an ACT government office; or

12 (c) accessible on an ACT government website, or by a link on an  
13 ACT government website.

14 (4) Any instrument that is applied, adopted or incorporated under  
15 subsection (1) (b) is not enforceable by or against the Territory or  
16 anyone else unless it is made accessible in accordance with  
17 subsection (3).

18 (5) In this section:

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

20 **17 Regulation-making power**  
21 **Section 129 (4) and (5)**

22 *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.

1 **Part 5** **Gas Safety Act 2000**

2 **20** **Meaning of *gas appliance worker***  
3 **Section 6D, definition of *gas appliance worker***

4 *omit*  
5 , part 3

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

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

11 **22** **Meaning of *relevant standard***  
12 **Section 6H (1), definition of *relevant standard*,**  
13 **paragraph (a)**

14 *omit everything before subparagraph (i), substitute*  
15 (a) for gasfitting work, other than medical gasfitting work or  
16 medical gas technician work, means—

17 **23** **New section 6H (1), definition of *relevant standard*, new**  
18 **paragraph (c)**

19 *insert*  
20 (c) for medical gasfitting work and medical gas technician work  
21 means—  
22 (i) AS 2896 as in force from time to time; or  
23 (ii) if another standard is prescribed—that standard.

1 **24 Section 6H (2) and note**

2 *after*

3 AS/NZS 1375,

4 *insert*

5 AS 2896,

6 **25 Offence—certificate of compliance**  
7 **Section 9 (b) (ii)**

8 *after*

9 system

10 *insert*

11 , medical gas system

12 **26 New section 12A**

13 *in division 2.1, insert*

14 **12A Offence—unsafe medical gas system**

15 A gasfitter commits an offence if—

16 (a) the gasfitter carries out gasfitting work on a medical gas system;  
17 and

18 (b) the system poses a substantive risk to the safety of any person or  
19 property; and

20 (c) the gasfitter fails—

21 (i) to take immediate action to eliminate the risk; or

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

4 Maximum penalty: 50 penalty units.

5 **27 General powers on entry to premises**  
6 **Section 47 (2)**

7 *after*  
8 system  
9 *insert*  
10 , medical gas system

11 **28 Section 47 (1) (e)**

12 *after*  
13 occupier  
14 *insert*  
15 the person responsible for a medical gas system,

16 **29 Regulation-making power**  
17 **Section 69 (2) (a) and (b)**

18 *substitute*  
19 (a) the installation, operation, maintenance, commissioning,  
20 testing, inspection or repair of consumer piping systems,  
21 medical gas systems or gas appliances; and  
22 (b) the safety of people who own, or are likely to be near, a  
23 consumer piping system, a medical gas system or a gas  
24 appliance; and

1 **30 Section 69 (2) (h) and (i)**

2 *after*

3 systems

4 *insert*

5 , medical gas systems

6 **31 Dictionary, new definition of AS 2896**

7 *insert*

8 *AS 2896* means AS 2896 (Medical gas systems—Installation and  
9 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.

1 **34 Dictionary, note 3**

2 *insert*

- 3
- medical gasfitting work
  - 4 • medical gas system
  - 5 • medical gas technician work

6 **35 Dictionary, definition of *defect tag***

7 *omit*

1 **Part 7** **Property Developers Act 2024**

2 **36** **Incorporating, applying or adopting documents in**  
3 **regulations and instruments**  
4 **Section 120 (3)**

5 *omit*

6 subsection (1)

7 *substitute*

8 subsection (1) (b)

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## 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.

1           (4) Any instrument that is applied, adopted or incorporated under  
2           subsection (1) (b) is not enforceable by or against the Territory or  
3           anyone else unless it is made accessible in accordance with  
4           subsection (3).

5           (5) In this section:

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

7     **39           Regulation making power**  
8                 **Section 49 (3) and (5)**

9                 *omit*

1 **Part 9** **Water and Sewerage**  
2 **Regulation 2001**

3 **40** **Water efficiency requirements—water supply and**  
4 **sanitary plumbing work—Act, s 17A (1) (b)**  
5 **Section 16E (2), new note**

6 *insert*

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

10 **41** **Section 16E (5) and note**

11 *omit*

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## Endnotes

**1 Presentation speech**

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

**2 Notification**

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

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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