

Property Developers (Fees) Determination 2026

Disallowable instrument DI2026–185

made under the

Property Developers Act 2024, s 121 (Determination of fees)

EXPLANATORY STATEMENT

This explanatory statement relates to the *Property Developers (Fees) Determination 2026* as presented to the Legislative Assembly (the *Assembly*). It has been prepared to assist the reader of the instrument. It does not form part of the instrument and has not been endorsed by the Assembly.

This statement must be read in conjunction with the instrument. It is not, and is not meant to be, a comprehensive description of the instrument.

Overview

The *Property Developers Act 2024* (the *Act*) establishes a framework for licensing certain residential property developers, and a regulatory scheme to bring these property developers into the regulatory chain of accountability for building work they are involved in.

Section 121 (1) of the Act permits the Minister to determine fees for the purposes of the Act. This instrument determines the fees for the property developer licensing requirements set out in the Act.

The property developer licensing scheme opened for applications on 1 October 2025 and becomes mandatory from 1 October 2026. From this date, regulated property developers must hold a licence to undertake work or participate in off-the-plan sales of regulated residential buildings as prescribed under the Act.

Fees have been determined for a licence application, licence renewal, licence term and variation to a licence. An activity-based fee is payable, upon issue of a Building Approval (BA) for a regulated residential building, charged based on the number of regulated residential dwellings that a licensee constructs.

The regulatory fees in the determination which applied in the 2025-26 financial year, have been increased by 3.25% for the 2026-27 financial year based on the wage price index (**WPI**) as per Government policy, plus an additional 0.35% as per the decision in the 2023-24 Budget, for a total increase of 3.60%.

The instrument commences on the day after its notification day.

This instrument revokes the *Property Developers (Fees) Determination 2025* (DI2025-243).

The determination under section 121 of the Act is a disallowable instrument and must be presented to the Assembly not later than 6 sitting days after its notification, pursuant to the *Legislation Act 2001* (the **Legislation Act**), section 64.

Regulatory Impact Statement (RIS)

A RIS is not required for this fee determination due to section 36 (1) (k) of the Legislation Act, which provides that a RIS need not be prepared for an amendment of a fee consistent with announced government policy.

Human Rights

The Standing Committee on Legal Affairs (Legislative Scrutiny Role) (the **Committee**) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.