

FAIR TRADING AND BUILDING LEGISLATION AMENDMENT BILL 2026

Statement of Public Interest

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Bill amends various statutes across the Better Regulation and Fair Trading, and Building portfolios. The amendments are largely administrative in nature and are intended to support effective regulation, provide greater certainty to the building industry, and strengthen consumer protection through improved regulatory powers, and fit-for-purpose legislation.

The amendments within the Bill address inconsistencies and limitations in existing legislation that hinder its effective operation. Regulatory agencies have identified enforcement gaps that reduce their capacity to respond to misconduct and licence misuse.

The Bill forms part of a regular and ongoing review of legislation across the portfolios to improve regulatory consistency and clarity.

Objectives: What is the policy's objective couched in terms of the public interest?

To strengthen consumer protection and confidence in NSW Fair Trading and Building Commission NSW regulatory frameworks by ensuring legislation is effective, consistent and fit for purpose. The Bill seeks to protect consumers, property owners and residents by closing regulatory gaps, improving enforcement and compliance tools, and preventing improper or unlicensed conduct across licensing schemes.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The objectives outlined in the Bill and the issues it seeks to resolve require legislative changes. Without an 'Amendment Bill' to consolidate these amendments, Parliament would need to invest considerable time and resources in debating numerous individual amendment bills.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The primary alternative to introducing the Bill was to take no action. However, without these amendments, the legislation would continue to include inconsistencies and inaccuracies, remain outdated and unnecessarily burdensome, and cause potential confusion for stakeholders.

Another alternative would be to implement the amendments gradually over time. Some changes could be addressed through the Statute Law program, while others could wait until more substantial amendments are made to each principal Act. However, this approach carries the risk that certain amendments in the Bill may never be enacted.

Consolidating all amendments into a single Bill is the most effective and efficient way to ensure the NSW Parliament can consider them without unnecessary delay.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

Schedules 2, 6[1] and [3], 16[2]–[5], 18[4] and [5], 19[7], 20 and 21 of the Bill will commence on Assent. All remaining provisions commence on a day or days to be appointed by proclamation.

The Minister for Better Regulation and Fair Trading, and Minister for Building is responsible for administering the legislation being amended. NSW Fair Trading and Building Commission NSW, supports the Minister in administering this legislation and will inform stakeholders of the changes where relevant and implement any operational changes required.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The views of stakeholders were sought and considered in making the policy. Many of the amendments are the result of consultation and feedback from NSW Fair Trading and Building Commission NSW operational staff who apply the legislation daily, with relevant stakeholders through other legislative consultation processes, and a general stewardship approach to the legislation.

Government agencies were consulted on the amendments during the development of the Bill to ensure consistency with broader government policy settings and to assess potential legal, financial and operational impacts. Consultation included, but was not limited to, the Department of Communities and Justice, the Department of Climate Change, Energy, the Environment and Water, and Treasury. Feedback from these stakeholders informed the final amendments in the Bill.