



New South Wales

Fair Trading and Building Legislation Amendment Bill 2026

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the following legislation—

- (a) the *Building and Construction Industry Security of Payment Act 1999*,
- (b) the *Building and Development Certifiers Act 2018*,
- (c) the *Building Products (Safety) Act 2017*,
- (d) the *Charitable Fundraising Act 1991*,
- (e) the *Community Gaming Act 2018*,
- (f) the *Community Land Management Act 2021*,
- (g) the *Conveyancers Licensing Act 2003*,
- (h) the *Design and Building Practitioners Act 2020*,
- (i) the *Duties Act 1997*,
- (j) the *Fair Trading Act 1987*,
- (k) the *Home Building Act 1989*,
- (l) the *Motor Dealers and Repairers Act 2013*,
- (m) the *Paintball Act 2018*,
- (n) the *Pawnbrokers and Second-hand Dealers Act 1996*,
- (o) the *Property and Stock Agents Act 2002*,
- (p) the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*,

- (q) the *Residential Tenancies Act 2010*,
- (r) the *Retirement Villages Act 1999*,
- (s) the *Strata Schemes Management Act 2015*,
- (t) the *Strata Schemes Legislation Amendment Act 2025*,
- (u) the *Swimming Pools Act 1992*,
- (v) the *Tow Truck Industry Act 1998*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Building and Construction Industry Security of Payment Act 1999 No 46

Schedule 1[1] replaces the definition of *business day* with the definition of *working day*.
Schedule 1[2] makes consequential amendments.

Schedule 2 Amendment of Building and Development Certifiers Act 2018 No 63

Schedule 2 inserts proposed section 45A into the *Building and Development Certifiers Act 2018* to allow disciplinary action to be taken against a person who is no longer a registered certifier.

Schedule 3 Amendment of Building Products (Safety) Act 2017 No 69

Schedule 3 omits a reference to loose-fill asbestos insulation within the meaning of the *Home Building Act 1989*, Part 8, Division 1A from the list excluding certain things from being building products for the *Building Products (Safety) Act 2017* (the **BPS Act**) consequent on Schedule 11[3]. Asbestos and asbestos products remain things that are not building products for the BPS Act.

Schedule 4 Amendment of Charitable Fundraising Act 1991 No 69

Schedule 4 provides that an authority under the *Charitable Fundraising Act 1991*, section 19A, may be suspended if the authority was granted, renewed or restored in error.

Schedule 5 Amendment of Community Gaming Act 2018 No 60

Schedule 5 provides additional grounds for suspending or cancelling an authority under the *Community Gaming Act 2018*, section 11, if—

- (a) the authority was granted, renewed or restored in error, or
- (b) the authority was granted, renewed or restored because of a misrepresentation made by the holder of the authority, or
- (c) the fee for the authority has not been paid.

Schedule 6 Amendment of Community Land Management Act 2021 No 7

Schedule 6[1] provides that a community association, precinct association or neighbourhood association may make a resolution determining a contribution must bear no interest, whether or not at a general meeting.

Schedule 6[2] provides that a pecuniary penalty for a contravention of an order under the *Community Land Management Act 2021* is payable to the applicant for the original order or another person the Civil and Administrative Tribunal (the ***Tribunal***) orders.

Schedule 6[3] provides that regulations may be made to enable the redaction of items to be made available for inspection under the *Community Land Management Act 2021*, section 172.

Schedule 7 Amendment of Conveyancers Licensing Act 2003 No 3

Schedule 7[2] provides that a disqualified person within the meaning of the *Legal Profession Uniform Law (NSW)* is a disqualified person for the *Conveyancers Licensing Act 2003* (the ***CL Act***).

Schedule 7[3] provides for the variation of conditions of a licence under the CL Act.

Schedule 7[4] inserts proposed Part 2, Division 4 into the CL Act, which contains provisions relating to the cancellation of licences.

Proposed section 18A inserts definitions of ***cancelled licence*** and ***former licensee***. **Schedule 7[1]** makes consequential amendments to define certain terms used in the CL Act, proposed Part 2, Division 4.

Proposed section 18B allows the Secretary to make a cancellation order for a licence in certain circumstances. The cancellation order must be given to a licensee.

Proposed section 18C allows the Secretary to make a restoration order to restore a cancelled licence, if the Secretary is satisfied that the cancelled licence should be restored. A restoration order may be made on application by the person who held the licence or as the Secretary thinks fit.

Schedule 7[5] provides that, when disqualifying a person from being involved in the direction, management or conduct of a conveyancing business under the CL Act, section 133, the Secretary may disqualify the person permanently or for a specified period.

Schedule 8 Amendment of Design and Building Practitioners Act 2020 No 7

Schedule 8 authorises the making of regulations to exempt persons or works from provisions of the *Design and Building Practitioners Act 2020*.

Schedule 9 Amendment of Duties Act 1997 No 123

Schedule 9 removes a cross-reference, made redundant by Schedule 11[3], and amends the *Duties Act 1997*, section 104D(2) so that the reference to “loose-fill asbestos insulation” has the same meaning as if the cross-reference was not made redundant by Schedule 11[3].

Schedule 10 Amendment of Fair Trading Act 1987 No 68

Schedule 10[3] inserts proposed Part 5, Division 2A into the *Fair Trading Act 1987*, which provides for the cancellation of commercial agent licences.

Proposed section 60EB allows the Secretary to make a cancellation order for a commercial agent licence in certain circumstances. The cancellation order must be given to a licensee.

Proposed section 60EC allows the Secretary to make a restoration order for a cancelled commercial agent licence if the Secretary is satisfied the cancelled commercial agent licence should be restored. A restoration order may be made on application by the person who held the commercial agent licence or as the Secretary thinks fit.

Schedule 10[1] and [2] make consequential amendments to define certain terms used in the *Fair Trading Act 1987*, Part 5.

Schedule 11 Amendment of Home Building Act 1989 No 147

Schedule 11[1] inserts proposed section 43A into the *Home Building Act 1989* to authorise the Secretary to vary, suspend or cancel an authority if the holder of an authority is not qualified to hold the authority.

Schedule 11[2] provides for the establishment of the Building Administration Fund (the *Fund*) in the Special Deposits Account. The proposed section requires the Secretary to control and manage the Fund and sets out—

- (a) the amounts that must be paid into the Fund, and
- (b) the amounts that may be paid from the Fund.

Schedule 11[3] omits Part 8, Division 1A, relating to residential premises affected by loose-fill asbestos insulation.

Schedule 11[4] contains a transitional provision consequent on Schedule 11[2].

Schedule 12 Amendment of Motor Dealers and Repairers Act 2013 No 107

Schedule 12[1] provides an additional ground for the cancellation by the Secretary of a licence under the *Motor Dealers and Repairers Act 2013*, section 22A if an application fee has not been paid by the licence holder.

Schedule 12[2] provides that the Secretary may cancel a licence if the licence holder is a corporation that has become the subject of a winding up order under the *Corporations Act 2001* of the Commonwealth, or has been voluntarily wound up, or has been deregistered under the *Corporations Act 2001* of the Commonwealth, Chapter 5A. **Schedule 12[3]** makes a consequential amendment.

Schedule 12[4] and [5] amend the *Motor Dealers and Repairers Act 2013*, section 39A to enable disciplinary action under Part 3 to be taken against an individual who is a member of a partnership, an officer of a body corporate that is a member of a partnership, or an officer of a body corporate, if the partnership or body corporate is a former licence holder.

Schedule 13 Amendment of Paintball Act 2018 No 44

Schedule 13 provides additional grounds for suspending or cancelling an authority under the *Paintball Act 2018*, section 23 if—

- (a) the permit was granted, renewed or restored due to a misrepresentation made by the holder of the permit, or
- (b) a fee for the permit has not been paid.

Schedule 14 Amendment of Pawnbrokers and Second-hand Dealers Act 1996 No 13

Schedule 14[1] defines terms used in the *Pawnbrokers and Second-hand Dealers Act 1996* (the *PSD Act*).

Schedule 14[2] inserts proposed Part 5A into the PSD Act to provide for the cancellation of a licence under the PSD Act.

Proposed section 37A defines certain terms used in the proposed part.

Proposed section 37B allows the Secretary to make a cancellation order for a licence in certain circumstances. The cancellation order must be given to a licensee.

Proposed section 37C allows the Secretary to make a restoration order for a cancelled licence if the Secretary is satisfied the cancelled licence should be restored. A restoration order may be made on application by the former licensee or as the Secretary thinks fit.

Schedule 15 Amendment of Property and Stock Agents Act 2002 No 66

Schedule 15[2] inserts proposed section 22A into the *Property and Stock Agents Act 2002* (the *PS Act*) to authorise the Secretary to amend a licence or certificate of registration under the PS Act (a *variation order*) in certain circumstances. The Secretary must give the variation order to the licensee or registered person.

Schedule 15[3] makes a consequential amendment to provide for administrative review by the Tribunal of a decision made under proposed section 22A.

Schedule 15[4] inserts proposed Part 2, Division 4 into the PS Act, which provides for the cancellation of a licence or certificate of registration under the PS Act.

Proposed section 27A defines certain terms used in the proposed division.

Proposed section 27B allows the Secretary to make a cancellation order for an authorisation in certain circumstances. The cancellation order must be given to an authorisation holder.

Proposed section 27C allows the Secretary to make a restoration order for a cancelled authorisation if the Secretary is satisfied the cancelled authorisation should be restored. A restoration order may be made on application by the person who held the authorisation or as the Secretary thinks fit.

Schedule 15[1] makes consequential amendments to define certain terms used in the PS Act, proposed Part 2, Division 4.

Schedule 15[5] repeals a redundant provision relating to the COVID-19 pandemic.

Schedule 16 Amendment of Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 No 9

Schedule 16[1] makes an amendment consequent on Schedule 11[2], which relates to the establishment of the Fund.

Schedule 16[2] provides that the information exchange provisions of the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020* apply to information that is reasonably necessary for the purposes of enabling or assisting a relevant agency to regulate or take other action in relation to—

- (a) the administration of building legislation, or

- (b) the investigation of offences against the laws of the State, the Commonwealth, or another State or Territory.

Schedule 16[3] and [4] make consequential amendments, including inserting a definition of *building legislation*.

Schedule 16[5] amends the definition of *relevant agency* to include certain Commonwealth entities to which the information exchange provisions apply.

Schedule 17 Amendment of Residential Tenancies Act 2010 No 42

Schedule 17 omits provisions made redundant by Schedule 11[3].

Schedule 18 Amendment of Retirement Villages Act 1999 No 81

Schedule 18[2] allows for the making of regulations to prescribe different information to be contained in a general inquiry document or disclosure statement.

Schedule 18[3] provides for the Secretary to approve a form of a general inquiry document or disclosure statement. **Schedule 18[1]** makes consequential amendments.

Schedule 18[4] authorises the Tribunal to make an order to vary, stay or set aside a previous order made by the Tribunal under the *Retirement Villages Act 1999*, and provides that an order may apply differently to different residents or groups of residents in certain circumstances.

Schedule 18[5] repeals redundant provisions relating to the COVID-19 pandemic.

Schedule 19 Amendment of Strata Schemes Management Act 2015 No 50

Schedule 19[2] inserts proposed section 147A into the *Strata Schemes Management Act 2015* (the *SSM Act*) to provide that the owner in a strata scheme comprising 2 lots may do certain things that an owners corporation may do for the purpose of enforcing by-laws against the owner or occupier of a lot under Part 7, Division 4.

Schedule 19[3] inserts definitions of *building product*, *relevant defect* and *vertical transportation product* for the SSM Act, Part 11, Division 3AA regarding decennial insurance. **Schedule 19[4] and [5]** make further consequential amendments. **Schedule 19[1]** makes consequential amendments to define certain terms used in the SSM Act, Part 11, Division 3AA.

Schedule 19[6] provides that a pecuniary penalty for a contravention of an order under the SSM Act is payable to the applicant for the original order or another person the Tribunal orders.

Schedule 19[7] authorises the making of regulations about the redaction of items to be made available for inspection under the SSM Act, section 182.

Schedule 20 Amendment of Strata Schemes Legislation Amendment Act 2025 No 14

Schedule 20[1] amends uncommenced provisions of the *Strata Schemes Legislation Amendment Act 2025* (the *SSL Amendment Act*) that would, if commenced, amend the SSM Act to insert proposed section 37 to allow regulations to provide for the issuing of notices to inform a member of the strata committee of an owners corporation who has failed to complete the required training. Instead, Schedule 20[1] amends the SSL Amendment Act so that the SSM Act, proposed section 37 allows the Secretary to make guidelines about a notice. **Schedule 20[2]** makes a consequential amendment.

Schedule 20[3] amends the uncommenced provisions of the SSL Amendment Act that would, if commenced, amend the *Community Land Management Act 2021* (the **CLM Act**) to insert proposed section 41 to allow regulations to provide for the issuing of notices to inform a member of the association committee of an association who has failed to complete the required training. Instead, Schedule 20[3] amends the SSL Amendment Act so that the CLM Act, proposed section 41 allows the Secretary to make guidelines about a notice. **Schedule 20[4]** makes a consequential amendment.

Schedule 21 Amendment of Swimming Pools Act 1992 No 49

Schedule 21 authorises the Secretary to delegate the exercise of the Secretary's functions under the *Swimming Pools Act 1992* to certain persons.

Schedule 22 Amendment of Tow Truck Industry Act 1998 No 111

Schedule 22 inserts proposed Part 3, Division 3A into the *Tow Truck Industry Act 1998*, which provides for the cancellation of a licence or drivers certificate.

Proposed section 40B allows the Secretary to make a cancellation order for a licence or drivers certificate in certain circumstances. The cancellation order must be given to a licensee or certified driver.

Proposed section 40C allows the Secretary to make a restoration order for a cancelled licence or drivers certificate if the Secretary is satisfied the cancelled licence or drivers certificate should be restored. A restoration order may be made on application by the person who held the cancelled licence or drivers certificate or as the Secretary thinks fit.