



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.



New South Wales

Fair Trading and Building Legislation Amendment Bill 2026

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Building and Construction Industry Security of Payment Act 1999 No 46	3
Schedule 2	Amendment of Building and Development Certifiers Act 2018 No 63	4
Schedule 3	Amendment of Building Products (Safety) Act 2017 No 69	5
Schedule 4	Amendment of Charitable Fundraising Act 1991 No 69	6
Schedule 5	Amendment of Community Gaming Act 2018 No 60	7
Schedule 6	Amendment of Community Land Management Act 2021 No 7	8
Schedule 7	Amendment of Conveyancers Licensing Act 2003 No 3	9
Schedule 8	Amendment of Design and Building Practitioners Act 2020 No 7	11
Schedule 9	Amendment of Duties Act 1997 No 123	12
Schedule 10	Amendment of Fair Trading Act 1987 No 68	13
Schedule 11	Amendment of Home Building Act 1989 No 147	14
Schedule 12	Amendment of Motor Dealers and Repairers Act 2013 No 107	16
Schedule 13	Amendment of Paintball Act 2018 No 44	17
Schedule 14	Amendment of Pawnbrokers and Second-hand Dealers Act 1996 No 13	18
Schedule 15	Amendment of Property and Stock Agents Act 2002 No 66	19

	Page	
Schedule 16	Amendment of Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 No 9	21
Schedule 17	Amendment of Residential Tenancies Act 2010 No 42	22
Schedule 18	Amendment of Retirement Villages Act 1999 No 81	23
Schedule 19	Amendment of Strata Schemes Management Act 2015 No 50	24
Schedule 20	Amendment of Strata Schemes Legislation Amendment Act 2025 No 14	26
Schedule 21	Amendment of Swimming Pools Act 1992 No 49	27
Schedule 22	Amendment of Tow Truck Industry Act 1998 No 111	28

This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Fair Trading and Building Legislation Amendment Bill 2026

No , 2026

A Bill for

An Act to amend various Acts administered by the Minister for Better Regulation and Fair Trading and related Acts; and for related purposes.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Fair Trading and Building Legislation Amendment Act 2026*.

3

2 Commencement

4

This Act commences as follows—

5

- (a) for Schedules 2, 6[1] and [3], 16[2]–[5], 18[4] and [5], 19[7], 20 and 21—on the date of assent to this Act,
- (b) otherwise—on a day or days to be appointed by proclamation.

6

7

8

Schedule 1	Amendment of Building and Construction Industry Security of Payment Act 1999 No 46	1
		2
[1] Section 4 Definitions		3
	Omit section 4(1), definition of <i>business day</i> . Insert in alphabetical order—	4
	<i>working day</i> means a day other than—	5
	(a) a Saturday, Sunday or public holiday, or	6
	(b) 27, 28, 29, 30 or 31 December.	7
[2] Sections 11(1A)(a), (1B)(a) and (1C)(b), 14(4)(b)(ii), 16(1)(b)(ii), 17(2) and (3), 20(1), 21(3)(a), 23(1), definition of “relevant date”, paragraph (a), 26(1)(a) and (3), 26A(5), 26B(3)(d) and (5), 26D(3) and 27(1) and (2)		8
		9
		10
	Omit “business days” wherever occurring. Insert instead “working days”.	11

Schedule 2	Amendment of Building and Development Certifiers Act 2018 No 63	1
		2
Section 45A		3
Insert after section 45—		4
45A	Disciplinary action against former registered certifier	5
	Disciplinary action under this part may be taken against a person who is or was a registered certifier even if the person is no longer a registered certifier when the action is taken.	6 7 8

Schedule 3	Amendment of Building Products (Safety) Act	1
	2017 No 69	2
Section 5	Building product	3
	Omit “(including any loose-fill asbestos insulation within the meaning of Division 1A of Part 8 of the <i>Home Building Act 1989</i>)” from section 5(2)(a).	4
		5

**Schedule 5 Amendment of Community Gaming Act 2018 No
60**

1

2

Section 11 Authorities to conduct gaming activities

3

Insert after section 11(7)(c)—

4

(c1) the authority was granted, renewed or restored in error,

5

(c2) the authority was granted, renewed or restored because of a
misrepresentation made by the holder,

6

7

(c3) a fee for the authority has not been paid, including if a fee is withdrawn
after being paid,

8

9

Schedule 6	Amendment of Community Land Management Act 2021 No 7	1
		2
[1]	Section 90 Interest, discounts on contributions and payment plans	3
	Omit “at a general meeting” from section 90(3).	4
[2]	Section 207 Civil penalties for contravention of orders	5
	Insert after section 207(2)—	6
	(3A) The pecuniary penalty is payable to—	7
	(a) the applicant for the original order, or	8
	(b) another person the Tribunal orders.	9
[3]	Section 233 Regulations	10
	Insert after section 233(2)(j)—	11
	(j1) the redaction of items to be made available for inspection under section 172,	12
		13

Schedule 7	Amendment of Conveyancers Licensing Act 2003	1
	No 3	2
[1] Section 3 Definitions		3
	Insert in alphabetical order—	4
	<i>cancelled licence</i> , for Part 2, Division 4—see section 18A.	5
	<i>former licensee</i> , for Part 2, Division 4—see section 18A.	6
[2] Section 10 Disqualified persons		7
	Insert after section 10(1)(p1)—	8
	(p2) is a disqualified person within the meaning of the <i>Legal Profession Uniform Law (NSW)</i> , or	9
		10
[3] Section 15A		11
	Insert after section 15—	12
15A Variation of licence conditions		13
	(1) The Secretary may amend a licence by written order (a <i>variation order</i>) given to the licensee.	14
		15
	(2) A variation order may—	16
	(a) vary conditions of the licence, or	17
	(b) add conditions to the licence, or	18
	(c) omit conditions of the licence.	19
	(3) A variation order may be made—	20
	(a) on application by a licensee, or	21
	(b) as the Secretary thinks fit.	22
	(4) A variation order takes effect—	23
	(a) 7 days after the order is given to the licensee, or	24
	(b) on a later date specified in the order.	25
	(5) This section does not apply to a special condition imposed under section 15.	26
[4] Part 2, Division 4		27
	Insert after Division 3—	28
Division 4	Cancellation of licences	29
18A Definitions		30
	In this division—	31
	<i>cancelled licence</i> means a licence cancelled under section 18B.	32
	<i>former licensee</i> , for a cancelled licence, means the person who held the licence.	33
		34
18B Cancellation of licences		35
	(1) The Secretary may cancel a licence by written order (a <i>cancellation order</i>) given to a licensee.	36
		37
	(2) The Secretary may make a cancellation order if satisfied—	38

(a)	the licence was granted, renewed or restored because of a misrepresentation made by the licensee, or	1
		2
(b)	the licence was granted, renewed or restored in error, or	3
(c)	an application fee under this Act required in connection with the licence has not been paid, including if a fee is withdrawn after being paid.	4
		5
(3)	A cancellation order takes effect on—	6
(a)	the day the order is given to the licensee, or	7
(b)	a later date specified in the order.	8
18C	Restoration of cancelled licences	9
(1)	The Secretary may restore a cancelled licence by written order (a <i>restoration order</i>) given to the former licensee.	10
		11
(2)	The Secretary may make a restoration order if satisfied the cancelled licence should be restored.	12
		13
(3)	A restoration order may be made—	14
(a)	on application by a former licensee, or	15
(b)	as the Secretary thinks fit.	16
(4)	A restoration order takes effect on—	17
(a)	the day the order is given to the former licensee, or	18
(b)	a later date specified in the order.	19
[5]	Section 133 Disciplinary action	20
	Insert “, either permanently or for a specified period” after “business” in section 133(1)(i).	21

Schedule 8	Amendment of Design and Building Practitioners Act 2020 No 7	1
		2
Section 107 Regulations		3
Omit section 107(5) and (5A). Insert instead—		4
(5) The regulations may exempt persons or works from the provisions of this Act.		5

Schedule 9 Amendment of Duties Act 1997 No 123

1

Section 104D Definitions

2

Omit “(within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*)” from section 104D(2).

3

4

Insert instead “used as ceiling insulation”.

5

Schedule 10 Amendment of Fair Trading Act 1987 No 68

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

cancelled licence, for Part 5—see section 59.

former licensee, for Part 5—see section 59.

licensee, for Part 5—see section 59.

[2] Section 59 Definitions

Insert in alphabetical order—

cancelled licence means a licence cancelled under section 60EB.

former licensee, for a cancelled licence, means the person who held the licence.

licensee means the holder of a licence.

[3] Part 5, Division 2A

Insert after Division 2—

Division 2A Cancellation of licences

60EB Cancellation of licences

- (1) The Secretary may cancel a licence by written order (a *cancellation order*) given to a licensee.
- (2) The Secretary may make a cancellation order if satisfied—
 - (a) the licence was granted, renewed or restored because of a misrepresentation made by the licensee, or
 - (b) the licence was granted, renewed or restored in error, or
 - (c) an application fee under this Act required in connection with the licence has not been paid, including if a fee is withdrawn after being paid.
- (3) A cancellation order takes effect on—
 - (a) the day the order is given to the licensee, or
 - (b) a later date specified in the order.

60EC Restoration of cancelled licences

- (1) The Secretary may restore a cancelled licence by written order (a *restoration order*) given to the former licensee.
- (2) The Secretary may make a restoration order if satisfied the cancelled licence should be restored.
- (3) A restoration order may be made—
 - (a) on application by a former licensee, or
 - (b) as the Secretary thinks fit.
- (4) A restoration order takes effect on—
 - (a) the day the order is given to the former licensee, or
 - (b) a later date specified in the order.

Schedule 11 Amendment of Home Building Act 1989 No 147

[1] Section 43A

Insert after section 43—

43A Variation, suspension or cancellation because of lack of qualification

- (1) If the holder of an authority is not qualified to hold the authority, the Secretary may give the holder a written notice to—
 - (a) vary the authority, including by removing a category of work described in the authority, or
 - (b) suspend the authority, or
 - (c) cancel the authority.
- (2) For subsection (1), a person is not qualified to hold an authority unless the person—
 - (a) for a contractor licence—has the qualifications and experience, or meets the additional standards or other requirements, required by section 20(2), or
 - (b) for a supervisor or tradesperson certificate—has the qualifications and experience, or meets the additional standards or other requirements, required by section 25(2), or
 - (c) for an owner-builder permit—has the education, training or qualifications required by section 31(2)(d).
- (3) A notice must set out the reasons for the variation, suspension or cancellation.

[2] Section 114

Omit the section. Insert instead—

114 Building Administration Fund

- (1) A Building Administration Fund (the *Fund*) is established.
- (2) The Fund is established in the Special Deposits Account.
- (3) The Secretary must control and manage the Fund.
- (4) The following must be paid into the Fund—
 - (a) a fee payable under this Act in relation to an authority,
 - (b) a fee payable under building legislation,
 - (c) an amount paid—
 - (i) as a fine or penalty for a contravention of building legislation, or
 - (ii) under a penalty notice issued under building legislation,
 - (d) money received or recouped relating to administration of the Fund,
 - (e) income from investment of the Fund,
 - (f) money directed or authorised to be paid into the Fund under this Act or another Act.
- (5) The following may be paid out of the Fund—
 - (a) money to meet the costs of administering building legislation,
 - (b) money to meet the costs of operating the scheme for resolving building disputes,

(c)	money to assist education or research relating to—	1
(i)	consumer-related issues in the building industry, or	2
(ii)	the building industry and trades subject to licensing under this Act,	3
		4
(d)	money to encourage, by subsidy or otherwise, apprenticeship in the building industry and trades subject to licensing under this Act,	5
		6
(e)	money to assist a public purpose connected with the objects of this Act,	7
(f)	money required to meet administrative expenses related to the Fund,	8
(g)	money directed or authorised to be paid from the Fund under this Act or another Act.	9
		10
(6)	The Secretary may invest money in the Fund as a GSF agency under the <i>Government Sector Finance Act 2018</i> , Part 6.	11
		12
(7)	In this section—	13
	building legislation means this Act and the following Acts, including instruments made under the Acts—	14
		15
(a)	the <i>Building and Development Certifiers Act 2018</i> ,	16
(b)	the <i>Building Products (Safety) Act 2017</i> ,	17
(c)	the <i>Design and Building Practitioners Act 2020</i> ,	18
(d)	the <i>Gas and Electricity (Consumer Safety) Act 2017</i> ,	19
(e)	the <i>Plumbing and Drainage Act 2011</i> ,	20
(f)	the <i>Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020</i> .	21
		22
[3]	Part 8, Division 1A Premises affected by loose-fill asbestos insulation	23
	Omit the division.	24
[4]	Schedule 4 Savings and transitional provisions	25
	Insert at the end of the schedule, with appropriate part and clause numbering—	26
Part	Provision consequent on enactment of Fair Trading and Building Legislation Amendment Act 2026	27
		28
	Building Administration Fund	29
(1)	The Building Administration Fund is a continuation of the former Fund.	30
(2)	All assets, rights and liabilities of the former Fund become the assets, rights and liabilities of the Building Administration Fund.	31
		32
(3)	In this clause—	33
	former Fund means the Home Building Administration Fund established under section 114 as in force immediately before the substitution of the section by the <i>Fair Trading and Building Legislation Amendment Act 2026</i> .	34
		35
		36

Schedule 12	Amendment of Motor Dealers and Repairers Act 2013 No 107	1
		2
[1]	Section 22A Revocation of licences by Secretary	3
	Omit “not).” from section 22A(1)(b). Insert instead—	4
	not), or	5
	(c) an application fee under this Act required in connection with the licence has not been paid, including if a fee is withdrawn after being paid.	6 7
[2]	Section 37 Cancellation of licence	8
	Insert after section 37(1)—	9
	(1A) The Secretary may cancel a licence if the licence holder is a corporation that has—	10 11
	(a) become the subject of a winding up order under the <i>Corporations Act 2001</i> of the Commonwealth or has been voluntarily wound up, or	12 13
	(b) been deregistered under the <i>Corporations Act 2001</i> of the Commonwealth, Chapter 5A.	14 15
[3]	Section 37(2)	16
	Omit “subsection (1)”. Insert instead “this section”.	17
[4]	Section 39A Members of partnerships or officers of bodies corporate	18
	Omit “the holder of a licence” from section 39A(1).	19
	Insert instead “a licence holder or former licence holder”.	20
[5]	Section 39A(1)	21
	Omit “holder of the licence”. Insert instead “licence holder or former licence holder”.	22

Schedule 13 Amendment of Paintball Act 2018 No 44

1

Section 23 Grounds for suspension or cancellation of a permit

2

Insert after section 23(d)—

3

- (d1) the permit was granted, renewed or restored because of a
misrepresentation made by the holder of a permit,
- (d2) a fee for the permit has not been paid, including if a fee is withdrawn
after being paid,

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Schedule 14	Amendment of Pawnbrokers and Second-hand Dealers Act 1996 No 13	1
		2
[1]	Section 3 Definitions	3
	Insert in alphabetical order in section 3(1)—	4
	<i>cancelled licence</i> , for Part 5A—see section 37A.	5
	<i>former licensee</i> , for Part 5A—see section 37A.	6
	<i>licensee</i> means the holder of a licence.	7
[2]	Part 5A	8
	Insert after Part 5—	9
	Part 5A Cancellation of licences	10
37A	Definitions	11
	In this part—	12
	<i>cancelled licence</i> means a licence cancelled under section 37B.	13
	<i>former licensee</i> , for a cancelled licence, means the person who held the licence.	14
		15
37B	Cancellation of licences	16
	(1) The Secretary may cancel a licence by written order (a <i>cancellation order</i>) given to a licensee.	17
		18
	(2) The Secretary may make a cancellation order if satisfied—	19
	(a) the licence was granted, renewed or restored because of a misrepresentation made by the licensee, or	20
		21
	(b) the licence was granted, renewed or restored in error, or	22
	(c) an application fee under this Act required in connection with the licence has not been paid, including if a fee is withdrawn after being paid.	23
		24
	(3) A cancellation order takes effect on—	25
	(a) the day the order is given to the licensee, or	26
	(b) a later date specified in the order.	27
37C	Restoration of cancelled licences	28
	(1) The Secretary may restore a cancelled licence by written order (a <i>restoration order</i>) given to the former licensee.	29
		30
	(2) The Secretary may make a restoration order if satisfied the cancelled licence should be restored.	31
		32
	(3) A restoration order may be made—	33
	(a) on application by a former licensee, or	34
	(b) as the Secretary thinks fit.	35
	(4) A restoration order takes effect on—	36
	(a) the day the order is given to the former licensee, or	37
	(b) a later date specified in the order.	38

Schedule 15	Amendment of Property and Stock Agents Act 2002 No 66	1
		2
[1]	Section 3 Definitions	3
	Insert in alphabetical order in section 3(1)—	4
	<i>authorisation</i> , for Part 2, Division 4—see section 27A.	5
	<i>authorisation holder</i> , for Part 2, Division 4—see section 27A.	6
	<i>cancelled authorisation</i> , for Part 2, Division 4—see section 27A.	7
[2]	Section 22A	8
	Insert after section 22—	9
	22A Variation of conditions	10
	(1) The Secretary may amend a licence or certificate of registration by written order (a <i>variation order</i>) given to the licensee or registered person.	11 12
	(2) A variation order may—	13
	(a) vary conditions specified in the licence or certificate of registration, or	14
	(b) add conditions to the licence or certificate of registration, or	15
	(c) omit conditions of the licence or certificate of registration.	16
	(3) A variation order may be made—	17
	(a) on application by a licensee or registered person, or	18
	(b) as the Secretary thinks fit.	19
	(4) A variation order takes effect—	20
	(a) 7 days after the order is given to the licensee or registered person, or	21
	(b) on a later date specified in the order.	22
	(5) This section does not apply to a condition imposed under section 20(2), 21 or 22.	23 24
[3]	Section 27 Administrative review by NCAT	25
	Omit “person.” from section 27(b). Insert instead—	26
	person,	27
	(c) a decision under section 22A to vary, add or omit conditions of a licence or certificate of registration.	28 29
[4]	Part 2, Division 4	30
	Insert after Division 3—	31
	Division 4 Cancellation of licences and certificates of registration	32
	27A Definitions	33
	In this division—	34
	<i>authorisation</i> means—	35
	(a) a certificate of registration, or	36
	(b) a licence.	37
	<i>authorisation holder</i> means—	38

(a)	for a certificate of registration—the registered person, or	1
(b)	for a licence—the licensee.	2
	cancelled authorisation means an authorisation cancelled under section 27B.	3
27B	Cancellation of authorisations	4
(1)	The Secretary may cancel an authorisation by written order (a cancellation order) given to the authorisation holder.	5 6
(2)	The Secretary may make a cancellation order if satisfied—	7
(a)	the authorisation was granted, renewed or restored because of a misrepresentation made by the authorisation holder, or	8 9
(b)	the authorisation was granted, renewed or restored in error, or	10
(c)	an application fee under this Act required in connection with the authorisation has not been paid, including if a fee is withdrawn after being paid, or	11 12 13
(d)	the authorisation holder is a corporation that has—	14
(i)	become the subject of a winding up order under the <i>Corporations Act 2001</i> of the Commonwealth or has been voluntarily wound up, or	15 16 17
(ii)	been deregistered under the <i>Corporations Act 2001</i> of the Commonwealth, Chapter 5A.	18 19
(3)	A cancellation order takes effect on—	20
(a)	the day the order is given to the authorisation holder, or	21
(b)	a later date specified in the order.	22
27C	Restoration of cancelled authorisations	23
(1)	The Secretary may restore a cancelled authorisation by written order (a restoration order) given to the person who held the cancelled authorisation.	24 25
(2)	The Secretary may make a restoration order if satisfied the cancelled authorisation should be restored.	26 27
(3)	A restoration order may be made—	28
(a)	on application by the person who held the cancelled authorisation, or	29
(b)	as the Secretary thinks fit.	30
(4)	A restoration order takes effect on—	31
(a)	the day the order is given to the person who held the cancelled authorisation, or	32 33
(b)	a later date specified in the order.	34
[5]	Section 232 Use of Property Services Compensation Fund to assist residential landlords and tenants suffering hardship	35 36
	Omit the section.	37

Schedule 16	Amendment of Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 No 9	1 2 3
[1] Section 6A Levy may be imposed by Secretary		4
	Omit “Home Building Administration Fund” from section 6A(5), definition of <i>Fund</i> .	5
	Insert instead “Building Administration Fund”.	6
[2] Section 65 Exchange of information		7
	Insert after section 65(1)(e)—	8
	(e1) the administration of building legislation,	9
	(e2) the investigation or prosecution of offences against the laws of the State, the Commonwealth, or another State or Territory,	10 11
[3] Section 65(2) and (5)		12
	Omit “this Act” wherever occurring. Insert instead “building legislation”.	13
[4] Section 65(7)		14
	Insert in alphabetical order—	15
	<i>building legislation</i> means this Act and the following Acts, including instruments made under the Acts—	16 17
	(a) the <i>Building and Construction Industry Security of Payment Act 1999</i> ,	18
	(b) the <i>Building and Development Certifiers Act 2018</i> ,	19
	(c) the <i>Building Products (Safety) Act 2017</i> ,	20
	(d) the <i>Design and Building Practitioners Act 2020</i> ,	21
	(e) the <i>Gas and Electricity (Consumer Safety) Act 2017</i> ,	22
	(f) the <i>Home Building Act 1989</i> ,	23
	(g) the <i>Plumbing and Drainage Act 2011</i> ,	24
	(h) the <i>Strata Schemes Management Act 2015</i> ,	25
	(i) the <i>Swimming Pools Act 1992</i> .	26
[5] Section 65(7), definition of “relevant agency”		27
	Insert after paragraph (a1)—	28
	(a2) the Australian Prudential Regulation Authority,	29
	(a3) the Australian Securities and Investments Commission,	30
	(a4) the Australian Taxation Office,	31

**Schedule 17 Amendment of Residential Tenancies Act 2010
No 42**

1

2

Section 100 Early termination without compensation to landlord

3

Omit section 100(1)(b1) and (5).

4

Schedule 18	Amendment of Retirement Villages Act 1999 No 81	1
		2
[1]	Section 18 General inquiry document and disclosure statement concerning retirement village	3
	Omit “prescribed by the regulations” wherever occurring in section 18(2)(a) and (3A)(a).	4
	Insert instead “approved by the Secretary”.	5
[2]	Section 18(3B)	6
	Omit the subsection. Insert instead—	7
	(3B) The regulations may prescribe different information to be contained in general inquiry documents or disclosure statements about—	8
	(a) different classes of general inquiry documents or disclosure statements,	9
	or	10
	(b) different circumstances in which a document or statement is provided.	11
[3]	Section 18(7)	12
	Insert after section 18(6)—	13
	(7) For this section, the Secretary approves a form of a general inquiry document or disclosure statement by publishing the form on a NSW Government website.	14
[4]	Section 128 Order of Tribunal	15
	Insert after section 128(2)—	16
	(3) An order may vary, stay or set aside a previous order made under this Act by the Tribunal.	17
	(4) An order may apply differently to different residents or groups of residents if an application is an application—	18
	(a) to which 2 or more residents of the village are parties, whether the application was made jointly by the residents or by the Residents Committee for the residents, or	19
	(b) made by the operator of the village and to which 2 or more residents are the other parties.	20
[5]	Sections 204 and 205	21
	Omit the sections.	22
		23
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		26
		27
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		29
		30
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Schedule 19 Amendment of Strata Schemes Management Act 2015 No 50

[1] Section 4 Definitions

Insert in alphabetical order in section 4(1)—

- building element*, for Part 11, Division 3AA—see section 211AA.
- building product*, for Part 11, Division 3AA—see section 211AA.
- decennial insurance*, for Part 11, Division 3AA—see section 211AA.
- DLI policy*, for Part 11, Division 3AA—see section 211AA.
- relevant defect*, for Part 11, Division 3AA—see section 211AA.
- vertical transportation product*, for Part 11, Division 3AA—see section 211AA.

[2] Section 147A

Insert after section 147—

147A Enforcement in 2-lot strata scheme

- (1) An owner in a strata scheme comprising 2 lots may do the following—
 - (a) issue a notice under section 146 as if the owner were the owners corporation,
 - (b) make an application to the Tribunal under section 147 as if the owner were the owners corporation.
- (2) This division extends to an owner as if the owner were an owners corporation.
- (3) Section 146(3) does not apply to a notice issued by an owner in accordance with subsection (1)(a).

[3] Section 211AA Definitions

Insert in alphabetical order in section 211AA(1)—

- building product* has the same meaning as in the *Building Products (Safety) Act 2017*.
- relevant defect* means—
 - (a) a defect in a building element that—
 - (i) is attributable to a failure to comply with—
 - (A) the performance requirements of the *Building Code of Australia* within the meaning of the *Environmental Planning and Assessment Act 1979*, or
 - (B) the relevant Australian Standards, or
 - (C) the relevant approved plans within the meaning of the *Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020*, and
 - (ii) causes or is likely to cause—
 - (A) damage to the building or part of the building, or
 - (B) a risk of death or serious injury to one or more persons, or
 - (b) a defect in a building product or building element that—
 - (i) is attributable to defective design, defective or faulty workmanship or defective materials, and
 - (ii) causes or is likely to cause—

(A)	the inability to inhabit or use the building or part of the building, or	1 2
(B)	the destruction of the building or part of the building, or	3
(C)	a threat of collapse of the building or part of the building, or	4 5
(c)	the use of a building product in contravention of the <i>Building Products (Safety) Act 2017</i> , or	6 7
(d)	the installation of a vertical transportation product, if the use of the product in the building causes or is likely to cause a risk of death or serious injury to one or more persons, or	8 9 10
(e)	a defect of a kind prescribed by the regulations.	11
	<i>vertical transportation product</i> means machinery installed in a building and designed to move persons, vehicles or goods and includes the following—	12 13
(a)	a lift,	14
(b)	an escalator,	15
(c)	a moving walkway,	16
(d)	parking systems and equipment.	17
[4]	Section 211AA(1), definition of “decennial insurance”	18
	Omit “serious defects” from paragraph (b). Insert instead “relevant defects”.	19
[5]	Section 211AA(1), definition of “serious defect”	20
	Omit the definition.	21
[6]	Section 247A Civil penalties for contravention of orders	22
	Insert after section 247A(2)—	23
(2A)	A pecuniary penalty is payable to—	24
(a)	the applicant for the original order, or	25
(b)	another person the Tribunal orders.	26
[7]	Section 271 Regulations	27
	Insert after section 271(2)(o)—	28
(o1)	the redaction of items to be made available for inspection under section 182,	29 30

Schedule 20	Amendment of Strata Schemes Legislation	1
	Amendment Act 2025 No 14	2
[1]	Schedule 1 Amendment of Strata Schemes Management Act 2015 No 50	3
	Omit “The regulations may provide for” from Schedule 1[8], proposed section 37(4).	4
	Insert instead “The Secretary may make guidelines about”.	5
[2]	Schedule 1[8], proposed section 37(4)(b)	6
	Omit “training within the period prescribed by the regulations”.	7
	Insert instead “training,”.	8
[3]	Schedule 2 Amendment of Community Land Management Act 2021 No 7	9
	Omit “The regulations may provide for” from Schedule 2[7], proposed section 41(4).	10
	Insert instead “The Secretary may make guidelines about”.	11
[4]	Schedule 2[7], proposed section 41(4)(b)	12
	Omit “training within the period prescribed by the regulations”.	13
	Insert instead “training,”.	14

Schedule 21	Amendment of Swimming Pools Act 1992 No 49	1
Section 39		2
Insert after section 38—		3
39 Delegation		4
The Secretary may delegate the exercise of a function of the Secretary under this Act, other than this power of delegation, to—		5
(a) a person employed in the Department, or		6
(b) a person prescribed by the regulations.		7
		8

Schedule 22	Amendment of Tow Truck Industry Act 1998 No 111	1
		2
Part 3, Division 3A		3
Insert after Division 3—		4
Division 3A	Cancellation of licences and drivers certificates	5
40B	Cancellation of licence or drivers certificate	6
(1)	The Secretary may cancel a licence or drivers certificate by written order (a <i>cancellation order</i>) given to the licensee or certified driver.	7 8
(2)	The Secretary may make a cancellation order if satisfied—	9
(a)	the licence or drivers certificate was granted, renewed or restored because of a misrepresentation made by the licensee or certified driver, or	10 11 12
(b)	the licence or drivers certificate was granted, renewed or restored in error, or	13 14
(c)	an application fee under this Act required in connection with the licence or drivers certificate has not been paid, including if a fee is withdrawn after being paid.	15 16 17
(3)	A cancellation order takes effect on—	18
(a)	the day the order is given to the licensee or certified driver, or	19
(b)	a later date specified in the order.	20
40C	Restoration of cancelled licence or drivers certificate	21
(1)	The Secretary may restore a licence or drivers certificate cancelled under section 40B by written order (a <i>restoration order</i>) given to the person who held the cancelled licence or drivers certificate.	22 23 24
(2)	The Secretary may make a restoration order if satisfied the cancelled licence or drivers certificate should be restored.	25 26
(3)	A restoration order may be made—	27
(a)	on application by the person who held the cancelled licence or drivers certificate, or	28 29
(b)	as the Secretary thinks fit.	30
(4)	A restoration order takes effect on—	31
(a)	the day the order is given to the person who held the cancelled licence or drivers certificate, or	32 33
(b)	a later date specified in the order.	34