

2026 KEY CONSTRUCTION LEGAL DEVELOPMENTS

If you work in the building and construction industry, this factsheet outlines the latest law changes that may impact your business. Recent amendments seek to protect homeowners and occupiers, prevent high-risk buildings, and ensure contractor compliance.

DBP REGULATION 2021 EXTENSION



The amendment of the *Design and Building Practitioners Regulation* will:

- delayed to **1 July 2026** following the repeal of clauses 13(1)(n), 3A and (4), which affect how Class 3 and 9c buildings are defined; and
- registered building practitioners do not need to hold insurance under the *Design and Building Practitioners Act 2020* until 30 June 2026.

Delays the expansion of the Act to cover repair, alteration and renovation work on existing Class 3 and 9c buildings until 1 July 2026.

From **1 July 2026**, all registered building practitioners in NSW must hold adequate Professional Indemnity insurance under the *Design and Building Practitioners Regulation 2021*.

LEAD-FREE PLUMBING REQUIREMENTS



From **1 May 2026**:

- new plumbing used for drinking water must use lead-free copper alloy products;
- if lead materials are used, Comcare must be notified within 7 days once the work is identified as lead risk;
- “Lead-free” means the product contains no more than 0.25% lead on average; and
- products must carry the Lead Free WaterMark to be legally installed.

PAYDAY SUPERANNUATION



From **1 July 2026**:

- employers must pay super at the same time as wages (on payday), instead of quarterly;
- super contributions must reach the employee’s fund within 7 days; and
- this also applies to sole traders who pay themselves.

PROPERTY DEVELOPER LICENSING (ACT)



The ACT Property Developer Licensing Scheme is now open, with applications available via Access Canberra. There is now a 12-month transition period to mandatory licensing.

From **1 October 2026**, you must have a property developer licence if you are involved in residential projects with 3 or more dwellings:

- applying for development approval;
- applying for a building approval, building commencement notice, or a certificate of occupancy; and
- selling or advertising the sale of residential property off-the-plan.

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SECURITY OF PAYMENT ACT CHANGES (VIC)



As of **1 September 2026**, Victoria's SOPA regime is set to undertake major reforms by:

- section 13A lets decision-makers declare notice-based time bar clauses unfair if compliance is unreasonable or not possible;
- removing "excluded amounts" and 'claimable variations' by repealing sections 10A and 10B of the SOP Act;
- removes "reference dates" and confirms early payment claims remain valid, but are treated as served on the last day of the relevant month;
- extending time limit on claiming payment from 3 to 6 months;
- limits payment terms to a maximum of 25 business days after a payment claim is made;
- excludes the Christmas shutdown period (22 December to 10 January) from the definition of a "business day";
- shortening payment timeframes (to 20 business days);
- creating fairer rules for performance security; and
- allowing adjudicators to strike down unfair time bars, with retrospective application to existing contracts.

These amendments respond to the November 2023 parliamentary inquiry into subcontractor non-payment by Victoria's Environment and Planning Committee.

CHANGES TO DBC ACT 1995 (VIC)



The *Domestic Building Contracts Amendment Act 2025* was passed in September and introduces major reforms in Victoria, commencing by no later than **1 December 2026**.

Key updates include:

- **Developer carve-out:** Narrows the DBC Act to core protections for developers, allowing more flexibility on multi-dwelling projects.
- **Stronger consumer protections:** Stops contract splitting to avoid thresholds and preserves a 5-day cooling-off period.
- **Cost escalation tightened:** Only allowed for contracts over \$1m, capped at 5%, and invalid if non-compliant.
- **Simplified contract administration:** Introduces one variation process and sets rules for progress payments.
- **Easier termination rights:** Owners can terminate if costs rise by 15%+ or delays exceed 1.5× the agreed timeframe.
- **Expanded dispute powers:** Broader powers to resolve disputes and order payments or refunds.
- **Regulatory change:** Insurance and dispute functions move to the new Building and Plumbing Commission.

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