

# NORTHERN TERRITORY OF AUSTRALIA

## BUILDING LEGISLATION AMENDMENT (CONSUMER PROTECTION) REGULATIONS 2026

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### Subordinate Legislation No. 2 of 2026

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# NORTHERN TERRITORY OF AUSTRALIA

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## Subordinate Legislation No. 2 of 2026

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### ***Building Legislation Amendment (Consumer Protection) Regulations 2026***

I, Michael Patrick Grant, Acting Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Building Act 1993*.

Responsible Minister:

J. R. BURGOYNE  
Minister for Lands, Planning and Environment

M. P. GRANT  
Acting Administrator

Date of making: 12 February 2026

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**Part 1 Preliminary matters****1 Title**

These Regulations may be cited as the *Building Legislation Amendment (Consumer Protection) Regulations 2026*.

**2 Commencement**

These Regulations commence on 30 March 2026.

**Part 2 Amendment of Building (RBI and Fidelity Fund Schemes) Regulations 2012****3 Regulations amended**

This Part amends the *Building (RBI and Fidelity Fund Schemes) Regulations 2012*.

**4 Regulation 5 amended (Residential building work and residential buildings)**

Regulation 5(2)

*omit*

\$12 000

*insert*

\$25 000

**5 Regulation 19 amended (Time for making claim)**

(1) Regulation 19(2)(b)

*omit, insert*

(b) within 90 days after the later of the following:

- (i) the day on which the beneficiary became aware, or could reasonably be expected to have become aware, of the defective guaranteed work;
- (ii) the day on which an event mentioned in section 54C(b) of the Act occurred in relation to the builder responsible for the defective guaranteed work.

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(2) Regulation 19(3)

*omit, insert*

- (3) For subregulation (2), if the later of the days mentioned in subregulation (2)(b) falls within 90 days before the end of the cover period, the cover period is extended for 90 days after that day.

**6 Regulation 32 amended (Exercise and performance of powers and duties of trustees)**

After regulation 32(1)(f)

*insert*

- (fa) not to engage in any other activity that may bring the trustee or the scheme into disrepute; and

**7 Regulation 40 amended (Making claim)**

(1) Regulation 40(1)(c)(ii)

*omit, insert*

- (ii) within 90 days after the later of the following:

- (A) the day on which the beneficiary became aware, or could reasonably be expected to have become aware, of the defective guaranteed work;
- (B) the day on which an event mentioned in section 54D(2)(b) of the Act occurred in relation to the builder responsible for the defective guaranteed work;

(2) Regulation 40(2)

*omit, insert*

- (2) For subregulation 1(c), if the later of the days mentioned in subregulation (1)(c)(ii) falls within 90 days before the end of the cover period, the cover period is extended for 90 days after that day.

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**8 Regulation 50 amended (Procedures for dealing with complaints)**

Regulation 50(1)

*omit, insert*

- (1) The scheme's trust deed must require the trustees to establish and make available information about procedures for dealing with a complaint relating to the operation of the scheme.

**9 Regulation 52 replaced**

Regulation 52

*repeal, insert*

**52 Winding-up**

- (1) The scheme's trust deed must provide for the winding-up of the scheme.
- (2) The trust deed must specify that the scheme may be wound up only if the Minister has cancelled the approval of the scheme under regulation 62 or 63.

**10 Regulation 63 replaced**

Regulation 63

*repeal, insert*

**63 Cancellation of approval on request**

- (1) The trustees of an approved scheme may, in writing, request the Minister to cancel the approval of the scheme.
- (2) The request must:
  - (a) be signed by all the trustees of the scheme; and
  - (b) set out the reasons for the request; and
  - (c) include a plan for the management of any scheme liabilities.
- (3) The Minister may request the trustees to provide any additional information the Minister requires to make a decision on the request.
- (4) The Minister may, in writing:
  - (a) cancel the approval; or

(b) refuse to cancel the approval, giving reasons for the refusal.

**11 Regulation 93 amended (Reporting to the Commissioner of Consumer Affairs)**

(1) Regulation 93, heading

*omit*

**the Commissioner of Consumer Affairs**

*insert*

**Commissioner**

(2) Regulation 93(1)

*omit*

of Consumer Affairs

**12 Chapter 4 inserted**

After regulation 93

*insert*

**Chapter 4 Transitional matters for Building Legislation  
Amendment (Consumer Protection)  
Regulations 2026**

**94 Definitions**

In this Chapter:

***amending Regulations*** means Part 2 of the *Building Legislation Amendment (Consumer Protection) Regulations 2026*.

***commencement*** means 30 March 2026.

**95 Application of amendments to regulation 5**

Despite the amendment of regulation 5 by the amending Regulations, that regulation, as in force immediately before the commencement, continues to apply in relation to building work that was, or is to be, carried out under a contract entered into before the commencement.

**96 Application of amendments to existing scheme**

- (1) To avoid doubt, regulations 32, 40, 50 and 52, as amended by the amending Regulations, apply in relation to a trust deed for a scheme that was approved by the Minister before the commencement (an **existing scheme**).
- (2) The trustees of an existing scheme must, within 30 days after the commencement, amend the trust deed for the scheme:
  - (a) in a manner that is consistent with regulations 32, 50 and 52, as in force after the commencement; and
  - (b) subject to paragraph (c), in a manner that is consistent with regulation 40, as in force after the commencement; and
  - (c) to provide that despite the amendments to the claim provisions, the claim provisions, as in force immediately before the deed is amended as mentioned in paragraph (b), continue to apply in relation to residential building work covered by a certificate issued before the deed is amended.
- (3) Regulation 64 does not apply in relation to the amendments mentioned in subregulation (2).
- (4) As soon as reasonably practicable after amending the trust deed in accordance with subregulation (2), the trustees of an existing scheme must give a copy of the amended trust deed to the Minister.
- (5) In this regulation:

**claim provisions** means the provisions of a trust deed that specify the matters mentioned in regulation 40.

**Part 3 Amendment of Building Regulations 1993****13 Regulations amended**

This Part amends the *Building Regulations 1993*.



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**14 Regulation 18B amended (Documents to accompany application for occupancy permit)**

Regulation 18B(1)(e)

*omit, insert*

- (e) if electrical work requiring a certificate of compliance under section 41 of the *Electrical Safety Act 2022* was carried out in conjunction with the building work – a copy of the certificate;

**15 Regulation 41E amended (Minimum value of building work)**

Regulation 41E

*omit*

\$12 000

*insert*

\$25 000

**16 Regulation 41J amended (Minimum value of building work)**

Regulation 41J

*omit*

\$12 000

*insert*

\$25 000

**17 Regulation 41P amended (Minimum value of building work)**

Regulation 41P

*omit*

\$12 000

*insert*

\$25 000

**18                      Part 21 inserted**

After regulation 56

*insert*

**Part 21                      Transitional matter for Building Legislation  
Amendment (Consumer Protection)  
Regulations 2026**

**57                      Minimum value of building work**

- (1) Despite the amendment of regulations 41E, 41J and 41P by the amending Regulations, those regulations, as in force immediately before the commencement, continue to apply in relation to building work that commenced or was carried out before the commencement.

- (2) In this section:

***amending Regulations*** means Part 3 of the *Building Legislation Amendment (Consumer Protection) Regulations 2026*.

***commencement*** means 30 March 2026.

**Part 4                      Amendment of Building (Resolution of  
Residential Building Work Disputes)  
Regulations 2012**

**19                      Regulations amended**

This Part amends the *Building (Resolution of Residential Building Work Disputes) Regulations 2012*.

**20                      Regulation 7 amended (Effective period for consumer  
guarantees)**

Regulation 7(5)

*omit, insert*

- (5) If the work mentioned in subregulation (4) is not fully completed before the day the building permit expires, the construction period ends on that day.

## **Part 5 Repeal of Regulations**

### **21 Repeal of Regulations**

These Regulations are repealed on the day after they commence.