

Pending repeal of the Design & Building Practitioners Act 2020 | Get advice on maintaining your duty of care rights

New legislation passed by the New South Wales government will change the framework for resolving disputes concerning construction work, particularly construction work in relation to residential apartments. The Building (Approvals and Practitioners) Bill 2026 has been passed by the New South Wales government and is expected to commence later this year as the Building (Approvals and Practitioners) Act 2026. The primary issues are:

- Although this article is concerned with civil liability for defective building work, the bill essentially replaces the Design and Building Practitioners Act 2020 and contains many other important provisions, including an overhaul of the building approval system, with a transition from construction and occupation certificates to building and occupation approvals, registration and regulation of building practitioners, as well as significant changes to the role of private certifiers.
- The bill carries over the duty of care imposed on construction professionals under the DBPA, with only cosmetic changes. However, there have been amendments to the definition of “construction work”, potentially exposing additional work and persons performing work to actions and necessitating persons performing construction work or having it performed for them considering whether these changes impact on their contracts.

The bill amends a number of other acts, including amendment of the Residential Apartment Buildings (Compliance and Enforcement Powers) Act 2020 to provide for regulations to establish a statutory dispute resolution scheme by 31 December 2026. These regulations have not yet been published, but the following observations can be made:

- It is highly likely that transitional provisions will be imposed (although this has not as yet occurred) preserving actions under the current legislation. Accordingly, persons with claims under the current legislation, who believe that they may be disadvantaged by the proposed

dispute resolution scheme, might see advantage in commencing proceedings before the new legislation commences.

For more information, click [more information](#) to read the full article.

Key takeaways

- The Building (Approvals and Practitioners) Act 2026 will replace the Design and Building Practitioners Act 2020.
- The new legislation carries over the duty of care for construction professionals with minor changes.
- There are significant amendments to the definition of 'construction work', potentially affecting more individuals and contracts.
- Transitional provisions may preserve actions under the current legislation, allowing claims to be initiated before the new law takes effect.
- A statutory dispute resolution scheme is expected to be established by December 2026.

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