

Fair Trading and Building Legislation Amendment Act 2026 / Quite a few changes / Some best not missed

The Fair Trading and Building Legislation Amendment Act 2026 received assent on 14 August 2026. The act amends a significant amount of legislation, the amendments most important to the strata sector being referenced below.

What changes have already commenced?

Some of the amendments commenced on 14 August 2026 and these include:

- Community Land Management Act 2021:
 - Amendment of Section 90(3) removing the requirement that a resolution waiving interest be at a general meeting.
 - Insertion of Section 233 (j1) permitting the regulations to specify matters which may be redacted in items made available for inspection under Section 172.
- Strata Schemes Management Act 2015 - Insertion of Section 271(2)(o1) permitting the regulations to specify matters which may be redacted in items made available for inspection under Section 182.
- Strata Schemes Legislation Amendment Act 2025 - Amendments to provisions amending the Strata Schemes Management Act 2015, effectively transferring power to specify strata committee training requirements from the regulations to the Secretary.
- Retirement Villages Act 1999 - Amendment with respect to Tribunal powers.

What future reforms are expected?

Other reforms will commence on dates to be proclaimed, including:

- Strata Schemes Management Act 2015:
 - Amendments to Section 4 and Section 211AA in relation to definitions relevant to Division 3AA, particularly "building element", "building product", "decennial insurance", "DLI policy", relevant defect" and "vertical transportation product".
 - Insertion of Section 147A regarding issue of notices on behalf of two lot schemes.
 - Insertion of Section 247(2A) providing for payment of civil penalties to the applicant for the original order or another person the Tribunal orders.

- Community Land Management Act 2021 - Amendment to Section 207 to the effect that the penalty is payable to the applicant for the original order or other person ordered by the Tribunal.
- Design and Building Practitioners Act 2020 - Amendment to Section 107 extending power under the regulations to exempt persons or works from the provisions of the act.
- Property and Stock Agents Act 2002 – amended by:
 - New Section 22A permitting the Secretary to amend a licence or certificate of registration by written variation order given to the holder, omitting, varying or adding conditions.
 - New Section 27(c) providing for administrative review by NCAT in relation to such a variation order.
 - New Division 4 in Part 2 inserting Sections 27A, 27B and 27C , essentially providing for cancellation of licenses and certificates of registration and restoration of cancelled licenses and certificates of registration in specified circumstances.
- Building and Construction Industry Security of Payment Act 1999 - concept of "Business Day" replaced with concept of "Working Day", being a day not a Saturday Sunday or public holiday or 27 to 31 December.
- Building and Development Certifiers Act 2018 - Section 45A inserted, permitting disciplinary action against a person who is no longer a registered certifier.
- Home Building Act 1989 - new Section 43A dealing with variation, suspension or cancellation of authorities.

If you are a Compliance Pack member, please click here to download the [Strata Reforms Guide](#) and [Fair Trading and Building Legislation Amendment Act 2026 Guide](#).

Key takeaways

- The Fair Trading and Building Legislation Amendment Act 2026 introduces significant changes to strata law in NSW.
- Amendments commenced on 14 August 2026, affecting various acts including the Community Land Management Act and the Strata Schemes Management Act.
- Future reforms will further amend definitions and penalties related to strata schemes and property management.
- Compliance Pack members can download additional guides related to the reforms.
- The document stresses the importance of obtaining independent legal advice regarding the changes.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

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