

Friday 28 August 2026

Amendments to the Building Act and Regulations Commencing 1 September 2026

Applicable Legislation:

Building Legislation Amendment
(Fairer Payments on Jobsites and Other Matters) Act 2025 (No. 43 of 2025)

Building Amendment
(Miscellaneous) Regulations 2026 (S.R. No. 115/2026)

Summary, Comparison and Council / MBS Briefing

Regulation changes

The amendments to the Building Regulations 2018 primarily relate to Council functions apart from Regulation 119 which is an MBS function. The following is a summary of the changes:

1. **Regulation 113A** - Requests for Adjoining Owner Details for Protection Works corrected
2. **Regulation 119** - revoked.
3. **New Reg 173A** - requires the RBS to provide councils with inspection records within 7 days of inspection.
4. **New Reg 173B** - requires Councils to provide those inspection records to the Authority upon request.
5. **Regulation 50 amended** to allow the Authority to request documents held by councils.

Ongoing reforms serve to strengthen BPC oversight of the building system including building surveyors and inspectors. This may increase requests to councils and place greater scrutiny on local building records. BPC are working to streamline processes to ensure duplicate requests for information are minimised and the requests detail the appropriate legislation under which requests are being made.

Councils are encouraged to forward any requests made by officers of the BPC which do not specify the appropriate legislation under which the request is being made to council.mbs.support@bpc.vic.gov.au to assist in continuous improvement in our processes.



1. Regulation 113A amended

What is changing?

Regulation 113A(2)(a) has been amended by inserting the word "**application**" after "permit". This **corrects** the regulation which currently refers to the requirement to provide a copy of the *building permit* with a request to council for name and address of adjoining property owner for the purposes of protection work notices. Given this process is undertaken prior to the issue of a building permit, provision of the same at the time of the request was not possible.

2. Regulation 119 Revoked

What is changing?

Regulation 119 has been removed from the regulation.

Practical effect for councils

Revocation of Regulation 119 is a result of the earlier amendment to Part 8 of the Building Act 1993 to include powers to issue Notices and Orders for condition altered land.

Council impact

- Careful consideration as to whether the circumstances referred to in the current regulation 119 Retaining walls; being that the stability of the ground on the allotment or any adjoining property has been or may be adversely affected by any excavation or filling of soil on the allotment; can be considered **condition-altered land** which is defined as:
condition-altered land means land—
 - (a) on which a building is situated; and
 - (b) the condition of which has been affected by a condition-altering event;**condition-altering event**, in relation to land, means an event or activity that fundamentally compromises the integrity and stability of the land, including—
 - (a) natural hazards such as a flood, landslide, earthquake, liquefaction and coastal erosion; and
 - (b) the construction of a retaining wall and improper disposal of waste;
- Existing procedures that reference Regulation 119 should be reviewed and updated.
- Templates, guidance notes and internal procedures should remove references to Regulation 119 where they still appear.

3. New Regulation 173A – RBS Inspection Records Must Be Given to Council

What is changing?

A Relevant Building Surveyor must provide the relevant council with a copy of every inspection record made under section 35A(1) of the Building Act within 7 days after the inspection is completed. Section 35A(1) includes inspections under section 34 (mandatory) and 35 (Inspection of building work—general powers).

Council impact

Significant increase in administrative processing of additional private building surveyor building permit documents.



Councils will need to consider how this additional function will be serviced, and it is recommended that the following be considered:

Administrative processes

- How the submission of these reports can be incorporated into current lodgement pathways, platforms or portals.
- Procedures for receiving and recording inspection records.
- Processes for linking records to property files / Section 30 lodgements for accurate record keeping.

Records management

- Storage of inspection records.
- File naming conventions.
- Ability to respond to future Authority requests to enable efficient retrieval of records.

Workload implications

Expect:

- significant increase in record volumes;
- additional scanning, indexing and filing etc;
- increase in document retrieval requests.

4. New Regulation 173B – Councils Must Give Inspection Records to the Authority

What is changing?

Councils must provide the Authority with copies of inspection records received under Regulation 173A whenever requested.

Practical effect

Councils become the statutory custodian of inspection records received from RBSs.

The Authority can request those records as part of:

- investigations;
- practitioner audits;
- compliance monitoring;
- enforcement activities.

Council impact

Councils will need to:

- maintain records in a retrievable format;
- ensure records are complete;
- respond to Authority requests.



5. Regulation 50 Amendment – Authority Can Request Documents from Councils

What is changing?

Regulation 50 previously required councils to make any documents submitted with an application for a building permit in relation to the building or land available to owners and mortgagees.

The amendment now allows the **Authority** to also request documents under this regulation.

Council impact

Unlikely to have a significant impact as the powers to request documents is already available to the Authority under section 227G of the Building Act 1993.

Act changes

The amendments to the Building Act 1993 primarily relate to Authority and RBS functions.

What is changing?

The amendment introduces new definitions, competency and registration framework relating to qualifications, experience, competency standards and criteria relating to the Registration of building surveyors and building inspectors.

The amendments also make changes to Relevant Building Surveyors responsibility to provide and Information statements to owners after issue of a building permit.

Recommended Council Actions due to the amendments commencing 1 September 2026

- ☒ Create a process for receiving RBS inspection records.
- ☒ Confirm where records will be stored.
- ☒ Develop naming/indexing standards.
- ☒ Brief Building Services staff on the new Regs 173A and 173B and correction to Reg 113A.
- ☒ Update internal procedures removing references to Reg 119.

NOTE:

The above information is provided as guidance and advice only and is not considered to be a thorough overview of all proposed amendments. Practitioners should undertake their own review of the Building Act 1993 and Building Regulations 2018 whenever amendments are made.