



A message from the
**Construction Occupations
Registrar**



Construction Note: 2026/05

June 2026

Construction notes have been developed to raise awareness and educate the building and construction industry about common issues identified on building sites and best practice approaches to address them.

The issues outlined in these notes have been identified through compliance assessment by Access Canberra, feedback from the community, legislative reform across the City and Environment Directorate. Importantly, we welcome your input, if you have come across an issue that needs clarification or to provide feedback **email us:** CAT@act.gov.au

Unauthorised Building Work and Retrospective Section 69(2B) Certificate of Occupancy Applications

The Registrar reminds industry and property owners that, under section 42 of the *Building Act 2004*, building work must not commence without a valid building approval, unless a specific exemption applies.

The Registrar is aware of instances where building work has been undertaken without approval, including situations where individuals proceed with construction while intending to rely on a later application under section 69(2B) for a certificate of occupancy. This practice is non-compliant and undermines the regulatory framework.

Under section 51 of the *Building Act 2004*, a licensed builder commits an offence if building work is carried out in contravention of section 42. This includes circumstances where:

- building work is undertaken without the required approval; or

- the statutory requirements for carrying out building work are otherwise not met.

Liability under section 51 extends to conduct involving knowledge, recklessness, or intentional non-compliance. This may apply not only to builders, but also to other responsible parties, including landowners who knowingly permit or facilitate unlawful work.

A certificate of occupancy issued under section 69(2B) does not regularise or legitimise building work that was carried out unlawfully

The Registrar has directed further investigation where circumstances have occurred and will consider investigating any evidence provided and taking appropriate compliance and enforcement action in relation to any building work carried out in breach of section 42, including where a certificate of occupancy has already been issued.

Penalties apply for offences under section 51 and may result in prosecution and disqualification from holding a licence. These sanctions will be applied where appropriate.

Homeowners and builders are strongly advised to ensure that all required approvals are obtained prior to commencing any building work. Failure to do so may result in enforcement action, including demolition, the issuance of a formal rectification order, and significant penalties.

You have received this email from the ACT Construction Occupations Registrar as our records indicate you hold a current construction occupation licence to undertake work in the ACT building and construction industry. If you do not hold a current licence, or believe you have received this email in error, please email us at: cwpl@act.gov.au to be removed from future communications or to **unsubscribe**.

   