



February 2026

Streamlining and Modernising the National Construction Code

SUBMISSION TO TREASURY

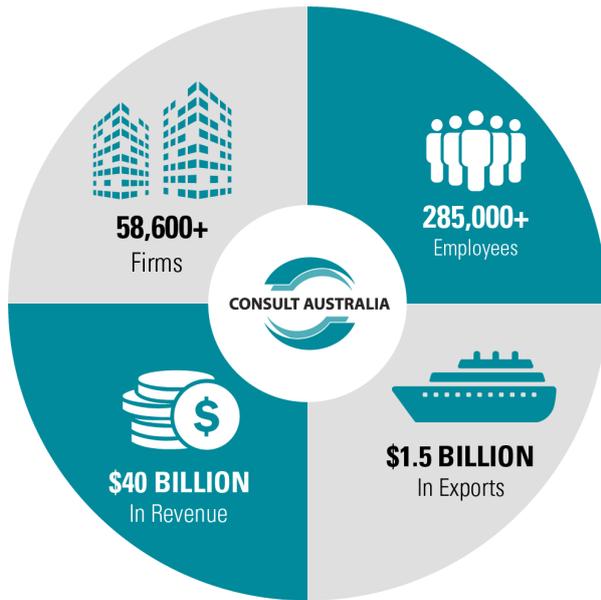
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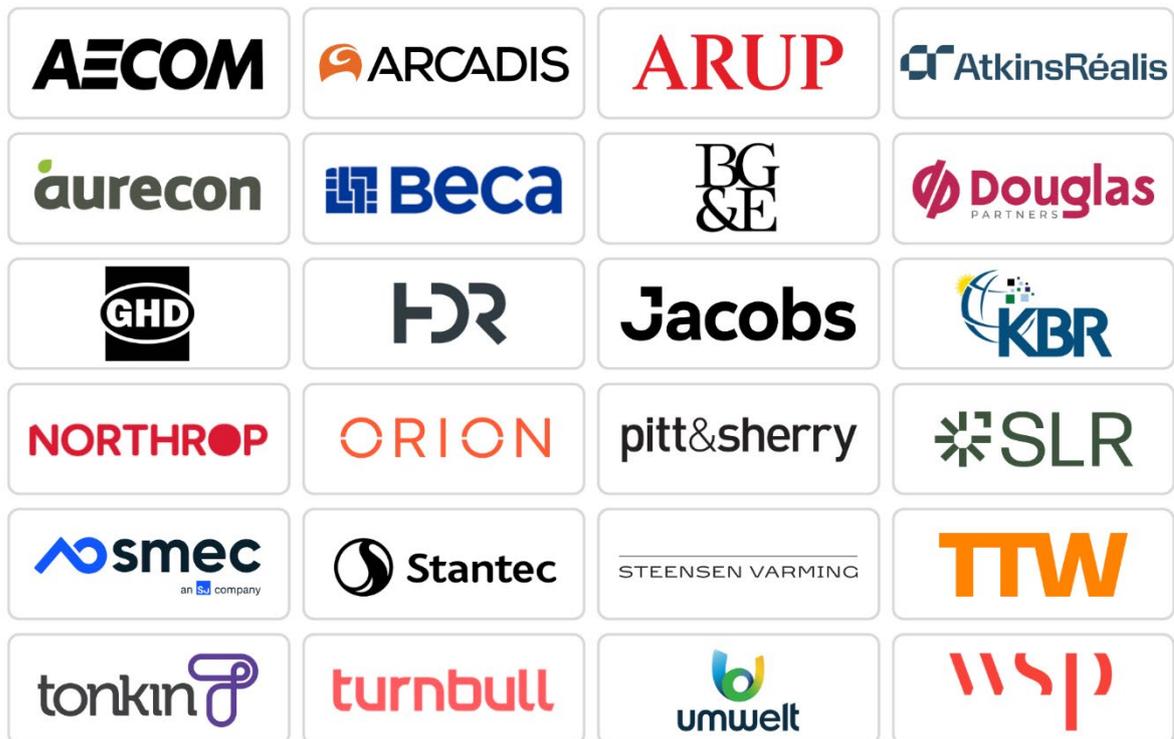
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ABOUT US

Consult Australia is the industry association representing consulting businesses in design, advisory and engineering, an industry comprised of over 58,600 businesses across Australia. This includes some of Australia’s top 500 companies and many small businesses (97%). Our members provide solutions for individual consumers through to major companies in the private sector and across all tiers of government. Our industry directly employs over 285,000 people in architectural, engineering and technical services and many more in advisory and business support. It is also a job creator for the Australian economy; the services we provide unlock many more jobs across the construction industry and the broader community.

Our members include:



A full membership list is available on our [website](#).

Executive summary

Consult Australia welcomes the opportunity to contribute to the Commonwealth Treasury's consultation on streamlining and modernising the National Construction Code (NCC). It is agreed that Australia needs a modern NCC that:

- uses technology to make the code simple to navigate
- encourages innovation and productivity across the sector
- maintains strong standards for building quality and safety.

In line with the discussion paper, Consult Australia's recommendations cover all four themes, although grouped here as changes relevant to the NCC and changes to the Australian Building Codes Board (ABCB). It is clear from member feedback that there is significant opportunity for the NCC and ABCB to support governments across Australia and the businesses that work under the NCC. However, that opportunity will not be realised if a one-size-fits-all approach is taken. There is much nuance in the application of the NCC depending on discipline and building complexity, as discussed throughout this submission.

Consult Australia's recommendations:



The NCC can be simplified, streamlined, more user-friendly while maintaining safety and quality of buildings:

- The NCC should be a risk-based framework with:
 - both the 'what' and the 'why' of requirements.
 - clarity on the roles and responsibilities of parties.
 - clarity on the importance, value and standing of the Guide to the NCC.
- The NCC should maintain an appropriate mix of performance solutions and deemed to satisfy (DtS) provisions, with:
 - an approach to building complexity that contextualises performance solutions.
 - a mechanism for commonplace performance solutions to become DtS.
 - verifications, reviews and proof engineering adding value to the process.
 - an allowance for international standards.
- The Australian Standards referenced in the NCC must be readily accessible.



The ABCB should support government implementation of the NCC to ensure a competitive industry for all businesses working to the NCC by:

- providing national leadership including determining the optimal development, introduction and roll-out of updates to the NCC.
- providing national coordination of the implementation of the NCC to ensure consistency across Australia.
- being empowered to undertake research that underpins the development of the NCC including applied research on risks, opportunities, costs and market impacts of any proposed change to the NCC.
- providing industry and community education.

NCC changes

Recommendations:

- The NCC should be a risk-based framework with:
 - both the 'what' and the 'why' of requirements.
 - clarity on the roles and responsibilities of parties.
 - clarity on the importance, value and standing of the Guide to the NCC.
- The NCC should maintain an appropriate mix of performance solutions and deemed to satisfy (DtS) provisions with:
 - an approach to building complexity that contextualises performance solutions.
 - a mechanism for commonplace performance solutions to become DtS.
 - verifications, reviews and proof engineering adding value to the process.
 - an allowance for international standards.
- The Australian Standards referenced in the NCC must be readily accessible to practitioners and businesses, this includes any digital presentation of the NCC.

Risk-based framework

Consult Australia members have discussed the benefits of the NCC being more of a risk-based framework, like workplace health and safety laws. The UK regulatory framework for buildings has also been raised as an example of a more risk-based approach.

When considering international approaches, it is noted that some codes, such as the American Concrete Institute building code requirements for structural concrete sets out both the 'what' of the regulation and the 'why' of the regulation in two columns side-by-side. Having the reasoning behind the NCC obligation (the 'why') alongside the obligation should minimise ambiguity. It would also empower clearer justifications by practitioners of how their preferred solution meets the 'why' even if there is disagreement on the interpretation of the 'what' of the requirement. Members indicate that the textbox guide on the NCC online version gives some of this 'why' to contextualise obligations, but it is not updated and not as clear as it could be.

Consult Australia members note that the NCC needs more clarity on roles and responsibilities of parties, this would help reduce delays and provide clarity and consistency across projects. For example, there should be clarity on who take carriage of the fire safety design.

The Guide to the NCC has not been updated as frequently as the NCC yet Consult Australia members, particularly fire engineers use the Guide frequently. It is therefore recommended that clarity is provided on the importance, value and standing of the Guide.

Performance solutions vs DtS

Consult Australia members are clear that a one-size-fits-all approach is inappropriate when it comes to the NCC and therefore there is a need for an appropriate mix of performance solutions and DtS requirements.

There is much nuance in the application of the NCC depending on discipline and building complexity. For example, the discipline of fire engineering is significantly different to structural engineering and there is significant risk in assuming that quantitative parameters can apply to all disciplines, in all situations, at all times.

No DtS will ever be able to capture all the latest approaches, making performance solutions an essential way for industry to innovate solutions. For example, for many years industry participants

were attempting to find a DtS for cladding, however it is not possible as there is not just one material for cladding, so solutions need to be on a case-by-case basis.

As one member representative noted when talking about the importance of performance solutions *'we adopt a lot of strategies throughout industry'*. While it is agreed that performance solutions can add cost to the process, that is the price of building flexibility. Members agree that there should be a way for commonplace performance solutions to be accepted as a DtS over time as the performance solution is repeated. This should involve industry recommendations and ABCB expertise.

There is some concern among Consult Australia members that the dominant assumption in industry is that the mere presence of a performance solution means that the building is a complex one. This is not always the case, as performance solutions can simplify things.

International jurisdictions such as Sweden have been referenced as alternative ways to proceed when there are three or more departures from DtS in a design. This approach could work in Australia, assuming there was a process in place to have commonplace performance solutions accepted as DtS. An example of how this approach would work from a fire engineering perspective, if there were three DtS departures, the design could have been proof engineered by a fire engineer.

This would have productivity and cost benefits for clients over the current approach where every performance solution needs to be tested/reviewed/verified, even if there is no safety or other significant risk arising from the performance solution. The idea of having proof engineering on complex but not simple designs is not new as it is currently the approach for bridge design.

Members suggest that Australia should be more open to international standards, including European standards as it would uplift productivity, especially from a fire safety perspective.

Australian Standards

Consult Australia, as a member of the Australian Construction Industry Forum (ACIF) agrees that Australian Standards referenced in the NCC must be freely available. Just as the NCC is made freely available, so should the standards referenced in the NCC.

Lack of free access to these standards has serious implications for the safety and quality of buildings. In the last few years, building integrity and confidence has been a major concern for the community, governments and industry. Enabling better access to Australian Standards is a practical way to address this issue and directly assist industry participants to understand and apply the standard requirements to deliver higher quality and safer buildings. Better access to standards is both readily solvable and relatively inexpensive.

Consult Australia supports the recent collaboration by Standards Australia with industry leaders to advocate for a national standards access model for the construction sector. Consult Australia recommends that as part of the modernisation of the NCC, standards be made freely accessible where they are required by the NCC.

ABCB changes

Recommendations:

- The ABCB should provide national leadership on construction related matters, including determining the optimal development, introduction and roll-out of updates to the NCC.
- The ABCB should provide national coordination of the implementation of the NCC to ensure consistency across Australia.
- The ABCB should be empowered to undertake research that underpins the development of the NCC including applied research on risks, opportunities, costs and market impacts of any proposed change to the NCC.
- The ABCB should provide industry and community education.

The Modernising the NCC project, with buy-in from state and territory Building Ministers, is a unique opportunity for the federal government to fully realise an ABCB that supports a competitive market for all businesses working to the NCC. Consult Australia discusses below key functions that are both desirable and appropriate for the ABCB.

National leadership

The ABCB is best placed to provide national leadership on construction related matters, including the optimal development, introduction and roll-out of updates to the NCC.

In providing national leadership, the ABCB should have the expertise and capability in-house to engender confidence of both the industry and governments alike. This should include 'champions' for key disciplines including structural engineering, fire engineering and fire safety.

Consult Australia members note that currently there is a lack of technical transparency at the ABCB as well as a lack of ownership of the NCC. For example, industry queries about potential issues with the NCC are not directly answered, no follow up advice is provided to industry on the issues and subsequent reviews of the NCC fail to fix the issues raised.

Coordination

The NCC is Australia's primary set of technical design and construction provisions for buildings. To ensure the consistent safety and integrity of buildings across Australia, national implementation of the NCC is vital. National consistency of the implementation of NCC requirements would also ensure businesses have certainty to operate effectively across jurisdictions.

The current jurisdiction-based implementation and roll-out of NCC updates causes confusion and fragmentation for the market. There is a need for more coordination of implementation to ensure consistency of standards across Australia. The ABCB is best placed to do this coordination with states and territories given its leadership (as above) on the NCC.

Research

The development of the NCC should be underpinned by research, including applied research on risks, opportunities, costs and market impacts of any proposed change to the NCC. The ABCB is best placed to conduct this research so that the research can inform not only the development of NCC updates, but also the coordinated timing and implementation of such updates.

Consult Australia members note a shift away over time of the ABCB doing regulatory impact reviews despite the significant benefit in a rigorous regulatory impact assessment process.

Education

Much of the industry concern about the impost of NCC implementation and roll-out is borne from the current approach to updates and limited education/involvement of industry. This could be addressed by the ABCB through leadership, coordination and research.

There will always be pressure on businesses when it comes to resources, particularly small businesses, to understand the NCC updates and how to comply with the NCC. Therefore, a key function of the ABCB should be to educate the industry to support a competitive market of businesses. This educational role could include:

- case studies demonstrating how NCC provisions apply in practice
- best practice guidelines.

Conclusion

There is significant opportunity through this project to fully realise a more risk-based and streamlined NCC along with a an ABCB that supports both governments and a competitive market for all businesses working to the NCC. However, that opportunity will not be realised if a one-size-fits-all approach is taken.

It should also be noted that it is not NCC that is the only problem to tackle. The NCC is part of the whole process of bringing a building to life. There is so much planning involved and so in addition to the recommendations set out above, governments should look to productivity uplift in the entire planning phase.

Contact

We would welcome any opportunity to further discuss the issues raised in this submission.



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Thanks to our Industry Champions

For their outstanding leadership and engagement on behalf of the industry.



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