



Australian Building Codes Board & the National Construction Code

Policy Background

- The establishment of a national building code is fundamental to the orderly operation of the residential building industry in Australia.
- The housing industry is legally required to apply the National Construction Code (NCC) including the Building Code of Australia (BCA) Volumes 1 and 2 and the Plumbing Code of Australia (PCA) to all facets of residential building construction.
- In 2015 Building Ministers agreed to make the NCC freely available in an online format and to introduce a three yearly amendment cycle from 2016.
- The Australian Building Codes Board (ABCB) engages government and industry professionals to assist in the preparation of the NCC, through the ABCB Board, the Building and Plumbing Codes Committees and the State based Building Regulation Advisory Committees (BRACs).

Policy Issues

- The 2017 ABCB Intergovernmental Agreement (IGA) highlights the objective of minimum effective regulation and seeks to introduce increased accountability through:
 - Referencing the NCC in State legislation, making variations more difficult;
 - Limiting variations to the NCC;
 - Requiring a regulation impact statement and Ministerial approval for any variations;
 - Annual reporting of variations; and
 - Requesting the States to seek similar commitments from their local governments.
- Whilst the IGA seeks to minimise inconsistent approaches to building regulations by States and Territories HIA continues to see both state and local governments introduce additional provisions that either increase or add to the NCC requirements without undertaking appropriate regulatory impact assessment.
- Local governments are acting outside the minimum standards of the NCC and also introducing ad hoc building regulations through the planning system.
- The BCA is incorrectly seen as a vehicle to resolve public policy matters which lie outside its current scope and objectives.
- The ongoing management of the NCC to incorporate new technology and to maintain 'tried and trusted' building techniques has been limited in recent years.
- In the last few years, Volume Two (Housing Provisions) of the NCC has seen the removal of a number of deemed to satisfy solutions in place of new or amended Australian Standards.
- Up until recently there has been little review or maintenance of the remaining deemed to satisfy solutions to incorporate well accepted modern building techniques and many traditional building techniques have been lost at the expense of standards.
- The IGA provides the ability for amendments outside of the three year cycle in certain circumstances.
- The ability for the building industry to get advice on the application of the NCC and standards referenced therein is limited which adds to the inconsistent interpretations across jurisdictions and local government areas.

HIA's Policy Position on the Australian Building Codes Board and the National Construction Code

1. The National Construction Code (NCC) should be considered the pre-eminent building technical code for all construction in Australia.
2. The NCC should provide minimum cost effective technical standards for the building industry as a first priority, and seek to provide nationally consistent standards wherever possible.
3. Deemed to comply and similar prescribed measures should always be available to the housing industry to reduce the compliance burden on small businesses. Deemed to comply provisions should reflect traditional construction techniques.

Role of the ABCB

4. The ABCB should support voluntary industry initiatives, which provide a mechanism to analyse and adopt industry best practice where appropriate, to address construction issues, prior to seeking to develop mandatory regulation.
5. The ABCB's role as 'gatekeeper' of the 'national' code, should ensure that state and local government variations are minimised and where necessary, subjected to a regulatory impact assessment.
6. The makeup of the ABCB Board should include domestic residential building expertise at all times.
7. All governments need to continue to provide adequate funding to the ABCB to ensure that it meets industry expectations and to allow the NCC to continue to be provided freely available (online) to all users.
8. HIA supports enhancing the role of the ABCB to be a national independent statutory authority for the development of the national code and administrative provisions, with appropriate funding, to ensure the NCC is a single national code and to remove inconsistent approaches by states and territories.

The NCC and Housing

9. The effective management and application of Volume 2 of the NCC is fundamental to the residential building industry and is an essential element in maintaining housing affordability.
10. A simple, effective and useable housing code requires ongoing, whole of government commitment, commensurate with the economic benefit that the residential building industry delivers to the Australian economy as a whole.
11. A dedicated Housing Codes Committee should be established to focus on the task of ensuring that Volume 2 of the NCC meets industry needs and expectations and provides a mechanism to:
 - a) reinstate Acceptable Construction Practices (ACPs) (i.e. 'deemed to satisfy') that have been replaced by Australian Standards over time;
 - b) monitor the relationship between ACPs and Standards;
 - c) recognise traditional construction practices and develop ACPs to reflect these; and
 - d) streamline the process to establish ACPs for new and innovative construction systems that have become 'common' industry practices.

Review of the NCC

12. The NCC should only be amended once every 3 years. Any proposed amendment before the 3 years have elapsed must be unanimously supported by all governments and the industry representatives on the ABCB Board, and be justified on exceptional circumstances where:
 - a) the failure to publish an amendment would expose the community to a significant health or safety risk; or
 - b) the text of the NCC contains significant faults or technical errors.
13. New NCC provisions and amendments to existing NCC provisions should be subject to a detailed regulation impact assessment, in accordance with COAG principles for best practice regulation.

14. The implementation of amendments to the NCC through state and territory building legislation should ensure there is a minimum 12 months transitional period provided to allow builders and consumers sufficient advice of changes and time to make necessary adjustments to building designs, particularly those already in progress at the time of a change.
15. Where changes to standards or assessment tools referenced by the NCC are undertaken by other government agencies (Federal or State), these must be subject to appropriate regulation impact assessment prior to their adoption into the NCC.

Advice on the NCC and Standards

16. The ABCB and relevant state government agencies responsible for building administration should support the development of an industry managed solution for providing clear guidance on the interpretation and application of the NCC and referenced Australian Standards to assist in removing inconsistent interpretations across jurisdictions and local government areas.