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Streamlining and Modernising the National Construction Code Recommendations

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Streamlining and Modernising the National Construction Code: Recommendations

Recommendation 1

The lessons from the ABCB review of its governance processes in 2020, following the decision by Building Ministers to introduce minimum accessible standards into the NCC, should be adopted by this inquiry into streamlining and modernising the NCC.

Recommendation 2

The experience and skill set of the ABCB should be broadened by including community, especially disability and ageing representatives, and an expert in universal design on the Board.

Recommendation 3

Effective regulation is essential to ensure that the housing industry delivers efficient, accessible and optimal outcomes for all Australians.

Recommendation 4

All changes to the National Construction Code should be supported by rigorous cost-benefit analysis, consistent with Exemplary Practice, as set out in Australian Government Guide to Policy Impact Analysis. Buildings and housing are 50-year assets and any failures to fully measure community accessibility benefits is a significant regulatory failure.

Recommendation 5

If a Consultation RIS becomes hotly contested, responsibility for the Final RIS should be allocated to an independent expert, who can assess the different arguments, in order to provide best quality advice to Ministers.

Recommendation 6

The ABCB should be given more authority over State and territory regulators in order to standardise NCC adoption, interpretation, and transition timeline across all jurisdictions to reduce regulatory uncertainty, minimise complexity and lower compliance and construction costs. This process would be facilitated if, for example, the NCC were to include key exemptions and agreed, practical national timetables, which would then provide for simultaneous flow through to state and territory building regulations.

Recommendation 7

Governments should modernise the NCC using a universal design lens.

Streamlining and Modernising the National Construction Code

Introduction

The Melbourne Disability Institute (MDI) is an interdisciplinary research Institute at the University of Melbourne. Established in 2018, our vision is: “To transform wellbeing, health, social and economic outcomes for people with disability”.

Since 2025, MDI has been the host organisation for the Centre for Universal Design Australia (CUDA). CUDA was established in 2016 and has built a track record of contribution to a much more inclusive and fairer Australia.

Together, MDI and CUDA, are committed to transforming the wellbeing, health, social and economic outcomes for people with disability through inclusive, universal design.

MDI and CUDA therefore welcome the opportunity to respond to the Discussion Paper: Streamlining and Modernising the National Construction Code.

The Minister in her Foreword states:

“We do not have enough homes, where people need them, at prices they can afford.”

To this we suggest should be added “... and which are adaptable to future as well as current needs ”

The Minister also states:

“Our vision for the NCC is a regulatory system that is simplified, easy to navigate, and cost-effective – while upholding high standards for building quality and safety.”

To this we suggest should be added “... and incorporates universal design principles”.

We also note that the terms “streamlining” and “modernising” imply that there are opportunities for improvement, with which we concur. However, at the same time, regulation of the construction industry is essential. Therefore, sitting alongside these terms should also be “fit for purpose and proportional regulation”. Our experiences with the NDIS, as set out in the *NDIS Review: Working together to deliver the NDIS – Final Report*, highlight the dangers when markets with potential for market failure are not¹.

In response to the questions in the Discussion paper, we have a number of key recommendations, reflecting our experiences since 2018 engaging with the Australian Building Codes Board (ABCB). Our engagements have been in response to reforms to the National Construction Code (NCC) to ensure that new Australian housing meets

¹ Australian Government (2023) *NDIS Review: Working together to deliver the NDIS – Final Report*. See especially pp207-217 *A new risk proportionate model for regulation of providers and workers*

minimum access standards and so are better designed to meet the needs of all Australians throughout their lifespan.

Background/Context

ABCB Review of Accessible Housing Standards

In late 2018, the Australian Building Codes Board (ABCB) put forward an Options Paper² for reform of the National Construction Code (NCC) to set minimum accessible standards for all new housing.

Since that time MDI has been working with key disability and aged care representative organisations and accessible housing and universal design experts to ensure that all new housing in Australia is future proofed and so meets minimum accessible standards. This is particularly important for the social and economic participation of people with disability. Further, with an ageing population, as forecast in the Intergenerational Report³, more accessible housing will allow Australians to achieve their clear preference to age in place for as long as possible.

In 2019 MDI, working with the Summer Foundation, provided critical economic evidence that the benefits of accessible housing would exceed the costs. We also auspiced the largest-ever survey of the accessible housing needs of Australians with disability. This research – *Accessible Housing The Way Forward*⁴ - demonstrated the economic as well as social benefits of accessible housing. Our research concluded that the benefits of accessible housing would exceed the benefits at both the Silver and Gold Livable Housing Design Standards and especially at the Silver level.

The centrepiece of this research – *Economic advice prepared to assist with responses to the Consultation Regulation Impact Statement on minimum accessibility standards for housing in the National Construction Code*⁵ – was authored by Andrew Dalton and Professor Rob Carter. It was prepared in response to the Consultation Regulatory Impact Statement (RIS) commissioned by the ABCB from the Centre for International Economics (CIE)⁶ which claimed that the costs of accessible housing exceeded the benefits. However, as demonstrated by the Dalton and Carter report, the analysis by CIE failed to fully measure all benefits, while including all costs (i.e., violated the key principle of achieving symmetry in the measurement of costs and outcomes). The CIE report also included several extreme assumptions.

² Australian Building Codes Board (2018) *Accessible Housing Project – Options Paper*

³ Australian Government, The Treasury (2023) *Intergenerational Report 2023*

⁴ Melbourne Disability Institute and Summer Foundation (August 2020) *Accessible Housing The Way Forward - Response to the Australian Building Codes Board Consultation RIS*

⁵ Dalton, A and Carter, R (August 2020) *Economic advice prepared to assist with responses to the Consultation Regulation Impact Statement on minimum accessibility standards for housing in the National Construction Code*

⁶ Centre for International Economics (2020) *Accessible Housing Consultation RIS*

We then worked closely with partner organisations through the Building Better Homes Campaign to support housing regulatory reforms. Fortunately, the Building Better Homes Campaign persuaded Ministers to introduce minimum accessible standards for all new housing into the NCC. This was in the face of the advice from the ABCB/CIE.

Governance of the ABCB

Following the decision of building ministers to introduce minimum accessible standards for new housing and the appointment of a new Chair, the ABCB undertook a review of its governance processes. The key findings from that review, which should inform streamlining and modernising the NCC, is at Attachment A.

One issue that was out of scope of the ABCB governance review was the composition of its Board, which is dominated by the building industry. The governance review recommended that a sub-committee of the Board should be established, at the same level as the Building Codes Committee and the Plumbing Codes Committee to “capture non-industry voices”. We would recommend that community, including especially disability and ageing, representatives along with an expert in universal design should be added to the ABCB skill sets, rather than relegated to a committee of the Board.

Regulation effectiveness and efficiency

Effective regulation is essential in the building industry because of the potential for market failure. The building industry, through its peak bodies, nearly always prioritises minimising building costs. At the same time, consumers are also often myopic, focusing on current not future housing needs. Yet the long-term costs of short-term decision making is high because retrofitting to improve quality or meet essential community standards is very expensive and inefficient.

Further, from an economic perspective it is important to note that while productive efficiency is important (with cost only one element of an efficient cost/output relationship), it is insufficient to achieve allocative efficiency, and that societal or overall efficiency requires the achievement of productive efficiency (supply-side concept), allocative efficiency (demand-side concept) and dynamic efficiency (time-based concept). In other words, an increase in economic efficiency improves the wellbeing of the members of the community — the ultimate goal of most policy or regulatory endeavours.

Regulatory Impact Statements – Ensuring Exemplary Practice/Best advice for Ministers

In 2025, the Queensland Productivity Commission (QPC) undertook an inquiry into Opportunities to Improve Productivity in the Construction Industry. The QPC, in their

Interim Report⁷ indicated that they believed that Queensland should roll-back mandatory minimum accessible housing standards. This recommendation was based on the Final RIS from CIE, which continued to suggest that the costs of minimum accessible housing standards would exceed the benefits⁸. In response, MDI undertook an analysis of the Final RIS from CIE. We again concluded that there were significant shortcomings in the CIE analysis and that in fact the benefits of minimum accessible housing standards in Queensland would exceed the costs⁹.

In response to the QPC Final Report¹⁰, the Queensland Government has confirmed its support for on-going mandatory standards for accessible housing.

Our experience with both the ABCB and the QPC is that official regulatory impact statements play critical and long-lasting roles in shaping advice and then informing the decisions of Ministers. They therefore must meet the Exemplary Practice standard as set out in the Australian Government Guide to Policy Impact Analysis¹¹.

Our experience also demonstrates that housing regulatory impact statements can become hotly contested. In our case after Dalton and Carter challenged the Accessible Housing Consultation RIS prepared by CIE, CIE placed most weight on their original arguments when preparing the Final RIS, rather than the counter views of Dalton and Carter. This experience suggests that, first, housing RIS must include the full social benefits, even though they can be challenging to measure, as well as all costs (i.e. the symmetry principle must be applied in full) and, second, that if a Consultation RIS becomes significantly contested by a wide range of stakeholders including credentialled academics, as it did for accessible housing, an independent third party should be engaged to assess the different analysis and prepare the Final RIS.

Lack of consistency across jurisdictions

A further significant background experience that we wish to highlight is that in relation to accessible housing, the NCC has been adopted in all jurisdictions, except NSW and WA. Therefore, approximately 50% of new housing in Australia now meets the minimum accessible housing standards, while the other one-half does not. As a result, the

⁷ Queensland Productivity Commission (2025), Interim Report, *Opportunities to Improve Productivity in the Construction Industry*

⁸ Centre for International Economics, February 2021, *Proposal to include minimum accessible standard to housing in the National Construction Code – Decision Regulation Impact Statement*

⁹ Melbourne Disability Institute (Carter, R and Bonyhady, B) (2025) *Economic advice on the ‘Net Benefit to the Community’ of the National Building Code Regulation to achieve accessible housing* (Submission 39) and Melbourne Disability Institute (Bonyhady, B, Carter, R and Wiesel, I) (October 2025) *Supplementary Submission to the Queensland Productivity Commission – Considerations of other options to Mandatory National Building Code Regulation to achieve accessible housing* (Submission 39a)

¹⁰ Queensland Productivity Commission (2025), Final Report, *Opportunities to Improve Productivity in the Construction Industry*

¹¹ Australian Government, Department of Prime Minister and Cabinet (March 2023) *Australian Government Guide to Policy Impact Analysis*

economies of scale that would accrue from consistent national standards are yet to be achieved.

Our experience is that most of the building industry, at nearly all times, only seeks to minimise costs, even if this is at the expense of future utility. Therefore, when there are changes in the NCC which increase building costs, the building industry re-prosecutes its case at the State and Territory level, to slow down and stop reform flowing through to construction on the ground.

Therefore, we recommend that the ABCB should be given more authority over State and Territory regulators in order to standardise NCC adoption, interpretation, and transition timelines across all jurisdictions. This would reduce regulatory uncertainty, minimise complexity and lower compliance and construction costs. This process would be facilitated if, for example, the NCC were to include key exemptions and agreed, practical national timetables, which would then provide for faster and simultaneous flow through to all State and Territory building regulations.

A universal design approach is good for everyone

Finally, we would suggest that the NCC would benefit from a universal design lens, rather than an accessibility lens. The ABCB chose the term ‘accessible housing’ because they considered the changes to the NCC were only for people with disability. However, the Livable Housing Design Guidelines, which underpin the NCC Standard, were developed with a universal design approach. This means the design is suited to a broad cross-section of the population from birth to later age. Consequently, features such as a level entry are good for everyone.

As the population ages, hospital stays are minimised when people can return home. Aged care at home becomes easier for occupants and care staff when the home has the basic features of the Livable Housing Design Standard.

In terms of the public built environment, access standards are based on assumptions set out in the 1990s and focus only on people aged 18-65 years with mobility impairments. It is time to review this limited and limiting perspective by adopting a universal design approach to all building design.

The Victorian Government has adopted a Whole of Government Universal Design Policy¹², followed by some local government authorities. The Queensland Roads¹³ has also adopted a universal design approach to all aspects of their work and Austroads¹⁴ has adopted a universal design approach to pedestrian planning.

¹² <https://providers.dffh.vic.gov.au/universal-design-policy-summary>

¹³ <https://www.tmr.qld.gov.au/travel-and-transport/pedestrians-and-walking/guidance-and-resources/pedestrian-and-walking-guidance-and-resources/universal-access>

¹⁴ <https://austroads.gov.au/latest-news/austroads-identifies-opportunities-to-improve-pedestrian-planning-for-agencies-and-councils-across-australasia>

As universal design has entered the built environment lexicon and practice, we propose that it is time for the governments to modernise the NCC using a universal design lens.

Summary

In summary and noting in particular the following questions in the Discussion Paper:

1. Does the current ABCB governance model work? Why or why not? What should change, if anything?
3. What is the best governance model to ensure independent quality advice is provided to Ministers as the final decision makers of the NCC and related matters?
6. How can affordability and productivity implications be better considered in the NCC process (he stopped G stop, alternative approaches to presenting regulatory impact analysis)?

MDI and CUDA make the following recommendations:

Recommendation 1

The lessons from the ABCB review of its governance processes in 2020, following the decision by Building Ministers to introduce minimum accessible standards into the NCC, should be adopted by this inquiry into streamlining and modernising the NCC.

Recommendation 2

The experience and skill set of the ABCB should be broadened by including community, especially disability and ageing representatives and an expert in universal design on the Board.

Recommendation 3

Effective regulation is essential to ensure that the housing industry delivers efficient, accessible and optimal outcomes for all Australians.

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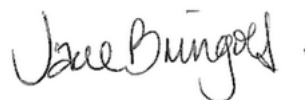
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Appendix A. Recommendations and ABCB's response

Recommendation 1: The Board develop a strategy for ensuring, where necessary, any social policy or political parameters are set, clarified or understood before technical standards are drafted.

Response: Agreed

We will continue to improve and enhance the way we support decision makers with complex policy decisions and where possible seek clarity around policy intent before standards are drafted.

Recommendation 2: The Board establish a non-technical, non-industry advisory committee, if possible, at the same governance standing as the BCC and PCC, to capture the non-industry voices and opinions of those who share the ABCB's commitment and vision of communities living in buildings that meet minimum standards of safety, health, amenity, accessibility and sustainability.

Recommendation 3: The Board with the CEO are to identify and agree on:

- (a) any remaining risks associated with the Accessible Housing Project and a plan for managing and mitigating those; and
- (b) how sensitivity testing project-specific risks and reporting should be included in the ABCB's risk management framework

Response: Agreed-in-principle

We will ensure we have effective technical and advisory input for key projects including capturing the views of people most affected by the reform and industry leaders already demonstrating better practice. Representation of users and consumers will be a priority. We have already agreed, and announced, the formation of a Livable Housing Implementation Advisory Committee and a new project implementation plan has been developed to support the work of this committee. This includes assessment of remaining implementation risks and sensitivities. In turn, we will assist, within our capacity, organisations seeking to further the objects of the ABCB and the IGA.

Recommendation 4: The Board agree on a framework for deciding when steering committees and other governance supporting structures will be established to support the Board's work.

Response: Agreed

Recommendation 5: The Board to decide whether complexity assessments and quality assurance processes are to be included in ABCB's project plans to enhance the Board's capability in overseeing and monitoring the delivery of projects

Response: Agreed

We will continue to strengthen and improve our complexity assessment and quality assurance processes in project plans, to improve monitoring and oversight by the Board.

Recommendation 6: A stakeholder engagement framework be developed to further enhance the delivery of projects like the Accessible Housing Project. Such a framework should be linked to the ABCB's strategic plan and risk management framework. It should also outline how ABCB will ensure stakeholders' submissions or ideas are acknowledged.

Response: Agreed

We have commenced work to update our Stakeholder Engagement Framework. This framework will include a Charter of Transparency and Accountability. Within this charter, we will also consider how we manage disclosure of interests, conflicts of interest and conflicts of duty.

Recommendation 7: In the interests of transparency, submissions received during a regulatory impact process will be made publicly available unless it is requested that a submission remain anonymous or confidential. Submissions will be made available in a way that enables others to see who has made a submission. Submissions should have the ability to be accessed, downloaded or read by others.

Response: Agreed

Recommendation 8: Consider how any technology, platforms or systems used by the ABCB to support a regulatory impact process can be adjusted to accommodate the Web Content Accessibility Guidelines (WCAG).

Response: Agreed

References

1. Daniel I, Lang M, Barlow C, Phibbs P, Baker E, Hamilton I. *A national roadmap for improving the building quality of Australian housing stock*. Sydney, 2024.
 2. Robertson J. *Review report: A review into the Accessible Housing Project: how the governance and processes for developing effective construction and design standards can be improved* Canberra: Board Matters Pty Ltd, 2022.
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