



CBOS
Department of Justice
30 Gordons Hill Road
Rosny Park TAS 7018

20 March 2026

By email to: cbos.info@justice.tas.gov.au

Re: Building Regulations 2016

To whom this may concern,

The Tasmanian Chapter of the Australian Institute of Architects (the Institute) thanks Consumer, Building and Occupational Services (CBOS) for the opportunity to provide input into the review of the Buildings Regulations 2016 (the Regulations). The Institute welcomes this initial consultation and the opportunity to contribute to the ongoing refinement of Tasmania's building regulatory framework.

As the Regulations form the operational layer of the Building Act 2016, their effectiveness is critical to ensuring that the system is clear, efficient, and capable of delivering safe and high-quality built outcomes. As a stakeholder engaged in Tasmania's built environment, we recognise the importance of ensuring the Regulations remain contemporary, clear, and responsive to evolving community expectations, industry capacity, and environmental challenges.

The Institute offers the following observations for consideration.

1. IMPROVE CLARITY AND REDUCE INTERPRETIVE AMBIGUITY

While the Regulations provide necessary procedural detail, there remain areas where interpretation can vary between practitioners, building surveyors, and authorities.

In particular, we note ambiguity within *Part 3, Regulation 18 – Mandatory notification stages*.

- The reference to the “responsible person for the work” lacks clarity and may be interpreted in multiple ways (e.g. contractor, architect, or engineer).

- In practice, this responsibility is generally understood to sit with the contractor; however, the current wording does not make this explicit.
- This creates potential confusion around accountability and risk.

Further, there is a disconnect between the prescribed notification stages and how construction oversight occurs in practice:

- For certain stages (e.g. footing systems, structural elements), building surveyors do not typically undertake physical inspections.
- Instead, these elements are inspected by the structural engineer, with certification provided via documentation (e.g. Form 55).
- The Regulations do not clearly reflect this established workflow.

The Institute recommends that the Regulations:

- Clarify the definition and responsibility of the “responsible person”.
- Better align notification requirements with actual site practices and professional roles.
- Explicitly recognise the role of consultant certification where it is relied upon in lieu of inspection.

Addressing this would significantly improve clarity, reduce administrative confusion, and better reflect how compliance is achieved in practice.

2. REVIEW THE EFFECTIVENESS OF THE RISK-BASED FRAMEWORK

The categorisation of building work into low, notifiable, and permit work is a key strength of the system; however, its application could be refined.

- Review whether current classifications appropriately reflect actual risk and project complexity.
- Consider whether some low or notifiable work is being unnecessarily escalated to permit-level processes in practice.
- Ensure the framework remains responsive to emerging building types and methods.

A more precise risk-based approach would improve efficiency without compromising safety.

3. STREAMLINE OCCUPANCY PERMIT AND REPORTING PROCESSES

The Regulations require multiple inputs into occupancy approvals, including fire and environmental health reporting.

- There is an opportunity to streamline these processes to reduce duplication and delays.
- Consider clearer coordination between reporting authorities and building surveyors.
- Improved digital integration of reporting and approvals would significantly improve efficiency (our members have offered significant feedback on the functionality of PlanBuild and subsequent challenges within this system).

These processes are critical but can become bottlenecks in project completion.

4. BETTER SUPPORT EXISTING BUILDINGS AND ADAPTIVE REUSE

The current framework can create challenges when applying contemporary requirements to existing buildings.

- Greater flexibility is needed in how compliance is demonstrated for alterations, upgrades, and change of use.
- The Regulations should better support adaptive reuse and incremental improvement, particularly for heritage and older building stock.
- Avoid unintended consequences where regulatory requirements discourage retention or upgrade of existing buildings.

This is particularly relevant in Tasmania, where a large proportion of the built environment is existing or heritage in nature.

5. ALIGN MORE EFFECTIVELY WITH THE NATIONAL CONSTRUCTION CODE

While the Regulations implement the NCC, there are opportunities to improve alignment.

- Reduce duplication between the Regulations and NCC provisions.
- Ensure that state-based requirements do not create unnecessary complexity or inconsistency.
- Support performance-based pathways that enable innovation.

Greater alignment would improve usability for practitioners working across jurisdictions.

6. DIGITAL MODERNISATION AND SYSTEM INTEGRATION

The Regulations could better support a contemporary, digital building approval system.

- Enable fully digital lodgement, certification, and occupancy processes.
- Improve transparency and traceability of approvals.
- Support consistent systems across councils and permit authorities.

Modernisation would improve both user experience and regulatory oversight.

7. CONSIDER INDUSTRY CAPACITY AND IMPLEMENTATION

Any amendments to the Regulations should be carefully calibrated to industry capacity.

- Ensure that new requirements are proportionate and achievable, particularly in regional areas.
- Provide adequate transition periods for significant changes.

- Avoid increasing administrative burden without clear benefit.

A well-functioning regulatory system must be both robust and deliverable in practice.

The Institute appreciate the opportunity to contribute to this initial stage of consultation and would welcome further engagement as the review progresses.

Kind regards,



Daniel Lane
President, Tasmanian Chapter
Australian Institute of Architects



Jennifer Nichols
Executive Director, Tasmanian Chapter
Australian Institute of Architects

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