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## **Re: Review of Occupational Licensing (Building Services Work) 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 Occupational Licensing (Building Services Work) Regulations 2016. The Institute welcomes this review and the collaborative approach being taken to ensure the regulatory framework remains contemporary and fit for purpose.

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.

Clear and consistent use of professional titles is an important element of consumer protection within the building regulatory framework. Consumers rely on these titles to understand the level of qualification, oversight, and accountability associated with different service providers. Where distinctions between practitioners are unclear – particularly between those subject to formal registration, competency standards, and ongoing regulatory oversight, and those who are not – there is a risk of confusion about the expertise, scope of services, and level of protection available. Ensuring that the regulatory framework clearly differentiates between practitioner roles and supports the appropriate use of protected titles such as *architect*, will help enable informed decision-making by consumers and promote confidence in the quality and accountability of services within the built environment.

These Regulations play a critical role in Tasmania's building system by prescribing what constitutes *building services work* and establishing the licensing framework for those undertaking that work. This includes building, demolition, design, assessment and certification activities, all of which must be carried out by appropriately licensed practitioners.

The Institute offers the following observations for consideration.

## 1. CLARITY OF ROLES, RESPONSIBILITIES AND LICENCE CLASSES

The Regulations rely on clearly defined licence classes and scopes of work, with practitioners only permitted to undertake work within their licensed category.

In practice, however:

- There is often overlap between roles (e.g. designers, builders, engineers and certifiers), particularly on complex projects.
- The Regulations do not always clearly articulate how responsibility is allocated where multiple licensed practitioners contribute to a single outcome.

The protection of the title *architect* is also a critical component of consumer protection within this framework. Architects are required to meet rigorous standards of education, registration, professional conduct, and ongoing competency, providing assurance to consumers regarding the quality and accountability of services. It is therefore important that the Regulations clearly reinforce the distinction between registered architects and other design practitioners, including building designers, whose qualifications, regulatory oversight, and obligations may differ. Without this clarity, there is a risk of consumer confusion regarding the level of expertise, scope of service, and professional accountability being offered.

We recommend:

- Reviewing licence classes and scopes of work to ensure they reflect contemporary project delivery models
- Providing clearer guidance on how responsibility is shared across disciplines
- Strengthening recognition and protection of the term *architect*, alongside clearer differentiation of roles within the licensing framework

Greater clarity would strengthen accountability, support informed consumer choice, and reduce gaps or duplication in responsibility.

## 2. ALIGNMENT BETWEEN LICENSING FRAMEWORK AND ACTUAL PRACTICE

Modern building delivery relies on distributed responsibility and certification.

- Structural, fire and other specialist elements are often designed and certified by consultants, rather than directly controlled by the builder or a single licence holder.

- The Regulations do not always clearly reflect this shared responsibility model, creating potential misalignment between legal responsibility and actual control.

We recommend the framework better recognise:

- The role of consultant certification in demonstrating compliance
- The practical realities of multi-disciplinary delivery

This would improve consistency between regulatory intent and real-world practice.

### 3. COMPETENCY, QUALIFICATIONS AND ONGOING OBLIGATIONS

Licensing is supported by requirements for qualifications, experience, insurance and ongoing obligations such as professional standards and codes of practice.

There is an opportunity to strengthen this by:

- Ensuring competency requirements reflect the full scope of contemporary practice, including coordination and documentation roles
- Improving clarity and consistency around ongoing competency expectations across licence types
- Supporting meaningful, practice-relevant professional development

This will help maintain confidence in practitioner capability.

### 4. WORKFORCE CAPACITY AND ACCESSIBILITY OF LICENSING PATHWAYS

Tasmania's building industry operates within a constrained labour market.

- Licensing requirements should be proportionate and achievable, particularly in regional areas
- Clear and accessible pathways into licensing are essential to support workforce sustainability
- Greater flexibility in recognising prior experience could assist, while maintaining standards

A balanced approach is needed to ensure both competence and capacity.

### 5. OWNER BUILDER PROVISIONS AND CONSUMER RISK

The Regulations include detailed provisions governing owner builders, including eligibility criteria and limits on frequency of use.

This is an important consumer protection area, and we suggest:

- Reviewing whether current thresholds and controls appropriately reflect project complexity and risk
- Ensuring owner builders are adequately supported to understand their obligations and liabilities
- Maintaining alignment with broader licensing, insurance and compliance requirements

This interface between consumer participation and regulatory oversight is critical.

## 6. PROPORTIONATE AND RISK-BASED LICENSING APPROACH

The Regulations should continue to support a risk-based approach:

- Higher-risk work should attract more stringent licensing requirements and oversight
- Lower-risk work should not be subject to unnecessary regulatory burden
- Licence categories should be reviewed to ensure they reflect actual levels of risk and complexity

This would improve efficiency while maintaining safety outcomes.

## 7. ADMINISTRATIVE EFFICIENCY AND SYSTEM USABILITY

There is an opportunity to improve the usability of the licensing system:

- Streamline application, renewal, and compliance processes
- Reduce duplication in documentation requirements
- Improve clarity of obligations for licence holders

Reducing administrative burden would benefit both practitioners and regulators.

## 8. FUTURE PROOFING THE FRAMEWORK

The Regulations should be capable of adapting to industry change.

- Consider emerging construction methods, digital delivery processes and evolving professional roles
- Ensure the framework supports innovation rather than constraining it
- Maintain flexibility to align with future changes to the NCC and broader regulatory environment

## 9. POTENTIAL GAPS IN LICENCING

These are areas where regulation can be unclear or inconsistent:

- Project managers (especially when influencing design/compliance decisions)
- Design managers
- Prefabrication / modular system designer and builder, in particular when designed and made overseas
- Building consultants (code consultants, access consultants, etc.)

The issue is these roles may influence compliance outcomes but are not always clearly regulated under licensing.

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

Kind regards,



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Australian Institute of Architects



**Jennifer Nichols**  
Executive Director, Tasmanian Chapter  
Australian Institute of Architects

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 14,000 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to [www.architecture.com.au](http://www.architecture.com.au).