

1 November 2024

Hon Felix Ellis MP  
Minister for Housing, Planning and Consumer Affairs;  
Police, Fire and Emergency Management; Skills and Training  
Level 5 Salamanca Building  
4 Salamanca Place  
HOBART TAS 7000

Via email: [felix.ellis@parliament.tas.gov.au](mailto:felix.ellis@parliament.tas.gov.au)

Dear Minister,

**RE: SUPPORT FOR CYCLICAL REVIEW OF THE NATIONAL CONSTRUCTION CODE (NCC);  
SUPPORT FOR ALL GENDER BATHROOM FACILITIES IN NCC 2025**

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation representing approximately 14,500 members across Australia and overseas. Approximately 350 of these are based in Tasmania and supported by the Tasmanian Chapter.

**Support for regular cyclical review of the NCC**

On behalf of the Chapter, I express concern following the Coalition's announcement \$5 billion housing policy<sup>1</sup>, which included a 10-year freeze on changes to the NCC to reduce unnecessary 'red tape', which mirrors a similar policy announced by the South Australian Labour Government<sup>2</sup> in August this year. I am proactively writing to highlight the importance of the cyclical review and ultimate adoption of the NCC in Australia, of which the Tasmanian Government is integral in supporting.

The NCC, which all states and territories sign up to in their building legislation and regulation, is revised every three years. It establishes a minimum requirement for all Australian buildings.

The Institute supports the cyclical review the NCC and harmonised approach to implementation in all jurisdictions.

Timely and systematic NCC adoption provides many benefits:

1. **Improved building quality and safety:**

Following the public comment draft released by the Australian Building Codes Board (ABCB)<sup>3</sup>, next year's NCC 2025 will contain important new or strengthened provisions to address:

- Condensation: to address issues of mould which can lead to serious health impacts and is often an uninsurable building defect.

<sup>1</sup> Refer ABC article dated 19/10/24: <https://www.abc.net.au/news/2024-10-19/peter-dutton-five-billion-dollar-plan-for-new-homes/104493278>

<sup>2</sup> Refer Media Release dated 02/08/24: <https://www.premier.sa.gov.au/media-releases/news-items/national-construction-code-certainty>

<sup>3</sup> Refer ABCB consultation website to read proposed draft: <https://consultation.abcb.gov.au/engagement/ncc-2025-public-comment-draft/> and the Institute's and ACA's joint submission response: [https://www.architecture.com.au/wp-content/uploads/240701\\_Aust-Inst-Arch\\_ACA\\_joint\\_2025NCC\\_Consultation.pdf](https://www.architecture.com.au/wp-content/uploads/240701_Aust-Inst-Arch_ACA_joint_2025NCC_Consultation.pdf)

- Water-proofing and water-shedding: to address prevalent problems of leaky homes and apartments - water ingress through roofs, balconies and bathrooms.
- Stronger measures to improve reliability for the predicted performance of our housing's structural requirements, fire-safety and provision charging facilities in apartment developments given Australia's rapid take-up of electric vehicles.

A study commissioned by the Australian Building Codes Board in 2021 and prepared by the Centre for International Economics<sup>4</sup> estimated the cost per annum of building defects in 2022 for class 1 and 2 buildings in Australia seen in 236,000 dwellings to be \$1.979 billion, and \$15 million in Tasmania as seen in 1,000 dwellings.

2. Lowering the cost-of-living pressures with more energy efficient buildings:

Residential buildings are responsible for around 24% of overall electricity use and more than 10% of total carbon emissions in Australia.<sup>5</sup> This means energy efficiency in residential buildings can have a significant impact on Australia's economy and the reliability of the energy grid.

Energy efficiency in buildings can reduce the need for significant government infrastructure investment, lower household energy bills, improve occupant health and comfort (particularly in a warming climate), make building stock more resilient against weather extremes and reduce carbon emissions.

We know household energy efficiency can be improved readily and simply with, in fact, improvements not only in household budgets, but in the quality of people's lives. Cyclical review of the NCC and a harmonised approach to adoption is critical in improving the cost of living for all Australians.

3. Improving productivity through standardisation:

Standardisation of designs and construction practices enables higher productivity through systemisation across the industry, including skills development and training to deliver rapid uplift in affordable housing outputs. The construction sector and supply chain operate across borders. Therefore, consistent application of the NCC rather than eight separate building codes reduces confusion and delivers a major efficiency dividend. This is crucial to deliver more houses more quickly. The Australian Building Codes Board (ABCB), the body responsible for writing and updating the NCC, has been asked by building ministers to develop needed NCC provisions for modular or off-site built housing. Any state or territory that freezes on the NCC will lock out the ability to safely deliver modular housing.

4. Certainty of investment:

The CoreLogic daily home value index continues to rise, and the 5 capital city aggregate change, year on year, is currently at 6.4%<sup>6</sup>. The rising cost of home ownership coincides with greater mortgages, elevating the priority of building-in greater longevity, resilience, durability and sustainability in Australian buildings to preserve the certainty of investment in home ownership.

Governments in all states and territories are struggling with fulfilling housing quotas. We know that the Australian government is very committed to addressing the extraordinary and unprecedented need for housing for all Australians. This should not be a decision between building more housing versus quality housing. An intelligent solution focus is

---

<sup>4</sup> Building Confidence Report - A case for intervention. Prepared for the Australian Building Codes Board July 2021 The Centre for International Economics. Sourced from:

<https://www.abcb.gov.au/sites/default/files/resources/2022/Building-confidence-report-case-intervention.pdf>

<sup>5</sup> Australian Government, Department of Climate Change, Energy, the Environment and Water - Residential buildings <https://www.dcceew.gov.au/energy/energy-efficiency/buildings/residential-buildings>

<sup>6</sup> <https://www.corelogic.com.au/our-data/corelogic-indices>

about delivering on all of these objectives without regrettable trade-offs such as building defects, dangerous mould and low energy performance which all quickly become manifest early in the life of any new home.

### **Support for all-gender facilities in NCC 2025**

Following the public comment draft released by the Australian Building Codes Board (ABCB)<sup>7</sup>, the Institute reiterates its support for the proposed NCC amendment to allow for all-gender amenities. The proposed voluntary (or opt-in) Deemed-to-Satisfy pathway will allow for an affordable alternative, with a surety of certification for many proponents who currently have to invest significant resources to provide these amenities under the performance pathway.

The amendments are proposed to address the increasing levels of discrimination experienced not only by transgender, non-binary, intersex and gender-diverse people, but also by people living with continence disabilities, and carers of children and adults<sup>8</sup>. Addressing these concerns in an all-gender manner will increase equity and inclusiveness. Discrimination on the basis of gender identity or access requirements is illegal in Australia.<sup>9</sup>

Architects are well-placed to undertake the necessary due diligence, work collaboratively with building owners/users to assess the appropriateness of the voluntary pathway and design around inclusive design principles.

Our profession has a deep commitment to the quality of the built environment in which we all live, learn, play and work. I look forward to the opportunity to continue the conversation on these issues and discuss the implications that may have across the industry, and am available to meet with you to discuss this in more detail. Please contact Jennifer Nichols, to arrange this, at your discretion.

Yours sincerely,



**Daniel Lane** RAIA  
Chapter President, Tasmania  
Australian Institute of Architects

CC: Hon Guy Barnett MP, Deputy Premier, Treasurer, Attorney-General, Minister for Justice, by email to: [guy.barnett@parliament.tas.gov.au](mailto:guy.barnett@parliament.tas.gov.au)

Executive Director, Consumer Building and Occupational Services, by email to: [cbos.executive@justice.tas.gov.au](mailto:cbos.executive@justice.tas.gov.au)

<sup>7</sup> Refer ABCB consultation website to read proposed draft: <https://consultation.abcb.gov.au/engagement/all-gender-sanitary-facilities/> and the Institute's, ACA's and Parlour's joint submission response: [https://www.architecture.com.au/wp-content/uploads/ABCB-All-gender-bathrooms\\_RAIA-ACA-Parlour.pdf](https://www.architecture.com.au/wp-content/uploads/ABCB-All-gender-bathrooms_RAIA-ACA-Parlour.pdf)

<sup>8</sup> See: Manton, J. 2021 "All Gender Toilets – We just want to go to the toilet!", Access Institute. Available online: <https://accessinstitute.com.au/all-gender-toilets-we-just-want-to-go-to-the-toilet/>, Grant-Smith D. Hewitt A and Maelorin L, QUT Centre for Justice Briefing Paper, November 2023, Issue No 41, "Managing Leaky Bodies" available: [https://blogs.qut.edu.au/crime-and-justice-research-centre/files/2023/11/Issue41\\_SanitationJustice\\_DGS-et-al.pdf](https://blogs.qut.edu.au/crime-and-justice-research-centre/files/2023/11/Issue41_SanitationJustice_DGS-et-al.pdf), and Diversity Council of Australia Inclusive Bathrooms: <https://www.dca.org.au/resources/di-planning/inclusive-bathrooms>

<sup>9</sup> *Sex Discrimination Act 1984 (Cth)* and *Disability Discrimination Act 1992 (Cth)* and state equivalent legislation.