



**Australian
Institute of
Architects**

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The Royal Australian Institute of Architects
trading as Australian Institute of Architects

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9th March 2026

Tom Kearney
Executive Director Policy & Programs
Building Commission NSW

Dear Mr Kearney

Thank you for the opportunity to provide comments on the Draft Building (Approvals and Practitioners) Bill 2026, part of the NSW Government's building reform program to improve industry productivity, modernise building approvals, and accelerate housing delivery while maintaining construction quality.

The Royal Australian Institute of Architects (NSW Chapter) values its ongoing engagement as a member of the Building Productivity Reforms Reference Group and appreciates the constructive consultation undertaken by the NSW Building Commission prior to the Bill's introduction to Parliament.

The reforms present an important opportunity to reduce duplication, provide greater clarity for practitioners, and better recognise the role of appropriately qualified professionals in delivering safe, sustainable and high-quality buildings.

The Institute welcomes continued consultation as regulations and implementation frameworks are developed.

This submission identifies key issues requiring clarification or refinement and provides recommendations to enable effective implementation of the proposed framework.

This submission responds to the following documents provided for review by Building Commission NSW;

- Draft Building (Approvals and Practitioners) Bill 2026 (NSW) Draft for feedback, Dated: 6 February 2026
- Comparison Table – Building (Approvals and Practitioners) Bill 2026, High-level comparison of the Bill with the BDC Act, DBP Act and EP&A Act
Provided: February 2026 (undated comparison document circulated with the draft Bill)



- Building Productivity Reforms – Draft Bill Briefing for Industry Reference Group.
Dated: 11 February 2026
- Industry Reference Group Meeting – Presentation, Building Commission NSW.
Dated: 11 February 2026.

1. Executive Summary

The Institute supports the intent of the Bill and its objectives to improve building quality, strengthen accountability, streamline approval pathways and enhance industry productivity.

To ensure the framework is effective, proportionate and workable in practice, this submission focuses on:

- Recognition of existing independent professional registration frameworks.
- Clarity regarding the scope and operation of regulated activities of each discipline.
- Proportionate and transparent regulatory powers and disciplinary settings.
- Practical implementation, transition and industry guidance.

Key matters are discussed in Sections 2–3, with consolidated recommendations provided in Section 4.

2. Areas of Support

2.1 Streamlined Approval Pathways

The consolidation of approval processes and integration of certification and declaration pathways has potential to reduce duplication and administrative burden while improving clarity.

2.2 Improved Coordination and Accountability

The framework presents an opportunity to strengthen coordination across complex, multidisciplinary building design and construction processes.



2.3 Greater Clarity in Staging and Variations

Improved consistency in staged approvals and variation processes would support productivity and reduce documentation risks. It is important that flexibility in staging throughout the life cycle of a project is available to recognise the inevitable changes to the construction program.

2.4 Future-Focused Regulatory Framework

The Institute supports a framework capable of adapting to emerging construction methods, including prefabrication and performance-based design approaches. Ideally both methodologies should align clearly with other legislative frameworks including the National Construction Code (NCC).

3. Priority Issues Requiring Clarification

3.1 Registration Framework, Recognition of Architects and Hierarchy of Registration

Recognition of existing professional registration arrangements will be important to ensure the framework is efficient and avoids unnecessary duplication.

Architects are subject to established independent statutory registration regimes including qualification requirements, competency assessment, continuing professional development, and professional conduct obligations. The Institute recommends that the Bill recognise the existing architectural registration under the Architects Registration Board (ARB) and reflect levels of responsibility associated with whole-of-building design coordination.

Registration as an architect involves:

- An independent, self-funded (not publicly funded), impartial and transparent registering authority (The ARB) with disciplinary powers.
- Completion of a rigorous, gated registration pathway, including:
 - Proof of qualification (minimum AQF Level 9 – Master's degree);
 - Statement of Experience.
 - Demonstrated professional experience logged against 35 defined competencies (minimum 3300 hours or two years fulltime with practical experience).
 - Successful completion of a National Professional Examination.



- Examination by Interview, conducted by 2 APE Examiners with at least 5 years practice experience as a registered practicing architect.
- Evidence of final and ongoing professional competency, including fit and proper person status, appropriate insurance (PI, PL, WC), and compliance with a Code of Conduct and Ethics.
- Ongoing Continuing Professional Development subject to audit by the ARB.
- Recognition of equivalent international licensure where registration standards are demonstrably comparable.

Given this existing regulatory framework, requiring architects to obtain additional certification as a “Registered Design Practitioner” is a duplicate registration without measurable uplift in safety or quality. It creates administrative burden, diverts resources from delivery, and increases compliance costs.

The Institute proposes that the Bill explicitly acknowledge the existing regulatory standing of architects and exempt them from any additional registration requirements. If targeted additional training modules are required (ie. Waterproofing), these could be incorporated into existing ARB CPD requirements.

The Bill should also provide for an appropriate hierarchy of registration reflecting responsibility for overall design and coordination of highly complex, technologically integrated and multidisciplinary future buildings.

The Institute supports expansion of registration to practitioners who materially influence building compliance and quality and welcomes continued discussion on recognition mechanisms and pathways, using the ARB as a proven example.

3.2 Definition and Scope of “Registered Work”

It is apparent that the concept of 'registered work' will be an important mechanism for the operation of the future Building Act, providing a threshold for certain activities to be undertaken by those that meet requirements of training and experience appropriate to them.

An effective definition of registered work for all practitioners will be essential for the proposed legislation to meet government objectives of productivity, efficiency and consumer protection. Our members have developed considerable experience of roles and capacities through their traditional role as the lead consultant on building projects, as well as through delivering projects that contain building elements under the DBPA. For



these reasons, the RAIA is well-placed to assist BCNSW in drafting definitions of registered work for the regulation.

With our help, we believe BCNSW can craft clear definitions of the categories of work that effectively note the differences between different roles and practitioners. This will help to:

- Avoid narrow definitions that miss key aspects of professional services.
- Maintain distinction between regulated compliance functions and broader services
- Avoid inefficiencies through overlapping or duplication.
- Provide certainty for professional liability and insurance.

This will be particularly prevalent for buildings that contain building elements. The declaration component of the Building Works Approval for these types of projects will operate most efficiently if there is clarity about the responsibilities of all practitioners in the value chain, avoiding duplication, overlapping declarations or inappropriate assignment of responsibility.

3.3 Building Approval Process and Implementation

The Institute supports the proposed building approval system and integration of declaration and approval pathways.

Further clarity would assist industry regarding:

- Documentation requirements across building classes with the intent to confine Regulated Design obligations to the residential classes only, reinforcing the original intent of the DBPA.
- Performance solution requirements and thresholds. We recommend that there is a dialogue with the ABCB to provide an acceptance of standard performance solutions as Deemed-to-Satisfy.
- Interaction with development consent processes.
- Approval authority roles.
- Treatment of variations and staged approvals.

Consistent guidance on staging practices will support efficient documentation management and project delivery.

The Institute is concerned that uniform compliance settings applied across projects of significantly different scale and complexity may have unintended consequences for smaller and medium-density developments. Ensuring proportionality within



implementation settings will be important to avoid unnecessary constraint on housing diversity and supply.

Offsite Construction and Offshore Manufactured Modules (MMC)

While the Bill expresses support for modern methods of construction, practitioners report that current regulatory settings are not aligned with the realities of offshore prefabrication.

In the absence of a clearly defined certification pathway for offshore manufactured modules, extensive pre-agreement processes are required. Early workshops are undertaken between all design practitioners and the certifier to determine acceptable compliance documentation. In practice, design practitioners are required to attend offshore manufacturing facilities to undertake inspections necessary to support compliance declarations for each module.

This approach is reported to be costly and administratively burdensome. However, without a defined alternative pathway or flexibility in certification wording, it is currently regarded as the only workable solution.

Practitioners also report that once modules are manufactured and shipped, rectification is often impracticable, increasing risk and driving conservative compliance practices.

A further issue concerns the definition of “building work.” Legal advice received by some practitioners suggests that module fabrication may constitute commencement of building work, triggering compliance obligations up to 12 months prior to works commencing on site. This places significant pressure on architects to complete documentation at unusually early stages, with consequential impacts on workflow, risk allocation and cashflow.

Clarification of the following would support greater certainty and reduce unnecessary cost in prefabricated housing delivery:

- Certification pathways for offshore manufactured modules.
- The definition of “building work” in the context of prefabrication.
- The appropriate timing of compliance obligations.

3.4 Procedural Fairness and Regulatory Powers

The Institute supports strong regulatory oversight to maintain confidence in the building industry. Regulatory powers should remain proportionate and consistent with procedural fairness.



The proposed Bill introduces significantly increased penalties and expands offences relating to unauthorised registered work and non-compliance.

Without clearer definitions, these penalties may apply in situations involving administrative errors or genuine uncertainty about whether work falls within “registered work”. This creates a risk of punitive outcomes where there is no intent, recklessness, or consumer harm. Confirmation is sought that:

- Registration decisions and disciplinary powers remain with the ARB.
- Review and response opportunities prior to disciplinary action will be administered by the ARB.
- Reasonable timeframes apply for warning notices.

Safeguards for investigation and enforcement powers ensure fairness and proportionality. Clear procedural safeguards will strengthen confidence in the framework.

3.5 Insurance and Liability Considerations

Without further consultation, the Bill may create unintended consequences for architects’ professional indemnity insurance, affecting availability, affordability, and scope of cover as follows:

- The introduction of “registered work”, with expanded scope creates uncertainty for insurers.
- This may lead to higher premiums, lower cover limits, broader exclusions, disproportionately affecting small and medium practices.
- A stable, and clearly defined scope of “registered work” is essential to ensure insurers can price risk accurately.

Further consultation with insurers and industry stakeholders is recommended during development of the regulations.

3.6 Implementation and Industry Transition

The reforms represent a significant change. Clear transitional arrangements, implementation guidance and education will be required support industry readiness and minimise disruption.



3.7 Matters for Further Clarification

In addition, the Institute seeks further consultation on:

- Application across building classes.
- Mutual recognition across jurisdictions.
- Methodology requirements for registered work.
- Certification processes for prefabricated building components, and offshore supply chains.

Future expansion of performance solution declaration requirements.

4. Recommendations

To support effective implementation of the Bill, the Institute recommends that the Bill or regulations:

1. Recognise existing independent professional registration frameworks under the Architects Act 2003 and avoid duplication of architects as a 'Registered Design Practitioner'.
2. Clarify the scope and limits of "registered work".
3. Distinguish regulated compliance activities from broader professional services.
4. Provide clear guidance on approval processes, including staging, variations and documentation requirements.
5. Clarify certification and declaration requirements for prefabricated and offshore manufactured building components including definition of prefabricated building components.
6. Ensure disciplinary and enforcement provisions are proportionate and procedurally fair.
7. Align statutory obligations with practitioner responsibility and control to support workable insurance arrangements.
8. Provide clear implementation guidance and transitional arrangements.
9. Continue structured consultation with industry stakeholders during regulatory development.
10. Streamline processes transferred from existing Acts to reduce unnecessary complexity and cost impacts on housing delivery and diversity.
11. Facilitate collaboration between relevant regulatory and industry stakeholders to streamline performance solution pathways and reduce reliance on performance solutions for standard practices and approved products.



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5. Conclusion

The Institute supports the intent of the proposed reforms and recognises the opportunity to improve clarity, productivity and quality outcomes across the building sector. With refinement and continued collaboration with industry, the framework has the potential to deliver a streamlined and effective regulatory system that strengthens public confidence while enabling innovation and housing delivery.

The Institute remains committed to constructive engagement with the NSW Building Commission and offers its assistance in progressing the next phase of reform. This includes contributing to refinement of the practitioner matrix, providing practical examples to inform proportional and workable implementation settings, supporting development of guidance materials for staging and approval processes, and facilitating consultation with members regarding prefabrication and insurance impacts.

We look forward to ongoing engagement as regulations and supporting instruments are developed.

Yours sincerely,

A handwritten signature in black ink, reading "Elizabeth Carpenter".

Elizabeth Carpenter

NSW Chapter President

A handwritten signature in black ink, reading "T. Dickson".

Tammy Dickson

Executive Leader, NSW