

CCA Submission on Streamlining and Modernising the National Construction Code



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**CCAA Submission
on Streamlining
and Modernising
the National
Construction Code**

Michael Kilgariff
CEO

Cement Concrete &
Aggregates Australia

PO Box 124
Mascot NSW 1460

P +61 2 9667 8310
E info@ccaa.com.au

ccaa.com.au



CCAA Submission on Streamlining and Modernising the National Construction Code

About CCAA

CCAA is the voice of the heavy construction materials industry in Australia. Our members operate cement manufacturing and distribution facilities, concrete batching plants, hard rock quarries, and sand and gravel extraction operations throughout the nation. CCAA members produce the majority of Australia's cement, concrete and aggregates, and range from large global companies to SMEs and family-operated businesses.

The industry generates approximately \$15 billion in annual revenues and employs around 30,000 Australians directly and a further 80,000 indirectly. Heavy construction materials are vital to Australia's building and construction industries and underpin the development and maintenance of Australia's physical infrastructure.



CCAA Members

FOUNDATION MEMBERS

Companies that originally formed CCAA.



MEMBERS

Companies engaged in the manufacture or supply of cement, concrete or extractive products. Currently CCAA has over 70 Ordinary Members.





ASSOCIATE MEMBERS

Entities that are directly related to the manufacture and supply of cement, concrete and extractive products - e.g. suppliers of plant and equipment, concrete admixtures & supplementary materials.



Executive summary

Cement Concrete & Aggregates Australia (CCAA) welcomes the opportunity to respond to the Treasury's Streamlining and Modernising the National Construction Code (NCC) Discussion Paper and the associated project scope.

CCAA supports reforms that reduce unnecessary regulatory burden and improve the usability of the NCC, while maintaining strong performance standards for building quality, safety, accessibility and energy efficiency - including the 7-star energy efficiency and liveable housing reforms adopted in NCC 2022.

Building Ministers have agreed to pause further residential changes to the NCC (except essential safety and quality measures) until mid-2029, following finalisation of NCC 2025.

CCAA considers this pause an opportunity to address structural issues on how the NCC is developed, referenced and implemented—particularly the interaction between the NCC and Australian Standards—so that future updates are more predictable, transparent, and easier for industry to apply.

CCAA notes that the agreed streamlining scope includes using AI to improve NCC usability, reducing regulatory burden, removing barriers to modern methods of construction (including prefab and modular), and improving how code provisions are developed and the cadence of future updates.

These themes are consistent with the project's terms of reference.

CCAA policy priorities relevant to the modernisation project

In addition to productivity and usability reforms, CCAA's policy work emphasises practical pathways to decarbonise cement, concrete and aggregates while maintaining safety, durability and structural integrity. Regulatory and standards settings can either enable or inadvertently block these pathways.

CCAA's priorities include:

- Whole-of-life carbon approaches in planning, design and procurement, including appropriate use of Environmental Product Declarations (EPDs).
- Standards reform to support lower-carbon products and innovation—for example, updates to AS 3972 *General Purpose and Blended cements* and related specifications.
- Greater reliance on performance-based specifications to enable safe use of supplementary cementitious materials (SCMs) such as fly ash and slag where available.
- Material-efficient design and construction practices that reduce total material demand without compromising performance.
- Alignment with international best practice (including learning from approaches used in the US and Europe) where it improves outcomes and reduces re-work.
- Training and information for the broader supply chain to support adoption of compliant lower-carbon materials in practice.

Recommendations

1. Use the residential pause period (post-NCC 2025 to mid-2029) to implement a principles-based, transparent change framework for the NCC, including clear criteria and governance for what constitutes an ‘essential safety and quality’ change during the pause.
2. Strengthening governance by amending the ABCB Intergovernmental Agreement to enable a long-term transition to a nationally applied law model, supported by an independent technical authority and specialist boards with appropriate industry and government representation.
3. Improve consultation and cadence by adopting a formal rule-making approach (modelled on civil aviation practice) requiring:
 - a) a published notice of intention with draft provisions and rationale; and
 - b) a notice of final rule making that responds to submissions, explains changes, and provides implementation guidance.
4. Embed accountability by ensuring any delegated NCC rule-making is subject to parliamentary scrutiny/disallowance through a nationally consistent mechanism.
5. Require that proposed changes (including guidance and referenced documents) are accompanied by quantified impacts on build time, build cost, and regulatory compliance cost wherever practicable, consistent with the project’s terms of reference.
6. Use the pause to review referenced Australian Standards with a view to:
 - a) increasing performance-based drafting;
 - b) reducing duplication/overlap with NCC provisions; and
 - c) removing prescriptive constraints that unintentionally block innovation, including lower-carbon material pathways.
7. Resolve ‘dated referencing’ problems by implementing the Register of Alternative Referenced Documents (ARD)—or an equivalent interim mechanism—so updated Australian Standards can be recognised between NCC editions, with clear communication to industry and regulators.
8. Prioritise usability reforms through a ‘digital-first’ NCC, including machine-readable content, improved cross-linking to referenced documents, plain-English explanations, and the safe use of AI tools to support tradespeople, small businesses, practitioners and households.
9. Support free, read-only public access to Australian Standards that are incorporated by reference into law, to reduce compliance costs and improve certainty.

Response aligned to the project themes

Theme 1: Governance and process

CCAA supports the objective of improving transparency and accountability in how NCC provisions are developed. Industry experience is that the current process can feel over-bureaucratic, with technical decision-making dispersed and the pathway from consultation to final drafting not always clear.

The agreed pause on residential changes until mid-2029 elevates the importance of getting governance and process settings right. During the pause, jurisdictions will still need a robust pathway for 'essential safety and quality' changes.

CCAA recommends that the exemption criteria be published and consistently applied, with a requirement for a public statement of reasons when an exemption is used and a consistent approach to transition periods.

In the medium term, CCAA considers a nationally applied law model (analogous to other national schemes) worth serious consideration. A dedicated independent technical authority, supported by specialist boards, would improve in-house capability to develop technical regulation and better separate technical drafting from broader policy considerations, while still allowing Building Ministers to set strategic direction.

To improve cadence and industry confidence, CCAA recommends a rule-making process similar to that used in civil aviation: publish draft rules with a clear rationale, then publish a final decision with a response to submissions and implementation information. This would reduce uncertainty, increase transparency, and help limit the need for jurisdictional variations.

Finally, any delegated rule-making power should be accompanied by clear accountability mechanisms, including parliamentary oversight/disallowance through a nationally consistent approach.

Theme 2: Complexity and regulatory burden

CCAA agrees with the purpose of the NCC as minimum performance regulation that enables multiple compliance pathways. However, complexity has increased over time as new layers are added and as provisions attempt to cover every possible construction scenario.

Streamlining should focus on removing duplication, ambiguity and inconsistency (including between NCC provisions and referenced standards), and on ensuring changes are supported by rigorous cost-benefit analysis, including impacts on affordability, productivity and build times.

Prescriptive requirements can unintentionally constrain innovation. Where outcomes can be specified through performance requirements, industry should be able to select the most efficient and cost-effective pathway to achieve those outcomes, without compromising safety.

Theme 3: Usability and accessibility

CCAA welcomes improvements to information architecture and search functionality, but further simplification is needed. A key opportunity is to deliver the NCC as a digital product: machine-readable, searchable, and able to provide tailored pathways based on building class, climate zone, and construction type.

The project scope contemplates integrating AI tools. CCAA supports the careful use of AI to improve usability—particularly for tradespeople and SMEs—provided that:

- a) outputs are traceable to source provisions;
- b) AI tools are positioned as decision-support, not a replacement for professional judgement; and
- c) there are safeguards against incorrect or unsafe interpretations.

CCAA also supports revisiting the presentation and structure of the NCC volumes to improve intuitive navigation. One option is to rename volumes by building type (for example, 'Housing provisions' and 'Non-housing provisions') rather than relying on volume numbering that is not intuitive to many users.

Referenced Australian Standards and 'dated referencing'

The interaction between the NCC and Australian Standards is central to both usability and regulatory burden. In practice, the NCC is often read and applied *through* the lens of referenced Standards. Where the NCC calls up standards by date-specific reference, industry can be compelled to comply with a superseded edition until a later NCC amendment updates the reference—even where the newer edition is more technically robust, clarifies ambiguities, reflects improved best practice, or addresses known issues.

This creates avoidable costs and risks, including:

- Technical lag and inhibited innovation: Firms are prevented from adopting improved provisions and clarified design/construction methods in updated editions, despite those updates often being designed to reflect contemporary engineering practice and lessons learned.

With Building Ministers having agreed to pause further residential NCC changes to mid-2029 (except essential safety and quality measures), the risks associated with dated referencing are materially amplified.

Without an interim recognition mechanism, superseded standards may remain the only compliant option for extended periods, locking in technical lag and compounding cost and confusion across the supply chain for the duration of the pause.

CCAA therefore recommends immediate implementation of the proposed Register of Alternative Referenced Documents (ARD), or an equivalent interim recognition mechanism, to allow newer editions to be used in parallel with the dated editions referenced in the NCC—subject to clear safeguards.

To ensure the ARD reduces burden rather than creating new uncertainty, CCAA further recommends the mechanism be designed so that:

- a) Essential safety and quality updates can be adopted promptly:

- A clear pathway exists to recognise updates addressing safety-critical defects, significant performance issues, and demonstrated quality risks, consistent with the “essential safety and quality” exception during the pause.
- b) The compliance pathway is unambiguous and nationally consistent:
 - Each alternative reference should specify:
 - the exact edition that is acceptable,
 - the NCC provisions/parts it relates to, and
 - whether it is optional (parallel) or effectively superseding in defined circumstances.
 - Guidance should be structured to support certifiers and regulators to apply it consistently across jurisdictions.
- c) The period where outdated standards are the only compliant option is minimised:
 - ARD should operate as a practical “bridge” between NCC editions so improved standards can be used without waiting years for an NCC cycle.
- d) The ARD is governance-strong and transparent:
 - Decisions to list (or not list) an updated standard should be made via a transparent process with published reasons and stakeholder input, consistent with the broader streamlining objective of improving governance and accountability.
- e) No dilution of performance intent:
 - Any interim recognition should preserve (or improve) the underlying performance outcomes of the NCC, and avoid introducing unintended relaxation of minimum standards.

CCAA has raised these concerns directly with Standards Australia, noting the current dated referencing approach can mandate outdated standards for extended periods, creating technical lag, regulatory inflexibility and industry confusion. (See **Attachment A**: CCAA letter to Standards Australia, 13 August 2025.)

Theme 4: Innovation and housing diversity

Decarbonisation and material pathways

CCAA supports a whole-of-life approach to carbon, including material efficiency and the broader use of Environmental Product Declarations (EPDs) to improve transparency and comparability of products.

CCAA encourages performance-based specifications that enable increased use of supplementary cementitious materials (SCMs) and other lower-carbon cement and concrete pathways, without compromising structural integrity or durability. During the pause period, governments and standards bodies should prioritise updating relevant standards (including AS 3972 and related specifications) to enable these pathways and to align with international best practice.

CCAA notes that Building Ministers have decided not to introduce voluntary embodied carbon provisions into NCC 2025, instead progressing them as guidance material.

CCAA supports the use of guidance during the pause period to build industry capability and data readiness, and recommends that any future consideration of mandatory provisions be subject to clear transition planning and quantified impacts on build costs and supply chains.

Conclusion

CCAA welcomes ongoing engagement with Treasury, the expert advisory panel, the ABCB and jurisdictions as this work progresses.

CCAA is available to provide technical input on the interaction between the NCC and construction materials standards, and on practical pathways to support productivity, safety and decarbonisation outcomes in a performance-based manner.

13 August 2025

Rod Balding
Standards Australia
Level 9, 20 Bridge Street
Sydney NSW 2000

Concerns Regarding Date-Specific Referencing of Australian Standards in the NCC

Dear Rod

I wish to formally express our concerns regarding the way the National Construction Code (NCC) references Australian Standards by specific publication dates, and the resulting implications for industry when updates to the NCC are not aligned with the release of updated Standards.

As you know, the NCC currently lists Australian Standards (including AS3600 – Concrete Structures and AS3700 – Masonry Structures) in Schedule 2 by dated reference. This approach means that, when a new edition of a referenced Standard is published, it cannot be used for compliance until the NCC itself is updated to reference that edition. Given that NCC updates occur on a fixed cycle, this creates a situation where outdated Standards may be mandated for extended periods, even when more current and technically robust versions are available.

We see several risks in this arrangement:

- **Technical Lag:** Industry is forced to apply superseded technical requirements, potentially affecting safety, performance, and innovation.
- **Regulatory Inflexibility:** The inability to adopt improved provisions in newer Standards in a timely manner limits responsiveness to emerging knowledge and best practice.
- **Industry Confusion:** Practitioners may be uncertain about whether they can apply the latest edition, particularly where other contractual or regulatory obligations reference it.

We understand that the Register of Alternative Referenced Documents (ARD) is intended to address this issue by allowing the use of newer versions in parallel with the NCC's listed versions. However, as this register is not yet live and will not take effect until the next edition of the NCC, the immediate problem remains.

We respectfully request that Standards Australia, in collaboration with the Australian Building Codes Board (ABCB), prioritise a solution that:

- Enables interim recognition of updated Standards between NCC editions.
- Ensures clarity for all stakeholders on which Standards can be used for compliance.
- Minimises the period in which outdated Standards are the only compliant option.

We believe this matter warrants urgent consideration. We would be pleased to engage in further discussion, provide industry input, and work towards a practical solution.

Thank you for your attention to this important issue. We look forward to your response.

Yours sincerely

MICHAEL KILGARIFF
Chief Executive Officer