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BUILDING AMENDMENT BILL 2026 (No. 1)

Second Reading

[12.07 p.m.]

Mr BARNETT (Lyons - Minister for Small Business, Trade and Consumer Affairs) - Deputy Speaker, I move -

That the bill be read a second time.

The Building Amendment Bill 2026 delivers on the government's commitment to freeze the adoption of changes to the National Construction Code (NCC). Our government is putting the supply of new housing at the forefront of our agenda. It is incredibly important that we remove bureaucracy and mechanisms which add unnecessary cost or complexity to building in Tasmania. This bill puts an end to the automatic adoption of new additions of the National Construction Code. Section 11 of the *Building Act 2016* requires that building work comply with the National Construction Code. The act defines the National Construction Code as the series published by the Australian Building Codes Board, as amended or substituted from time to time.

That definition means that whenever a new edition of the code is adopted at the national level, those changes automatically become law in Tasmania when the edition commences. There is no requirement for this parliament to debate that addition. The changes simply take effect here because the act provides that the code, as amended from time to time, applies.

In practical terms, each new addition of the code, including the 2025 edition, becomes part of Tasmanian law unless the act itself is amended. Because of this drafting, the building regulations cannot currently be used to implement a freeze on a new edition of the code. Attempting to do so would create a conflict with the act. As members would understand, regulations cannot override the clear words of an act of this parliament. Under the Intergovernmental Agreement, Tasmania can seek state variations to particular provisions of the code by notifying the Australian Building Codes Board. Tasmania has done so in the past. However, that mechanism operates on a provision-by-provision basis. It does not provide a clear or comprehensive way to pause or manage the commencement of a new addition of the code as a whole. That is why we have brought this bill to amend the *Building Act 2016*.

The amendments will allow the building regulations to prescribe delays, variations or non-implementation of future updates to the National Construction Code in a transparent and comprehensive way. This creates a clear statutory pathway to implement a freeze of the adoption of new versions of the code and for any adoption or variation of existing provisions

to be made via regulation. In doing so, the bill restores Tasmanian control over the timing and substance of code adoption.

Our government has led the nation in drawing a clear line against the steady layering of new regulatory requirements through successive additions of the National Construction Code. Over recent cycles, the National Construction Code has shifted from being a technical code focused on safety and structural integrity to an increasingly complex instrument that incorporates a wide array of policy objectives. Many of these objectives may be well-intentioned, but they carry real and measurable cost implications on the ground.

Red tape, whether intentional or not, slows approvals and construction, adds complexity onsite and drives up costs for Tasmanian home buyers and builders. Red tape is not an abstract concept. It manifests in additional documentation, revised designs, more expensive materials, new certification requirements, and extended timeframes for assessment and approval. Every additional requirement imposed through the code may be reflected in design fees, consultant engagement, product substitution, inspection processes and ultimately in the contract price paid by Tasmanians.

This policy and bill are a practical, targeted reform designed to protect Tasmanian home-buyers, builders and subcontractors from further cost escalation at a time when housing supply and affordability remain under sustained pressure. I'm proud that our government is leading the nation in putting a halt on new red tape and cost being added to building through constant changes to the National Construction Code. At a time when all governments should be focused on reducing the cost and barriers to building, we do not want Tasmanian builders to be lumped with new demands and costs on the say-so of federal bureaucracy or other state governments.

The federal government has acknowledged that changes to the National Construction Code add red tape and complexity. Yet even after that admission, we still have a new version of the NCC voted on by other states taking effect this year. That's why we are standing with our building industry to say we are not going to simply automatically adopt changes which other states want to the NCC, and which can add to the cost of building.

We have led the way in Tasmania alongside industry in arguing for a halt to frequent changes to the NCC which prevent or delay building, particularly housing projects, from proceeding. We have taken the right approach to reduce red tape, supporting our building industry to get more Tasmanians into homes. Our policy to freeze implementation of NCC 2025 was a clear commitment at the 2025 election, supported by the Housing Industry Association (HIA) and the Master Builders Tasmania. I acknowledge in the Chamber right today, the Executive Director of the HIA, Ben Price. We are backing the thousands of small construction businesses that are the backbone of our industry and our economy.

It is important to note that the government's position and this bill do not prevent adoption of any essential safety requirement added to the NCC in the future. Should it be assessed that adopting a particular revision is in the state's interests, and has broad support of government, industry and the community, this bill enables that decision to be made.

The bill was released for public consultation for an eight-week period, 19 November 2025 to 16 January 2026. Consumer Building and Occupational Services within the Department of Justice has also consulted directly with peak building industry bodies, the

Master Builders Tasmania and the Housing Industry Association of Tasmania. I thank them for their support for the freeze and engagement on this issue.

The bill has been amended slightly, following consultation, to incorporate the amendment regulation within the bill itself, thereby enabling the process of freezing the NCC to be more streamlined.

At a time when housing supply is central to economic stability and community wellbeing, it is incumbent on governments to ensure that regulatory settings support, rather than hinder, construction activity. This bill strikes a balanced approach: it preserves existing safety standards, it enables us to avoid unnecessary cost escalation, and it restores Tasmanian control over the timing and substance of code adoption.

I commend the bill to the House.

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