



Association of Insurance Building & Engineering Consultants

Submission – 30th January 2026

***Submission to Australian Treasury
Modernisation of the National Construction Code (NCC)***

Focus: Insurance Repair and Reinstatement Works

Introduction

The Australian Institute of Building Engineers and Consultants (AiBEC) welcomes the opportunity to provide a formal submission to the Australian Treasury in response to the discussion paper on the modernisation of the National Construction Code (NCC).

AiBEC represents professionals who routinely apply the NCC to **existing buildings**, particularly in the context of **insurance-related repair, reinstatement, and remediation works** following damage events such as fire, flood, storm, impact and structural failure. This work is commonly undertaken in constrained, time-critical environments involving legacy construction, partial damage, and pre-existing non-conforming elements.

AiBEC submits that while the NCC establishes critical minimum and mandatory safety and performance standards, its structure and application remain predominantly oriented toward **new construction** and do not adequately reflect the reality that a substantial proportion of building work in Australia relates to **existing constructed assets and built environment**.



Association of Insurance Building & Engineering Consultants

Theme 1: Usability and Accessibility

Question 1

How could the NCC be improved to make it easier to understand and use?

AiBEC submits that the NCC would benefit from clearer differentiation between **new construction** and **repair, reinstatement, and partial building works**. The absence of explicit guidance for damaged and existing buildings leads to inconsistent interpretation, disputes between stakeholders, and unnecessary cost escalation.

AiBEC recommends:

- Development of a **dedicated NCC guidance framework for repair and reinstatement works**, addressing:
 - Like-for-like reinstatement principles
 - Partial compliance and upgrade triggers
 - Treatment of pre-existing non-conforming elements
- Inclusion of **worked examples and technical case studies** relevant to common insurance damage scenarios, including fire, flood, storm, impact and subsidence.
- Clarification of commonly misinterpreted terminology, including *alteration*, *upgrade*, *affected element*, and *performance requirement*.

These measures would improve certainty, reduce disputes, and enable consistent application of the NCC in real-world repair contexts.

AiBEC Value Add:

AiBEC members regularly apply the NCC to damaged buildings under insurance conditions and can provide practical, evidence-based insight into where current NCC creates ambiguity, delay, and inconsistent outcomes.



Association of Insurance Building & Engineering Consultants

Question 2

How could the NCC better interact with regulations that sit outside the NCC (e.g. international standards and Australian Standards)?

AiBEC notes that the NCC's reliance on referenced Australian Standards presents challenges in repair and reinstatement contexts, particularly where standards are frequently updated, costly to access, or misaligned with existing building conditions.

AiBEC recommends:

- Establishment of a **clear hierarchy and precedence framework** between NCC provisions, Australian Standards, and other referenced material.
- Improved **transition guidance** when referenced standards are updated, particularly for:
 - Existing buildings
 - Ongoing insurance claims and staged reinstatement works
- Clearer pathways for demonstrating **equivalence using international standards**, especially where Australian Standards lag innovation.
- Guidance on applying contemporary standards to **legacy construction** without forcing unnecessary full upgrades where safety outcomes can otherwise be achieved.

AiBEC Value Add:

AiBEC members routinely reconcile conflicts between NCC provisions, Australian Standards, and legacy construction during reinstatement works and can identify where misalignment drives cost without commensurate safety benefit.



Association of Insurance Building & Engineering Consultants

Question 3

How do you access the NCC? Is it easy to locate and use? What would make it easier?

AiBEC acknowledges the availability of the NCC in digital format but submits that it is not optimised for task-based, practical use—particularly in field, assessment, and urgent repair scenarios.

AiBEC recommends:

- Development of a **task-based digital NCC interface**, enabling filtering by:
 - Repair versus new construction
 - Building class
 - Scope or type of damage
- Introduction of **decision trees and flowcharts** for common reinstatement scenarios.
- Enhanced search functionality and cross-linking between NCC clauses, referenced standards, and explanatory material.

AiBEC Value Add:

AiBEC members access the NCC in assessment, site, and claims-related environments and can provide practical insight into how practitioners search for, interpret, and apply requirements under time pressure.



Association of Insurance Building & Engineering Consultants

Theme 2: Innovation and Housing Diversity

Question 4

How could the NCC better incentivise innovative ways of building? Does the performance solution pathway adequately promote innovation?

AiBEC submits that while the NCC provides a performance-based compliance pathway, in practice it often discourages innovation due to uncertainty, inconsistent acceptance, and professional liability concerns.

AiBEC recommends:

- Greater national consistency in **Performance Solution acceptance criteria**.
- Development of a **pre-approved or fast-track register** for commonly used innovative systems and solutions.
- Clearer guidance on **acceptable evidence thresholds** for demonstrating performance compliance.
- Improved consistency in interpretation and approval across jurisdictions.

AiBEC Value Add:

AiBEC members regularly assess performance solutions in high-risk, insured environments and can provide informed feedback on where uncertainty suppresses innovation rather than enabling it.



Association of Insurance Building & Engineering Consultants

Question 5

How could the NCC better support diverse types of housing (e.g. medium density, commercial retrofits)?

AiBEC submits that the NCC does not adequately address adaptive reuse, retrofitting, and reinstatement of existing buildings, despite their importance to housing supply, resilience, and post-disaster recovery.

AiBEC recommends:

- Explicit recognition of **retrofit, adaptive reuse, and reinstatement** as distinct regulatory contexts.
- Introduction of **proportional compliance pathways** focused on:
 - Life-safety outcomes
 - Targeted and risk-based upgrades
- Increased flexibility where full compliance is technically or economically impractical, provided performance outcomes are demonstrably achieved.

AiBEC Value Add:

AiBEC members are routinely involved in reinstating damaged medium-density and mixed-use buildings and can demonstrate how rigid application of new-build standards impedes recovery and housing availability.



Association of Insurance Building & Engineering Consultants

Question 6

Are there barriers to introducing new building products and methods? What are they and how could the NCC support uptake?

AiBEC identifies key barriers including slow recognition of new products in referenced standards, high compliance costs, inconsistent approval processes, and risk aversion driven by professional indemnity exposure.

AiBEC recommends:

- Establishing pathways for **provisional or conditional acceptance** of new products and systems in repair and reinstatement contexts.
- Recognition of **in-service performance data**, including international experience and post-event performance, as valid compliance evidence.
- Clarification of the relationship between **manufacturer warranties, performance claims, and NCC compliance**.
- Encouraging shared or proportional responsibility models to reduce concentration of liability.

AiBEC Value Add:

AiBEC members observe real-world performance of products following damage events and are well placed to provide evidence on durability, failure modes, and suitability in existing buildings.



Association of Insurance Building & Engineering Consultants

Closing Statement

AiBEC submits that modernising the NCC must include explicit recognition that **a significant proportion of building work in Australia involves existing buildings, damage, repair, and reinstatement**, rather than new construction.

Addressing this reality will directly support the Australian Government's objectives relating to productivity, housing supply, disaster resilience, and insurance affordability.

AiBEC and its committee welcome continued engagement with Treasury as these reforms progress.

Should you require further information or elaboration, please contact AiBEC CEO – Tony Libke – admin@aibec.co

Yours sincerely,

Nik Housh

Technical Committee Chair

AiBEC Technical Committee Members:

Nik Housh – Silver Wolf Projects

Chris Sims – Industry Consulting

Alyson Haynes – Statewide Building & Restorations Group

Deniz Bekir – Silver Wolf Projects

Bronwyn Harmer – Viking Floors – Timber Floorings

Tony Libke – AiBEC