

ActivFire® Advisory Note AN-019

Australian Building Regulations, National Construction Code and Standards

This advisory note provides a brief explanation of how the National Construction Code (NCC) and Australian Building Regulations reference product Standards, providing general information about the hierarchy of Building Regulations in Australia.

Note: This advisory note is for advisory and educational purposes only.

Building Regulations

The Commonwealth of Australia is a federation of six states and two self-governing territories. The Australian Constitution sets out the rules by which Australia is to be governed. In this type of democratic system, no one level of government controls all the laws and activities of the nation. This arrangement is referred to as the division of powers. The division of powers in Australia has created three levels of government:

1. The Australian Parliament in Canberra (Federal)
2. State and Territory parliaments
3. Local councils

The Federal, also known as the Commonwealth, Government is responsible for uniquely national issues such as defence and foreign affairs, trade, commerce and currency, immigration, postal services, telecommunications, broadcasting and the internet, air travel, most social services and pensions, federal elections, and the electoral roll.

States and Territories are responsible within their regions for everything not listed as a Federal responsibility. Their responsibilities include schools, hospitals, conservation and the environment, roads, railways and public transport, public works, agriculture and fishing, industrial relations, community services, sport and recreation, consumer affairs, police, prisons and emergency services, building and planning regulations, and state and Local government elections¹. To administer regulations, State Governments create relevant agencies such as those which administer building regulations e.g. Queensland Building and Construction Commission, Victorian Building Authority, and New South Wales Building Commission.

¹ <https://education.parliament.nsw.gov.au/teacher-lesson/three-levels-of-government-year-10-commerce/>

In Victoria, the Building Act 1993 is legislation that sets out the framework for the regulation of building construction, building standards and the maintenance of specific building safety features².

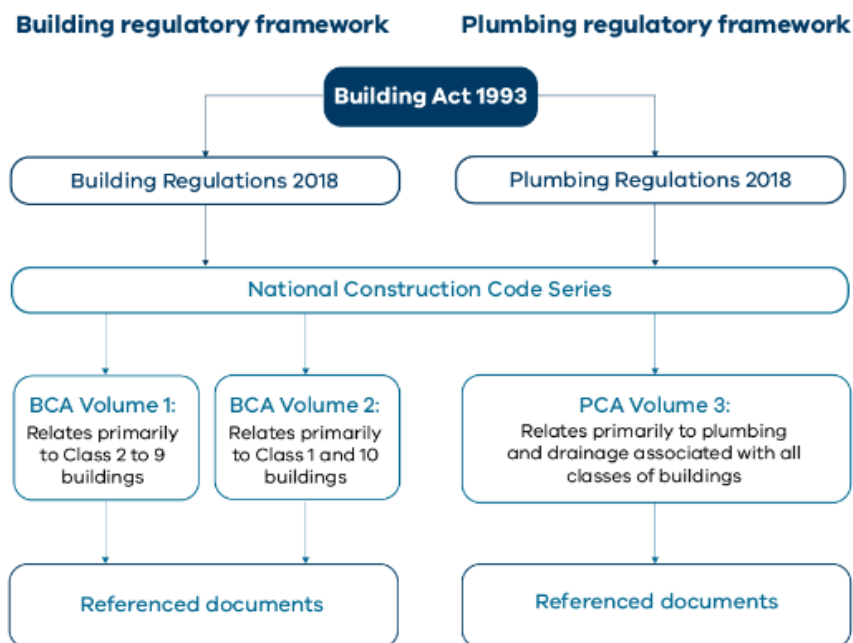


Figure 1 Snapshot of the building regulatory framework in Victoria².

National Construction Code (NCC)

The National Construction Code (NCC) is a performance-based building code which sets out the minimum required level for the safety, health, amenity and sustainability of certain buildings. The NCC specifies prescriptive requirements called Deemed-to-Satisfy (DtS) requirements, but also permits performance based alternative solutions provided that these alternative solutions are demonstrated by fire engineering analysis to satisfy the codes underlying performance requirements. The NCC applies to new buildings in Australia and in some circumstances new building work in existing buildings depending on the regulations of each State and Territory³.

The Australian Building Codes Board (ABCB), produces and maintains the NCC on behalf of the Commonwealth and State and Territory Governments. At the time of writing this Advisory Note, an updated version of the NCC is published every three years with a commencement in May of that year, upon the agreement of each State and Territory. Each State and Territory may choose different commencement dates and may vary certain clauses in the NCC, with state-based variations detailed within the NCC itself.

² <https://www.vba.vic.gov.au/building/regulatory-framework>

³ [https://ncc.abcb.gov.au/ncc-navigator/building-classifications#:~:text=The%20National%20Construction%20Code%20\(NCC,groups%20buildings%20by%20their%20use](https://ncc.abcb.gov.au/ncc-navigator/building-classifications#:~:text=The%20National%20Construction%20Code%20(NCC,groups%20buildings%20by%20their%20use)

In many cases, the NCC does not include specific compliance requirements, but instead references external documents that include them such as Australian (AS) or International (ISO) Standards. Therefore, to meet the deemed-to-satisfy requirements of the NCC, it is required to be able to demonstrate compliance to the referenced documents. Standards directly referenced by the NCC are known as “primary” standards. Standards referred to by primary standards are known as “secondary” standards. Deviations from or within the standards would fall under an alternative performance solution and would need to occur in line with section A2G1 of the NCC 2022.

In some cases, primary standards give requirements for installation, design or commissioning of products and/or systems, but not for the products and/or systems themselves. The requirements for the products and/or systems may be given in secondary standards. For example, a primary standard of the NCC is AS 1670.1 which provides the requirements of system design, installation and commissioning for fire detection, warning, control and intercom systems. Clause 2.1.2 of AS 1670.1 details a list of individual (secondary) standards for each type of product that may be installed within a system, such as power supply equipment (PSE) which are required to comply with AS 7240.4.

The NCC also provides a framework for how evidence to support the use of a material, product, form of construction or design can meet the Performance Requirement or Deemed-to-Satisfy provisions⁴. The evidence may be obtained from any one or a combination of the following:

- a) A current CodeMark Australia or CodeMark Certificate of Conformity.
- b) A current Certificate of Accreditation.
- c) A current certificate, other than a certificate described in (a) and (b), issued by a certification body stating that the properties and performance of a material, product, form of construction or design fulfil specific requirements of the BCA.
- d) A report issued by an Accredited Testing Laboratory that—
 - i. demonstrates that a material, product or form of construction fulfils specific requirements of the BCA; and
 - ii. sets out the tests the material, product or form of construction has been subjected to and the results of those tests and any other relevant information that has been relied upon to demonstrate it fulfils specific requirements of the BCA.
- e) A certificate or report from a professional engineer or other appropriately qualified person that—
 - i. certifies that a material, product, form of construction or design fulfils specific requirements of the BCA; and
 - ii. sets out the basis on which it is given and the extent to which relevant standards, specifications, rules, codes of practice or other publications have been relied upon to demonstrate it fulfils specific requirements of the BCA.

⁴ <https://ncc.abcb.gov.au/editions/ncc-2022/adopted/volume-one/a-governing-requirements/part-a5-documentation-design-and-construction>



- f) Another form of documentary evidence, such as but not limited to a Product Technical Statement, that—
 - i. demonstrates that a material, product, form of construction or design fulfils specific requirements of the BCA; and
 - ii. sets out the basis on which it is given and the extent to which relevant standards, specifications, rules, codes of practice or other publications have been relied upon to demonstrate it fulfils specific requirements of the BCA.

Standards

Standards in Australia are developed by Standards Australia, an independent, non-governmental, not for profit organisation. Standards Australia is represented on the International Organisation for Standardization (ISO) and International Electrotechnical Commission (IEC). Each Australian Standard is developed and maintained by a technical committee managed by Standards Australia and consist of volunteer technical experts representing various interest groups; more information can be found on the Standard Australia's website⁵.

Conclusion

Products tested and certified by CSIRO are typically tested and certified to a product standard which may be called up by State and Territory legislation directly, via the NCC as a primary or secondary standard, or via the ACCC Mandatory Safety Standards. Some standards, such as for products intended for special hazard areas, may be specific project-based requirements and/or requested by the Authority Having Jurisdiction (AHJ).

Issuing Authorities

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⁵ <https://www.standards.org.au/>