

## Agency Information Guide

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# PUBLIC ACCESS TO INFORMATION HELD BY THE NSW ARCHITECTS REGISTRATION BOARD

This Information Access Guide has been created under section 20 of the [Government Information \(Public Access\) Act 2009](#) (NSW) (the 'GIPA Act') to facilitate public access to information held by the NSW Architects Registration Board (the 'NSW ARB').

### Functions of the NSW ARB

The NSW ARB is a public sector agency that operates the [Architects Act 2003](#) (NSW) (the 'Act'), which regulates architects in NSW. Its role is to:

- protect consumers of architectural services by ensuring that architects provide services to the public in a professional and competent manner
- maintain a register of architects in NSW
- discipline architects who have acted unprofessionally or incompetently
- accredit architectural qualifications for the purpose of registration
- inform the public about the qualifications and competence of individuals or organisations holding themselves out as architects, and
- promote a better understanding of architectural issues in the community.

### Structure of the NSW ARB Board

In accordance with the [Act](#), the Board is made up of the following Board Members, who are supported by the Registrar and staff:

- NSW Government Architect
- Immediate Past President of the New South Wales Chapter of the Australian Institute of Architects
- One architect who is an academic teaching architecture at a tertiary level in NSW
- Two architects who are elected by architects in accordance with the regulations
- Six members appointed by the Minister, comprising:
  - One architect to represent the interests of practising architects
  - One person who has taken a public interest in architectural matters and who will represent the views of home-owners as consumers of architectural services
  - One person with expertise in the property development industry
  - One person with particular knowledge and awareness of the views of local government in respect of the quality of building
  - One person who is an Australian legal practitioner with expertise in building and construction law, and
  - One person with expertise in the building industry.

## Ways in which NSW ARB functions affect members of the public

Architects play a pivotal role in the design and delivery of buildings in NSW. In ensuring that the architectural profession is properly regulated in terms of its qualifications, registration and conduct, the NSW ARB seeks to protect consumers and the community more broadly.

### Qualifications

In its role of accrediting NSW institutions that provide tertiary architectural qualifications, the NSW ARB seeks to ensure that graduates who go on to become registered architects receive the theoretical grounding which, in combination with practical experience and the registration process, will enable them to competently provide architectural services to the community.

### Registration

The NSW ARB is responsible for the registration of architects in NSW. This process involves completion by applicants of a comprehensive assessment process that aims to ensure they are competent to provide architectural services to the community.

### NSW Architects Code of Professional Conduct

The NSW ARB operates the [NSW Architects Code of Professional Conduct 2017](#) (the 'Code'), which governs the conduct of architects in a broad range of areas and seeks to ensure that architectural services provided by architects are done so competently and with integrity. The NSW ARB assists architects to meet their professional conduct obligations through administering continuing professional development (CPD), providing resources for architects and consumers, and handling complaints against breaches of the [Act](#) and the [Code](#).

### Complaints

If a member of the public believes that an architect has contravened the [Act](#) or the [Code](#), the NSW ARB is responsible for handling any such complaint.

### Sanctioning misrepresentations

Only a registered architect is permitted to represent themselves as an architect in NSW. The NSW ARB is responsible for informing the public about the qualifications and competence of individuals or organisations holding themselves out as architects. This role includes sanctioning people who, in the relevant context, claim to be architects when they are not registered under the [Act](#).

## Community engagement

### Working with your Architect resource

[Working with your Architect](#) is a resource published by the NSW ARB to guide consumers on an architect's role and their obligations to clients, and vice versa, the role of clients to assist in the realisation of their project.

### Digital platforms

The NSW ARB maintains a comprehensive web presence to ensure information and resources can be accessed at any time. A strong emphasis is placed on easily downloadable material in the form of pdf publications found on the website. The NSW ARB maintains the following digital platforms:

Website: <https://www.architects.nsw.gov.au/>

Instagram: <https://www.instagram.com/architectureinsights/>

LinkedIn: <https://www.linkedin.com/company/nsw-architects-registration-board/>

## Contact us

If a member of the public wishes to make a complaint about an architect, report a breach of the [Act](#) or the [Code](#), or to contact the NSW ARB for any other reason, our contact details are [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au)

## Information held by the NSW ARB

The NSW ARB holds a range of information relating to its functions of registering and regulating architects, accrediting relevant NSW tertiary institutions, and educating the public about architecture.

### Government Information

Government information is information contained in a record held by an agency, such as the NSW ARB ([section 4 of the GIPA Act](#)). The NSW ARB is authorised to release information proactively unless there is an overriding public interest against disclosure. Information that the NSW ARB chooses to disclose proactively may be released free or charge, or at the lowest reasonable cost ([section 7\(2\) of the GIPA Act](#)).

An access application cannot be made for excluded information or where the application is made in contravention of [section 43 of the GIPA Act](#).

### Open access information

Information and data described as 'open' can be accessed, used or shared by anyone. The NSW ARB, as a government agency encourages open data initiatives wherever possible.

Open access information is to be made publicly available free of charge on the NSW ARB website, unless to do so would impose unreasonable additional costs on the NSW ARB. It can also be made publicly available in any other way that the NSW ARB considers appropriate ([section 6\(2\) of the GIPA Act](#)). Open access information is located on the [Publications page of the NSW ARB website](#).

At least one of the ways in which the NSW ARB makes open access information publicly available must be free of charge. Access provided in other ways may be accompanied by a charge ([section 6\(3\) of the GIPA Act](#)).

The following open access information is provided to the public under [section 18 of the GIPA Act](#) and is released after review by the NSW ARB Finance and Risk Committee:

#### Documents tabled in parliament by or on behalf of the NSW ARB

Annual Reports refer to [Publications page of the NSW ARB website](#)

#### Policy documents

[NSW ARB Publications](#)

[NSW ARB Factsheets](#)

#### Disclosure Log of Formal Access Applications

Refer to [Publications page of the NSW ARB website](#)

#### Register of Government Contracts

Refer [Publications page of the NSW ARB website](#)

### Proactively released information

The NSW ARB follows the mandatory proactive release of certain government information that is open access information publicly available, unless there is an overriding public interest against disclosure of the information ([section 6\(1\) of the GIPA Act](#)).

Pro-actively released information can be found at the following links:

[NSW Register of Architects](#)

[NSW List of Architect Corporations and Firms](#)

[NSW ARB website for other relevant information](#)

### **Informally released information**

In the absence of an overriding public interest against disclosure, the NSW ARB is authorised to release government information it holds to applicants who request it, without requiring an access application to be lodged ([section 8 of the GIPA Act](#)).

Subject to resourcing limitations, the NSW ARB may provide the personal records of an individual architect that are held by the NSW ARB to that individual, free of charge. Such requests should be made by email to [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au)

### **Formally released information**

Formal GIPA applications to the NSW ARB undergo the public interest test. The NSW ARB considers the disclosure of government information to be in the general public interest ([section 12 of the GIPA Act](#)). However, there may be instances where this is outweighed by an overriding public interest against disclosure ([section 13 of the GIPA Act](#)).

Public interest considerations listed in the table of [section 14 of the GIPA Act](#) are the only considerations that may be taken into account by the NSW ARB as public interest considerations against disclosure of government information.

### **Formal access applications – charges apply**

If a member of the public wishes to access information that is held by the NSW ARB that is not publicly available or available through informal release, they may seek the information through a formal access application. Such applications are to be made by email to [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au)

Any such application must be validly made under [part 4 of the GIPA Act](#) and will attract an initial \$30 application fee ([section 41\(1\)\(c\) of the GIPA Act](#)). The [GIPA Act](#) requires payment, and sets out fees and charges, for formal access applications to cover the costs of processing the application. If the application requires significant processing, the NSW ARB may impose a processing charge at a rate of \$30 per hour after the first hour (which is already covered in the application fee) ([section 64\(1\) of the GIPA Act](#)).

The [GIPA Act](#) and [Government Information \(Public Access\) Regulation 2018](#) specify when the fees and charges may, and in some cases, must, be waived, reduced or refunded. In addition, [section 127 of the GIPA Act](#) provides agencies with a general discretion to waive, reduce or refund any fee or charge that may be imposed under the [GIPA Act](#) in any circumstance they consider to be appropriate.

The NSW ARB's decision as to the validity of an access application will be made and notified to the applicant as soon as practicable after the NSW ARB receives the application and, in any event, within 5 working days after the application is received ([section 51\(2\) of the GIPA Act](#)).

The NSW ARB only accepts access applications that:

- are made in writing and submitted by email to [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au)
- clearly state the request for information under the [Government Information \(Public Access\) Act 2009](#)
- include payment of the \$30 application fee
- include as much specific detail as necessary to identify the information requested.

Incomplete applications may be deemed invalid and will not be processed. The NSW ARB will assist the applicant by explaining how to make a valid application.

The NSW ARB reserves the right to require anyone to lodge an access application, particularly if any of the following apply:

- the information relates to a third party
- the volume of information requested is large
- a significant amount of time is required to consider the request
- there are significant public interest considerations that need to be taken into account.

The processing time for an application is the total amount of time that is necessary to be spent by the NSW ARB in dealing efficiently with the application (including consideration of the application, searching for records, consultation, decision-making and any other function exercised in connection with deciding the application), or providing access in response to the application (based on the lowest reasonable estimate of the time that will need to be spent in providing that access) ([section 64\(2\) of the GIPA Act](#)).

The NSW ARB will try to process an access application and give the applicant notice of the NSW ARB's decision as soon as possible, and within 20 working days of receiving the application ([section 57 of the GIPA Act](#)).

## The right to internal review of a NSW ARB decision

The following decisions by the NSW ARB in respect of an access application are reviewable decisions ([section 80 of the GIPA Act](#)):

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to pay an advance deposit within the time required for payment
- m) a decision to include information in a disclosure log despite an objection by an authorised objector (or a decision that an authorised objector was not entitled to object).

A person aggrieved by a reviewable decision of the NSW ARB is entitled to an internal review of the decision by the NSW ARB.

The NSW ARB may impose a \$40 processing fee ([section 80](#) and [section 85 of the GIPA Act](#)) for conducting an internal review and may refuse to deal further with an application if the required fee is not paid.

The internal review is to be done by making a new decision, as if the decision being reviewed (the original decision) had not been made, with the new decision being made as if it were being made when the access application to which the review relates was originally received ([section 84\(1\) of the GIPA Act](#)). An internal review is not to be done by the person who made the original decision and is not to be done by a person who is less senior than the person who made the original decision ([section 84\(2\) of the GIPA Act](#)).

An applicant is entitled to have a decision made by the NSW ARB reviewed by the Information and Privacy Commission of NSW and/or the Civil and Administrative Tribunal ([section 89](#) and [section 100 of the GIPA Act](#)).

## More information

### **NSW Architects Registration Board (Attn: Senior Lawyer, Regulation and Compliance)**

Email: [mail@architects.nsw.gov.au](mailto:mail@architects.nsw.gov.au)

Phone: 02 9241 4033

### **Information and Privacy Commission NSW (IPC)**

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

Phone: 1800 472 679

Postal Address: GPO Box 7011 Sydney NSW 2001

### **NSW Civil and Administrative Tribunal (NCAT)**

Phone: 1300 006 228

Interpreter Service (TIS): 13 14 50

National Relay Service for TTY Users: 1300 555 727

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#### Disclaimer

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