

## Factsheet

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# INTERSTATE ARCHITECTS WORKING IN NSW

**All interstate architects intending to work in NSW must notify the NSW Architects Registration Board (NSW ARB) before commencing work. If they do not do so, they may be breaking the law.**

### How does an interstate architect lawfully work in NSW?

There are two ways for an interstate architect to lawfully work in NSW, through:

- Mutual Recognition (MR), and
- Automatic Mutual Recognition - Automatic Deemed Registration (ADR).

Both MR and ADR allow an individual architect who is registered in an Australian State or Territory to work as an architect in NSW without completing a formal assessment or examination.

**If you are an interstate architect working in NSW and using the word 'architect' to describe yourself (or its derivatives to describe your services) you must be registered in NSW under MR or have notified the NSW ARB of your intention to work under ADR.**

### Should I use MR or ADR?

Interstate architects who apply to work in NSW should be aware that the NSW ARB and the architect registration boards in other States and territories will share information regarding your registration, including any disciplinary measures to which you may be subject. The NSW ARB will treat any information collected about you in line with relevant privacy legislation. You can read our [Privacy Management Plan here](#).

#### MR

Architects can work interstate under MR in any Australian State or Territory. MR enables an architect registered in one Australian State or Territory to obtain full registration in another State or Territory without completing a formal assessment or examination. The architect must pay a registration fee as part of the notification process and meet the registration requirements of the second State or Territory, including paying ongoing registration fees.

Interstate architects wishing to work in NSW under MR must

1. [apply by completing Form 02 here](#)
2. pay ongoing registration fees

#### ADR

In May 2021, the Federal Government passed legislation on Automatic Mutual Recognition for many categories of occupational licenses in Australia, including registered architects. Under this scheme, Automatic Deemed Registration (ADR) enables an architect registered in one Australian State or Territory to work in another State or Territory without completing a formal assessment or examination.

An interstate architect wishing to work in NSW under ADR has deemed registration in NSW and does not pay an individual registration fee in NSW. ADR allows such an architect to work in NSW because the architect is registered in the architect's home State. Any condition or undertaking relevant to the architect's registration in the architect's home State also applies in NSW. For example, an architect who has signed an undertaking that they will not practise architecture in Victoria must not practise architecture in NSW either.

ADR has commenced for architects in NSW, Victoria, the ACT, South Australia, Western Australia, Tasmania, and the Northern Territory. It has not been adopted in Queensland.

ADR does not apply to architects who are registered in Queensland (because ADR has not been adopted in that State) or New Zealand, or who are relying on registration in another country.

To be eligible to work in NSW under ADR an architect must, before commencing work as an architect in NSW, notify the NSW ARB via the [notification process on the ServiceNSW platform here](#).

## Key elements of ADR

### 1. Notify the NSW ARB of your intention to work in NSW under ADR

**To be eligible to work in NSW under ADR you must, before commencing work as an architect in NSW, notify the NSW ARB via the [notification process on the ServiceNSW platform here](#).**

When your notification is processed, you will receive an email from the NSW ARB with further information, including a Deemed Registration (DR) number.

If you have provided more than one home State address for your principal place of residence and/or work, you will be asked to confirm which address you wish to publish on the NSW Register of Architects. If you do not confirm an address, your home State place of work will be published.

You will hold deemed registration in NSW and will be listed on the NSW Register of Architects with the NSW DR number allocated to you. You can search the Register from the [home page of the NSW ARB website here](#).

**You should continue to use your home State registration number and are not required to use the DR number.**

### 2. Maintain your home State registration

**You must maintain registration in your home State. If your home State registration ceases, your entitlement to work in NSW as an architect under ADR will likewise cease.**

Eligibility for ADR requires that architects are registered in a State or Territory of Australia. Under [section 42A](#) of the *Mutual Recognition Act 1992*, home State is defined as your principal place of residence or work. The NSW ARB requires evidence that your nominated home State is in fact your principal place of residence or work. If you do not provide this information on request, you will not be eligible to work in NSW under ADR.

If you retire or change your registration category in your home State, you must notify the NSW ARB at that time. If you intend to move to NSW on a permanent basis you must apply by [completing Form 02 here](#).

### 3. List your business entity on the NSW List of Architect Corporations and Firms

**ADR only applies to individuals; it does not apply to businesses.**

If you are working as an architect in NSW through a corporation, partnership or other unincorporated association of persons you are required under [section 10](#) and [section 11](#) of the *Architects Act 2003* to formally list your business entity on the NSW List of Architect Corporations and Firms by nominating a responsible architect. The only type of business entity exempt from this requirement is a [sole trader](#) (with an individual / sole trader ABN).

To nominate an architect to be responsible for the provision of architectural services in NSW on behalf of a business use the [online Form 04 available here](#) and pay the associated fee. For more information, refer to the [Factsheet on Nominating a Responsible Architect for a Corporation or Firm](#).

#### **4. Professional Indemnity (PI) insurance**

**You must maintain PI insurance appropriate for the architectural services being provided in NSW.**

Clause 15 of the [NSW Architects Code of Professional Conduct 2017](#) (the Code) requires that architects working in NSW must have appropriate PI insurance. Architects who fail to comply with PI insurance requirements may be subject to disciplinary action in NSW.

You are required to make a declaration annually that you have appropriate PI insurance and must submit a copy of the Certificate of Currency to the NSW ARB. You must also provide certain data to the NSW ARB about your PI insurance policy. For more information, refer to the [Factsheet on Professional Indemnity Insurance](#).

These requirements apply to architects working in NSW under ADR.

#### **5. Ensure your name and home State registration number are always clearly shown**

**You must ensure that your name and home State registration number are clearly identified on all documents associated with your work as an architect in NSW.**

Clause 17 of the [Code](#) requires that architects must ensure that their name and registration number are identified clearly and accurately on stationery, presentation or construction documents, sign boards, public notices, publications, etc related to the architect's work. Architects, including architects working in NSW under ADR, who fail to comply with this requirement may be subject to disciplinary action in NSW.

#### **6. Notify the NSW ARB of any changes to your personal details or registration status**

**You must notify the NSW ARB within 14 days if there are any changes to your personal details or other registration particulars.**

This is a legal requirement under [Section 53](#) of the [Licensing and Registration \(Uniform Procedures\) Act 2002](#), and includes: notifying the NSW ARB if you no longer hold registration in your home State; if you move to another State; if you are, or become, subject to conditions on your registration in your home State; or if disciplinary action has been taken against you, etc.

#### **7. Be aware of your legal obligations in NSW**

**You must be aware of, and comply with, the relevant laws in NSW.**

To learn more about your legal obligations as an architect in NSW, [register for free NSW ARB webinars here](#). If necessary, you should seek planning and legal advice on how to comply with NSW laws, such as:

- [Architects Act 2003](#)
- [NSW Architects Code of Professional Conduct 2017](#)
- [Nominating a responsible architect for a corporation or firm](#)
- [Professional indemnity insurance](#)
- [Making a complaint about an architect](#)

You may also need to seek advice on relevant legislative regimes including:

- [Design and Building Practitioners Act 2020](#)
- [Environmental Planning and Assessment Regulation 2021](#)
- [State Environmental Planning Policy No 65-Design Quality of Residential Apartment Development 2002](#)

and other development control plans (DCPs) and State environmental planning policies (SEPPs).

## Disciplinary action

### MR

Under MR, if an architect's registration in the second State is cancelled or suspended or is subject to a condition because of disciplinary action, the architect's first State registration is affected in the same way. However, the architect's first State architect registration board may reinstate the registration or waive any such conditions in the first State. Note that the cancellation/suspension/condition will remain in place in the second State.

### ADR

Under ADR, architects who are subject to civil, criminal or disciplinary action in any State related to their architectural practice or who have conditions imposed on their registration as a result of such action will not be eligible to work interstate. Disciplinary action will affect the architect's ADR in any other State or Territory of Australia, as well as their registration in their home State. These architects must obtain registration under MR if they wish to work in NSW.

## Additional resources

Australian Government – Department of the Prime Minister and Cabinet

- [Improving occupational mobility](#)

NSW Government

- [Making it easier for registered professionals to work interstate | NSW Government](#)
- [Interstate and New Zealand licences | NSW Fair Trading](#)

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### Disclaimer

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