

# Nomination of responsible architects for corporations and firms for the provision of architectural services

## Form 04

Architects Act 2003  
ss 10, 11, 27, 29

### When to use this form

If this is the first time your corporation or firm has nominated architects responsible for the provision of architectural services (responsible architects), use this form. If your corporation or firm has previously nominated responsible architects, and you need to make changes to your existing listing, use Form 08CF – *Notification of changes to recorded details*.

### Architects Act 2003

#### Section 10

- (1) A corporation or firm must not represent itself to be an architect, and must not allow itself to be represented to be an architect, unless the corporation or firm has at least one nominated architect who is responsible for the provision of architectural services by the corporation or firm.

#### Section 11

- (1) An architect corporation or architect firm must ensure that at all times there is at least one nominated architect who is nominated by the corporation or firm and responsible for the provision of architectural services by the corporation or firm.
- (2) An architect corporation or architect firm must ensure that:
  - (a) any written business correspondence issued by the corporation or firm bearing the name of the corporation or firm indicates the name of an architect who is a nominated architect responsible for the provision of architectural services by the corporation or firm, and
  - (b) the name of an architect who is a nominated architect responsible for the provision of architectural services by the corporation or firm is prominently displayed at each place of business of the corporation or firm, so as to be clearly visible to a person from outside or immediately on entering the place of business.

#### Section 27

- (1) A corporation or firm that provides architectural services may nominate one or more architects to be responsible for the provision of architectural services by the corporation or firm.
- (2) A corporation or firm may nominate an architect under subsection (1) only if:
  - (a) the architect is a director or member of the governing body of the corporation or firm, is a partner in the firm or is otherwise concerned in the management of the corporation or firm, or
  - (b) the architect is an employee of the corporation or firm.
- (3) A nomination for the purposes of this section and any revocation or amendment of such a nomination is to be made to the Board in a form approved by the Board and must be accompanied by any approved fee.

### Definitions

A **corporation** is an entity that is registered under the national *Corporations Act 2001* (CTH) administered by the Australian Securities and Investments Commission (**ASIC**). If a corporation wishes to trade using a name other than its registered corporation name, the trading name must be registered as a business name.

A **firm** is a partnership or other unincorporated association of persons.

A **sole trader** which is neither a corporation nor a firm, is not obliged to nominate a responsible architect even though they may trade under a registered business name.

A **business name** is a name under which a business operates. Business name registration is compulsory and must be completed before the business starts trading.

**Architects who practise through a corporation registered with ASIC, and architects who practise through a partnership or association, must list their nominated architect/s if they wish to provide architectural services.**

## Privacy laws and use of this information

The information collected on this form is required by the Architects Act 2003 and may be published in the list of architect corporations or firms that provide architectural services. Some of this information may be provided to other registration authorities and to the client public.

## Initial fee

The initial listing fee is \$180. This includes \$60 for a one-off listing of the nominated responsible architect/s and \$120 publication fee (inclusion in the annual list of corporations and firms that provide architectural services published in the Board's website and printed Register).

The list will be available in both hard copy and electronic formats for purchase from the Board's office.

## Annual fee

To ensure your continued inclusion in the annual list of architect corporations and firms, a publication fee of \$120 is payable each year. The Board will send you a renewal invoice at your anniversary date of listing.

## Change to recorded details

If a nominated architect ceases to be responsible for the provision of architectural services by your corporation or firm, the corporation or firm must notify the Board within 7 days of that cessation, as per the requirements of section 29(2) of the Architects Act. Failure to do so may incur a penalty of \$5,500.

You must also inform the Board of any changes to the recorded details of your corporation or firm within 14 days as per the requirements of section 29(1). A failure to do so may incur a penalty of up to \$1,100. A fee of \$35 must be submitted with your notice. Use Form O8CF – *Notification of changes to recorded details*.

## Payment methods available

You can pay the initial fee by:

- Cheque or money order, made payable to  
NSW Architects Registration Board  
ABN 63 092 097 847
- Visa or MasterCard, (see enclosed payment slip; a merchant surcharge applies)
- Cash or EFT at the Board's office.

Contact the NSW Architects Registration Board if further information is required.

Updated 30 August 2017

Board use only

date received / /	date approved / /	fees paid \$	receipt number	date notified / /
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Nomination of responsible architect  
for the provision of architectural services

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Corporation or Firm

Submit with this form your annual company statement from ASIC which shows the most current information about your corporation or firm, and/or a certificate of business name, if applicable

name of corporation or firm

trading as (if applicable)

ABN

ACN

office address

telephone

website

email

Nominated Architect Declaration

I declare that

- ☐ I am a director of the corporation
- ☐ I am a partner in the firm
- ☐ I am a member of the governing body of the architect corporation or firm
- ☐ I am an employee of the corporation or firm

name

NSW registration no.

I consent to this nomination (signature)

I declare that

- ☐ I am a director of the corporation
- ☐ I am a partner in the firm
- ☐ I am a member of the governing body of the architect corporation or firm
- ☐ I am an employee of the corporation or firm

name

NSW registration no.

I consent to this nomination (signature)

I declare that

- ☐ I am a director of the corporation
- ☐ I am a partner in the firm
- ☐ I am a member of the governing body of the architect corporation or firm
- ☐ I am an employee of the corporation or firm

name

NSW registration no.

I consent to this nomination (signature)

## Declaration of the person completing this form

I, (print name)

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declare that I am:

- ☐ a director of the corporation
- ☐ a partner in the firm
- ☐ a member of the governing body of the corporation or firm
- ☐ an employee of the corporation or firm
- ☐ a person concerned in the management of the corporation or firm
- ☐ sole trader
- ☐ proprietor of the business

I declare that the details given in this application are true and correct in every particular.

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signed

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place

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date

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## Checklist

- ☐ Have you and your nominated architect/s completed and signed the form? The nominated architect must signify his/her position in the corporation by ticking the appropriate box in the Nominated Architect Declaration

Failure to do so may result in delayed or refused registration.

- ☐ Have all nominated architects completed a separate undertaking?
- ☐ Have you attached a certified copy of evidence of your business/corporation registration with ASIC?
- ☐ Have you enclosed your cheque or completed the attached form to authorise payment of the \$180 listing and annual publication fee?

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

## Nomination of a responsible architect Undertaking

I, \_\_\_\_\_ hereby undertake to the NSW Architects Registration Board (Board) that I have read and understood the below and understand my role as the nominated responsible architect.

In the Board's view, being nominated as the responsible architect for the provision of architectural services may include;

- (a) being aware of the nature and scope of these services;
- (b) knowing the identity, qualifications and experience of those individuals designated to provide, or assist in providing, these services;
- (c) having processes in place to ensure that individuals report relevant information to the nominated architect;
- (d) putting written directives or written policies in place to make clear to subordinates their obligations to the nominated architect;
- (e) either working from the same location as those providing the services or having a regime of regular meetings to ensure familiarity with the work being undertaken;
- (f) not being the nominated architect for more than one corporation or firm if such an arrangement would prevent the proper discharge of his or her obligations; and
- (g) not to assume the role of the nominated architect for a volume of work that is beyond the reasonable capabilities of one person to supervise.

I undertake to ensure compliance with all provisions of the NSW Architects Code of Professional Conduct and relevant sections of the *Architects Act 2003* (NSW), including but not limited to:

### *Section 10 of the Architects Act – Representing a corporation or firm to be an architect*

- (1) A corporation or firm must not represent itself to be an architect, and must not allow itself to be represented to be an architect, unless the corporation or firm has at least one nominated architect who is responsible for the provision of architectural services by the corporation or firm.

Maximum penalty: 200 penalty units.

- (2) A person must not represent a corporation or firm to be an architect if the person knows, or ought reasonably to know, that any such representation by the corporation or firm itself would constitute a contravention of subsection (1).

Maximum penalty: 100 penalty units (in the case of an individual) or 200 penalty units (in the case of a corporation).

- (3) In this Act, a corporation or firm that represents itself to be an architect or that allows itself to be represented to be an architect is referred to as an architect corporation or architect firm (as appropriate).

### *Section 11 of the Architects Act – Architectural services provided by architect corporation or architect firm*

- (1) An architect corporation or architect firm must ensure that at all times there is at least one nominated architect who is nominated by the corporation or firm and responsible for the provision of architectural services by the corporation or firm.

Maximum penalty: 200 penalty units.

- (2) An architect corporation or architect firm must ensure that:
  - (a) any written business correspondence issued by the corporation or firm bearing the name of the corporation or firm indicates the name of an architect who is a nominated architect responsible for the provision of architectural services by the corporation or firm, and
  - (b) the name of an architect who is a nominated architect responsible for the provision of architectural services by the corporation or firm is prominently displayed at each place of business of the corporation or firm, so as to be clearly visible to a person from outside or immediately on entering the place of business.

Maximum penalty: 200 penalty units.

Note. A temporary project or site office does not constitute a place of business of a corporation or firm.

- (3) The Board may in a particular case grant a corporation or firm an exemption from compliance with a particular provision or provisions of this section. The exemption may be granted unconditionally or subject to conditions.
- (4) An exemption remains in force for such period as the Board may specify or, if no period is specified, until it is revoked by the Board by notice in writing to the corporation or firm concerned.
- (5) Proceedings for an offence against this section are not to be commenced without the written consent of the Board given in the particular case.

**Section 27 of the Architects Act – Nomination of responsible architects for architectural services**

- (1) A corporation or firm that provides architectural services may nominate one or more architects to be responsible for the provision of architectural services by the corporation or firm.
- (2) A corporation or firm may nominate an architect under subsection (1) only if:
  - (a) the architect is a director or member of the governing body of the corporation or firm, is a partner in the firm or is otherwise concerned in the management of the corporation or firm, or
  - (b) the architect is an employee of the corporation or firm.
- (3) A nomination for the purposes of this section and any revocation or amendment of such a nomination is to be made to the Board in a form approved by the Board and must be accompanied by any approved fee.

**Section 29 of the Architects Act – Change in particulars to be notified**

- (1) An architect must comply with the requirements of section 53 (as applied by this Act) of the *Licensing and Registration (Uniform Procedures) Act 2002*.

Maximum penalty: 10 penalty units.

- (2) If a nominated architect ceases to be responsible for the provision of architectural services by the corporation or firm concerned,

the corporation or firm must notify the Board of that fact within 7 days of that cessation.

Maximum penalty: 50 penalty units.

**Section 83 of the Architects Act – Liability of directors and managers of corporations**

- (1) If a corporation contravenes (whether by act or omission) any provision of this Act or the regulations, each person who is a director of the corporation or who is concerned in the management of the corporation is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention.
- (2) A person may be proceeded against and convicted under a provision pursuant to subsection (1) whether or not the corporation has been proceeded against or has been convicted under the provision.
- (3) Nothing in this section affects any liability imposed on a corporation for an offence committed by the corporation under this Act or the regulations.

**Clause 19 of the NSW Architects Code of Professional Conduct – Dealings with the public**

- (2) A nominated architect responsible for the provision of architectural services by an architect corporation or an architect firm should ensure that:
  - (a) he or she is identified clearly and accurately as the nominated architect for the architect corporation or architect firm on stationery, sign boards and public notices, and in publications, used or placed by the architect corporation or architect firm in connection with the provision of architectural services, and
  - (b) his or her registration number is included on any stationery, presentation or construction documents (including drawings, specifications and schedules), illustrations, sign boards, public notices and architectural plans, and in publications, used or placed by the architect corporation or architect firm in connection with the provision of architectural services.

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

Firm(s) for which I am nominated: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Authorisation for Credit Card Payment

I authorise the NSW Architects Registration Board to debit my credit card the following fees (tick):

- ☐ \$60.00 for listing the company's nominated architect  
☐ \$120.00 for annual publication fee

Name of Business			
Cardholder's Name			
Address			
Credit Card Details	Card type: Visa <input type="checkbox"/> Mastercard <input type="checkbox"/>		
	Credit Card Number _ _ _ _ / _ _ _ _ / _ _ _ _ / _ _ _ _		
	Expiry Date _ _ / _ _	CCV _ _ _	
Cardholder's Signature			

\*Note: Credit card payments will incur a merchant surcharge