

Professional Indemnity Insurance Exemption Request

Undertaking

I, _____ request an exemption from the requirement to hold professional indemnity insurance (PII) as an architect in NSW.

I undertake to the NSW Architects Registration Board (Board) that I have read and acknowledged the following and am aware of my responsibilities as an architect in NSW, specifically that:

- I have a responsibility to comply with the NSW Architects Code of Professional Conduct (Code), which stipulates the standards of conduct for NSW architects;
- At clause 15(1)(a), the Code states that “*an architect must maintain a policy of professional indemnity insurance appropriate for the architectural services being provided by the architect;*” and
- At clause 15(2), the Code provides that:

“*On the application of an architect, the Board may, by order in writing, grant an exemption to the architect from the provisions of subclause (1) if:*

 - (a) *the Board is satisfied that the architect has commenced practice as an architect only very recently, or*
 - (b) *the Board is otherwise satisfied that it would not be appropriate in the circumstances for the architect to comply with the provisions of subclause (1).”*

In making this application for exemption, I acknowledge the following:

- An exemption will only apply to services undertaken for the architect’s primary residence or for immediate family (i.e. spouse, de facto partner or child);
- An exemption from PII will only be granted where architects provide evidence that:
 - They hold ‘run off’ insurance for projects completed to date, which extends for a period of at least six (6) years or alternatively;
 - They hold a policy such as a ‘*Retired Members Scheme*’, such as that offered by the Australian Institute of Architects, or similar;
- An exemption from holding PII does not prevent a third party from making a claim against the architect;
- Any property designed while exempt from holding PII may still be subject to insurance claims, especially if the property is later sold or leased. Architects should ensure that adequate insurance is available for such properties before any sale or lease;
- Architects without PII must not advertise their services in media, public notices, social media or in any other form of promotional material;
- An exemption is only applicable for the 2023/2024 registration period and a new application must be made for an exemption prior to each new registration period;



- I have attached relevant documentation explaining the circumstances for which I seek an exemption;
- The Board will consider each request individually (including relevant documentation);
- Exemptions are only taken to have been granted once the architect receives the written approval of the Board; and
- If an exemption is granted, I acknowledge that I have a responsibility to notify the Board of any change in particulars or in the nature of the services I provide within 14 days, in accordance with section 29(1) of the Act.

Declaration

- I have read and understand the *Architects Act 2003* (NSW) and the *Code*;
- I have read and understood the above information;
- I hold appropriate insurance such as:
 - 'Run off' insurance for projects completed to date, which extends for a period of six (6) years, or
 - An alternative insurance policy such as the '*Retired Members Scheme*' offered by the Australian Institute of Architects, and have provided evidence of this;
- I have attached supporting documentation explaining the circumstances for my request; and
- I am aware that this undertaking and supporting documentation must be submitted to the Board for consideration at the time of renewal for the 2023/2024 registration period.

Name: _____ Registration No.: _____

Date and details about the last time I provided architectural services, for a client or otherwise:

Signature: _____ Date: _____

NOTE: Any request for a PII exemption that does not include this undertaking will not be considered by the Board.