

Professional Indemnity Insurance Exemption Request - Practising Overseas Undertaking

I, _____ request an exemption from the requirement to hold Professional Indemnity (PI) Insurance 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 (the 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 architectural services provided overseas;
- An exemption from PI Insurance 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
 - They provide evidence that a current or previous employer holds appropriate insurance for projects completed to date, which extends for a period of at least six (6) years; or
 - 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 PI Insurance does not prevent a third party from making a claim against the architect;
- Any property designed while exempt from holding PI Insurance 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 PI Insurance 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 2020/2021 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 years, or
 - An alternative insurance policy such as the ‘Retired Members Scheme’ offered by the Australian Institute of Architects, or
 - A statement from a previous employer confirming appropriate PI Insurance is in place, 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 2020/2021 registration period.

Name: _____ Registration No.: _____

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

Signature: _____ Date: _____

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