



NSW
Architects
Registration
Board

Proposed building reforms and how they affect architects

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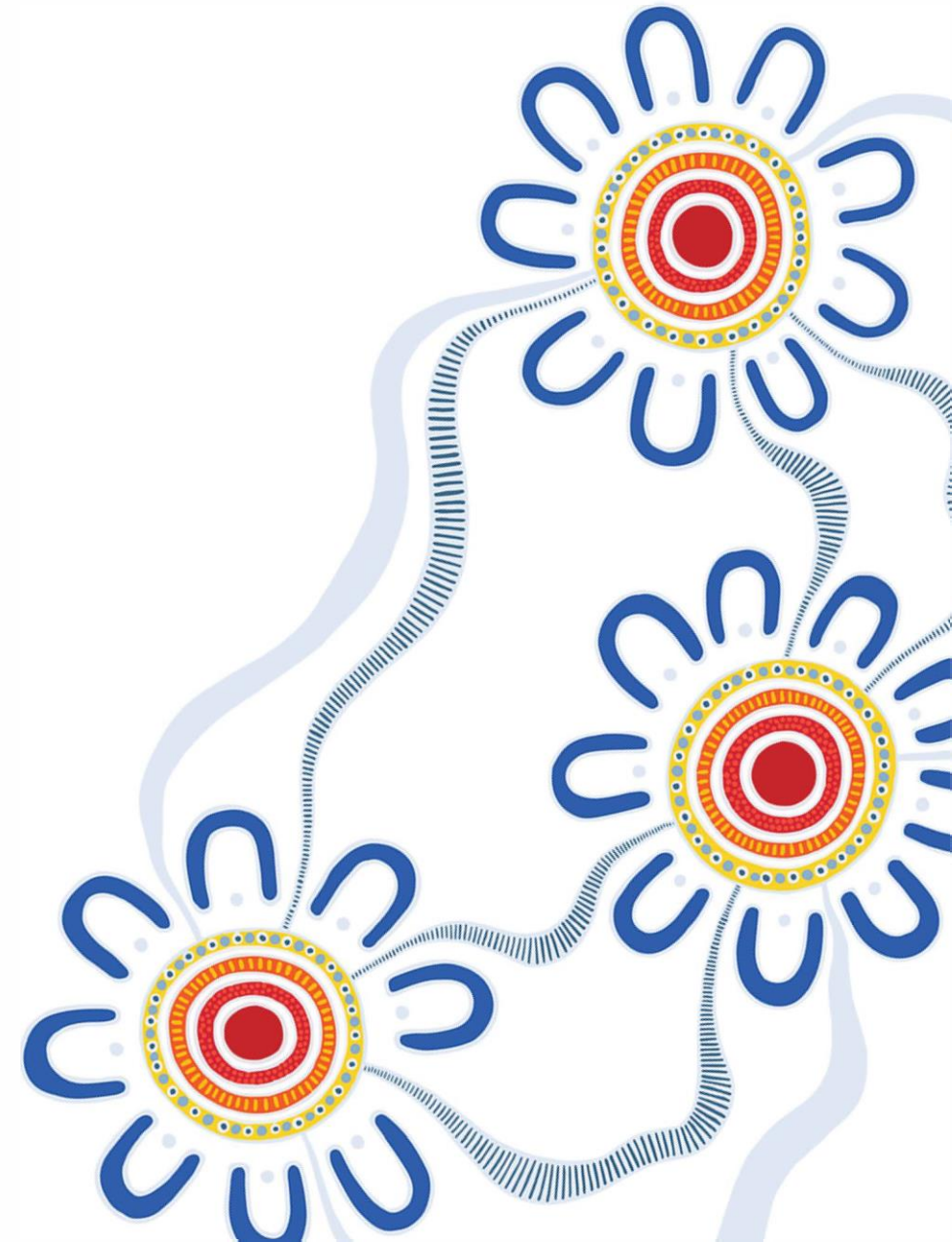
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Acknowledgement of Country

The NSW Architects Registration Board acknowledges, respects and values Aboriginal peoples as the Traditional Custodians of the lands on which we live, walk and work. We pay our respects to Elders past, present and future. We recognise and remain committed to honouring Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships, and continuing connection to their lands, waters and seas. We acknowledge their history here on these lands and their rich contribution to our society.

We also acknowledge our Aboriginal employees who are an integral part of our diverse workforce, and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and cultures.

The 'Connecting Communities' artwork used here is by Alison Williams, proud Gumbaynggirr woman.



Legislative reform is one pillar of continuing to build a strong, trusted building industry in NSW

Current State

Significant progress to transform the building industry towards a more capable, accountable and innovative sector.

Key challenges remain:

- Continued high rate of defects across all building classes.
- Building industry insolvencies have risen significantly over the past 12 months.
- Addressing the housing crisis and meeting supply targets are a major challenge.
- More needs to be done to restore public confidence in the industry.

How

Legislative reform

A strong, trusted regulator

Continued growth in industry

Future State

A single set of consistent, plain English Building legislation.

A strong, highly skilled and trusted and trusted building industry.

The reforms seek to facilitate efficient housing delivery that supports NSW's housing needs, while also ensuring all housing options are compliant and safe.

The journey so far towards a new Building Bill

2021

July – *Design & Building Practitioners Regulation 2021* came into effect

November - Concept Paper was released for the review of the *Home Building Act 1989*. Submissions were invited.

01



October 2023

Building Commission NSW engaged with the NSW ARB on the proposed transfer of provisions from the *Architects Act 2003*

03

2024

April – A confidential version of draft Building Bill and draft BCE Bill were shared with NSW ARB for feedback

August - Draft Bills and consultation materials released for targeted Q&A consultation

04

• We are here

02

2022

Draft Building Bill 2022 and Regulatory Impact Statement released.

'Regulatory Impact Statement - Building Bill 2022: Part 2 What work can be regulated' stated that no changes were proposed to the registration framework for architects and that architects would continue to be registered under the *Architects Act 2003*.

2025

Bills intended to be passed in Parliament

Supporting Regulations and instruments to be developed with input from NSW ARB and consultation with industry stakeholders

05

Overview of proposed reforms

Building Commission NSW is proposing legislative reform to continue to build confidence in the NSW construction sector

Consolidate NSW building legislation into a single framework

Remove duplication

Make laws easier to understand for consumers and practitioners

Modernise legislation and ensure regulatory oversight of emerging trends

New framework comprises 3 Bills

Building Bill

- Overall framework of obligations for practitioners and protections for consumers

Building Compliance and Enforcement Bill (BCE Bill)

- Provides powers to Building Commission NSW and other regulators to enforce those obligations

Building Insurance Bill

- Strata building bonds, decennial liability insurance (DLI) and Home Building Compensation Fund

Supporting Regulations will provide further clarity on operational details for the new framework

Proposed repeal of the *Architects Act 2003*

Supports objective to consolidate and modernise NSW building legislation into a single framework

Home Building Act 1989

DBP Act 2020

RAB Act 2020

Building Development Certifiers Act 2018

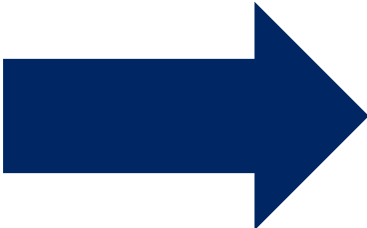
Architects Act 2003

Plumbing and Drainage Act 2011

Parts of Environmental Planning and Assessment Act 1979

Parts of Gas and Electricity (Consumer Safety) Act 2017

Parts of Strata Schemes Management Act 2015



draft—for feedback

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Building Bill 2024

Contents

Chapter 1 Preliminary

Chapter 2 Key definitions

draft—for feedback

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Building Compliance and Enforcement Bill 2024

Contents

Part 1 Preliminary

draft—for feedback

NEW SOUTH WALES
DRAFT GOVERNMENT BILL

Building Insurance Bill 2024

Contents

Part 1 Preliminary

Part 2 Home building insurance

Regulatory framework for architects would remain the same under the Building Bill

Only registered architects can call themselves an architect

Architects must register with NSW Architects Registration Board

National framework for education and competency standards and mutual recognition preserved

Ethical and professional conduct of architects across full spectrum of architectural services will continue to be regulated e.g. Code of Conduct

Submissions by NSW Architects Registration Board

1. The differentiation between architects and other building design practitioners should be clearly articulated.
2. Definitions related to architects should be expanded beyond 'regulated work' in the draft Bills, to cover ethical and professional conduct of architects across the full scope of their professional practice.
3. Maintain the nationally consistent regulatory framework for architects including national accreditation of architecture programs and nationally consistent examinations leading to registration. This is important for national & international mutual recognition of NSW architects.
4. Architects should continue to be 'registered' not 'licenced'. The term 'registration' is used for professions where it is important to meet appropriate standards of professional and ethical conduct and is consistent with terminology used by other Australian States & Territories.
5. Functions of the NSW Architects Registration Board are maintained.
6. NSW Architects Code of Professional Conduct is retained in its entirety and contains provisions relating to unsatisfactory professional conduct and professional misconduct.
7. The existing process for investigation of complaints against architects is maintained, including provision for the NSW Civil Appeals Tribunal to adjudicate certain disciplinary proceedings for fairness, transparency, and accountability.
8. The Building Bills and Regulations should contain simple, all-inclusive dedicated sections that cover the entirety of provisions for the regulation of architects to provide clarity for stakeholders.
9. As a self-funded agency, provisions must be made to enable the Board to fully fund the regulatory framework for architects.
10. A transition period should be provided to allow the Architects Act to continue while the new regulations are finalised.

NSW Architects Registration Board would retain oversight of architects

Board will retain exclusive licensing oversight for architects

Enforcement powers to regulate conduct of architects invested in both the Board and Building Commission NSW

Existing powers preserved, including:

- registering architects, including setting competency and eligibility requirements,
- overseeing professional conduct and compliance with building laws, including setting Code of Conduct obligations,
- managing complaints about architects,
- accrediting courses of study for architects,
- managing the Architects Fund,
- cooperating with other jurisdictions to oversight and promote the architecture profession

The regulatory framework for architects would continue unchanged

Regulatory framework	Remains unchanged	Further information
Registration of architects	Yes	The registration framework for architects has been drafted to integrate into the licensing framework under the draft Building Bill, as part of the objective to streamline and consolidate legislation. No changes are proposed to how the registration framework operates.
Operation of NSW ARB and its powers to regulate and support architects	Yes	This includes transferring existing NSW ARB powers e.g. managing complaints about architects; overseeing professional conduct and compliance with building laws, including setting Code of Conduct obligations.
Protection for use of term 'architect'	Yes	The existing protections for use of the title 'architect' under the <i>Architects Act 2003</i> are intended to continue as is.

Proposal to expand licensing requirements for design work

Scope of work proposed to be authorised by each licence class:

Licence class	Can work on
Architect	All buildings
Building Design (unrestricted)	All buildings (except per Housing SEPP)
Building Design (medium rise)	All work on buildings up to 6 storeys (except per Housing SEPP) Non-structural internal work on all buildings where DBP declaration not required
Building Design (low rise)	All work on Class 1 and 10 buildings Non-structural internal work on all buildings where DBP declaration not required
Interior Design	Non-structural internal work on all buildings where DBP declaration not required

Building designers would be required to hold a licence to do any work on residential buildings.

Currently, only certain building designers require a licence under the *DBP Act*.

Supporting Regulations will provide further clarity on operational details for licensing, e.g. qualification and eligibility requirements for building designers, and scope of work authorised by building designer licences

Next steps

- This overview has provided an indication of policy positions proposed by Building Commission NSW as part of broader proposed building reforms.
- Architect membership bodies and industry stakeholders will have the opportunity to provide feedback on these proposals in 2025, before the Bills are finalised.
- Building Commission NSW intends to develop the supporting Regulations and instruments and finalise the draft Building Bill in 2025, with input from the NSW Architects Registration Board and consultation with industry and community stakeholders to provide feedback.
- We understand there will be further opportunity for stakeholder review and comment as part of the development of supporting Regulations.
- The Government intends to introduce the three Bills to Parliament in 2025.
- Timeframes for commencement of the proposed reforms are subject to Government approval and are yet to be confirmed.