NORTON ROSE FULBRIGHT

Design and Building Practitioner Act and Regulation

Summary of registration and insurance obligations and lodgement points

Obligation		Act (A) / Regulation (R) Reference	Timeline
Registration requirements	Application (1, 3 or 5 year periods only) Can apply for deemed registration during transitional period	A. s43 R. Part 9, Div 2	
	Classes of Registration, knowledge and experience requirements (prescribes scope of work for specified classes and knowledge requirements)	A. s42 R. Schedules 1 and 2	
	Grounds for refusal by Secretary (eg not fit and proper, refusal to provide information required)	R. s33	
Insurance requirements	Designers, builders and engineers must be 'adequately' insured (from 1 July 2023)	A.s11, s14, s24, s33 R. Part 6, R.106	
	Designers and engineers indemnity to extend to all liability – however may be limited by Part 6, Division 5 of the Regulation (eg adequacy of policy determined by limits, exceptions, exclusions in the policy)	R.s66, s68, ss72-74 R. s77 2(b) (f)	
Lodgment Point (LP) 1	Builder to provide copies of regulated design and design compliance declarations to Secretary which state whether a regulated design or building work (as applicable) complies with the requirements of the Building Code of Australia (BCA)	R. s16	Before commencing building work
LP 2	Builder to provide varied regulated design and compliance declarations (on NSW portal) – not applicable for minor variations	R. s17	Within 1 day of commencing variation work
LP 3	Builder to provide building compliance declarations and other documents (on NSW portal)	R. s18	Before application for an Occupation Certificate
LP 4	Builder to provide relevant documents to the Secretary (on NSW portal)	R. s19	Within 90 days after the Occupation Certificate is issued

Law around the world

nortonrosefulbright.com

© Norton Rose Fulbright Australia. Extracts may be copied provided their source is acknowledged.
32987_AU – 05/21