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**DESIGN AND
BUILDING
PRACTITIONERS ACT
2020 (NSW)**

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Part 9 Miscellaneous ss 98-109

s 109: act to be reviewed after 30 March 2022 with report by 30 June 2022

Schedule 1 Clause 5

- s 37 has retrospective effect if loss first became apparent in the 10 year period before the commencement of s 37 or after the commencement of s 37

Part 1 Preliminary

Part 2 Regulated Designs and Building Work ss 9-30

Part 8 Enforcement ss 88-97

s 88 undertakings
s 89 Stop work orders
s 90 Appeals against stop work orders
s 91 Application to L&E court to remedy or restrain breaches of the act.
Div 2 Offences

DESIGN AND BUILDING PRACTITIONERS ACT 2020 (NSW)

DATE OF ASSENT: 11 JUNE 2020.

Purpose:

- (1) Ensure building design is well documented and conforms with the BCA
- (2) Building are built in accordance with the BCA

Part 3 Div 1 Engineering work ss 31-33

Part 3 Div 2 Specialist work ss 34, 35

Part 7 Investigation by authorised officers ss

71-87

Part 6 Disciplinary action against practitioners

Part 5 Registration of Practitioners

ss 42-63

Part 4 Duty of Care ss 36-41

s 37 Overcomes HC case of Brookfield Multiplex v Owners [2014] HCA 36. Builder owes duty of care to all current and subsequent owners

IN FORCE NOT IN FORCE

IN FORCE FROM 1 JULY 2021

Division 1

Obligations of design practitioners

s 11 imposes insurance obligations on registered design practitioners

Division 2

Obligations of principal design practitioners

s 14 imposes insurance obligations on registered principal design practitioners

Division 4

Miscellaneous

s 27 the principal certifier responsible for issuing an OC must not determine an application for an OC unless all compliance declarations required by the Act have been lodged and considered. The parameters of the insurance obligations are to be prescribed by regulation.

PART 2

REGULATED DESIGNS AND BUILDING WORK

SS 9-30

NOT IN FORCE

IN FORCE

IN FORCE
FROM 1 JULY
2021

Division 3

Obligations of building practitioners

s 24 imposes insurance obligations on registered building practitioners

Division 1

s 32 Professional Engineering work to be carried out or supervised by registered professional engineer. Otherwise, the engineer is not entitled to be paid!

s 33 Registered professional engineers are to be insured with the regulations to determine the parameters of the insurance.

PART 3 ENGINEERING WORK AND SPECIALIST WORK

IN FORCE

NOT IN FORCE

IN FORCE FROM 1 JULY 2021

Division 2

s 34 Specialist work includes the design, construction, installation of a building element. To be further defined by Regulations

s 35 Specialist work is to be carried out by a registered specialist.