

# Designers, builders, engineers – the new Design and Building Practitioners regime is here

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You might already have heard of the Design and Building Practitioners Act. It first came into effect in June 2020. But the NSW government saved the juicy parts for the Regulations, which commenced 1 July 2021. If you're a company that engages in design, building or engineering work on residential buildings, here's what you need to know.

The regime was designed as an overhaul of the residential building industry following the Shergold Weir *Building Confidence Report*. It imposes lots of new obligations on construction practitioners (designers, builders, engineers) with the aim of strengthening compliance in the building sector. Here are the most important requirements.

- **Registration of practitioners:** construction practitioners need to apply for registration and be named on a publicly available register. As of yesterday, registration applications are open on the [Service NSW website](#).
- **Design lodgement and compliance declarations:** designs must be lodged on the NSW Planning Portal and registered construction practitioners must declare that their work complies with the Building Code of Australia and other relevant standards. This applies at various stages of the project, including before building work commences and before applying for an occupation certificate.
- **Record keeping:** construction practitioners must keep records available for inspection for at least 10 years, even if they stop being a registered construction practitioner.
- **Insurance:** there are mandatory professional indemnity insurance requirements for *any* liability that the construction practitioner may become liable for during the course of their work.
- **A new statutory duty of care:** construction practitioners owe owners of residential buildings (and subsequent owners) a duty of care to exercise reasonable care to avoid economic loss. This applies retrospectively, can't be delegated and can't be contracted out of. This came into effect back in June 2020.

From 1 July, the requirements apply for all:

- class 2 buildings (residential apartment buildings); and
- mixed use buildings that contain class 2 components, including the parts that aren't class 2 (e.g. an apartment building with commercial shops occupying the first floor).

The penalties for breach are nothing to be laughed at, so we recommend you get your ducks in a row quick-smart.

Questions on whether the regime applies to your business, or what steps you need to take to comply? Give us a call.



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