

Guidance Note 6

Automatic Mutual Recognition

Introduction

Automatic Mutual Recognition (AMR) is due to commence in South Australia for architects on 1 July 2022. The AMR scheme allows individuals to use their 'home' jurisdiction architect registration to work in participating Australian states and territories, without the need to apply for registration or pay fees in the second, or 'host', jurisdiction.

Only architects registered in Australia and whose 'home' jurisdiction has adopted AMR can use AMR – architects registered in New Zealand or other countries will not be able to rely on their registration from their country of origin to use AMR. Similarly, an architect with registration in a jurisdiction in Australia that has not adopted AMR will not be entitled to use AMR in South Australia.

Key Elements

- Architect must be registered in, and maintain their registration in their 'home' jurisdiction – ie state or territory in which they reside, or the state or territory which is their principal place of work
- Architects intending to access AMR in SA must first complete a Notification to APBSA
- Architects accessing AMR must notify the APBSA if they no longer hold registration in their 'home' jurisdiction, or if they are subject to conditions on their registration in their 'home' jurisdiction. (This includes if the architect changes their 'home' jurisdiction; if disciplinary action has been taken etc)
- AMR applies to architects registered in a state/territory that has also adopted AMR. AMR is not available to architects whose 'home' jurisdiction has not adopted AMR.
- AMR does not apply to businesses (companies, partnerships) – it only applies to individuals
- Architects who have notified under AMR do not have to renew registration each year in SA
- Architects accessing AMR must maintain PI Insurance at the level approved by the APBSA
- Architects accessing AMR will be listed on the SA Register
- Architects accessing AMR must be aware of, and comply with the relevant laws in SA
- Fees do not apply to architects accessing AMR.

'Home' Jurisdiction Registration

Eligibility for the AMR scheme requires that architects are registered in a jurisdiction in Australia. Under section 42A of the Mutual Recognition Act, 'home' jurisdiction is defined as:

1. The State or Territory in which the person has their principal place of residence; OR
2. The State or Territory in which the person has their principal place of work as an architect.

Registration in the 'home' jurisdiction must be maintained. If you retire or change your registration category in your 'home' jurisdiction, you should also notify the APBSA at that time.

If you intend to move to South Australia on a permanent basis you must apply for registration in the normal manner. You are entitled to apply under normal Mutual Recognition provisions or with a new application.

Notifying of Intention

Architects who intend to practice as an architect in South Australia are required to notify the APBSA. The AMR Notification Form must be completed and sent to the APBSA before commencing work. Once the form has been submitted architects are able to work in SA. APBSA will process the notification form, and once this is complete, you will receive an email with further information including an Automatic Deemed Registration (ADR) number. This ADR number can only be used in South Australia and will be defined by the prefix 'S' (eg S3456).

You will be on the SA Register of Architects with the ADR number allocated to you.

Professional Indemnity Insurance

Architects registered in South Australia under AMR are subject to the requirements of s 59(1) of the Architectural Practice Act. This requires all practising architects to have Professional Indemnity Insurance 'to an extent approved by the Board'.

Architects intending to access AMR are encouraged to review the APBSA Guidance Note 1 on the minimum requirements for maintaining Professional Indemnity Insurance in SA. It is the architect's responsibility to ensure you have compliant PI insurance

(<https://www.archboardsa.org.au/assets/pdf-files/Guidance-Note-01-PIIv2.pdf>)

Architects registered under AMR will be required to demonstrate to the APBSA each year that their PI Insurance meets the requirements for PI Insurance in this State. This will be by either uploading a copy of your Certificate of Currency each year before 30 June, or by signing a declaration before 30 June each year.

Important Notes

1. If you are working in SA and using the word 'architect' to describe yourself (or its derivatives to describe your services) you must be registered. If you do not notify of your intention under AMR you will not be registered and may be in breach of the Architectural Practice Act 2009.

2. Once established on the SA Register by way of AMR, you are subject to provisions of the Architectural Practice Act. This includes:
 - a. being a 'fit and proper' person to be registered
 - b. maintaining PI Insurance according to the Board's guidance note
 - c. complying with the Architectural Practice Act and Architects' Code of Conduct
 - d. subject to disciplinary action in SA
 - e. complying with the laws in this State

Architects who are not entitled to access AMR to work in SA should apply under Mutual Recognition and complete the Mutual Recognition Application Form (<https://www.archboardsa.org.au/assets/pdf-files/Form-02-Registration-Mutual-Recognition.pdf>). Fees apply for applications under Mutual Recognition (see the fee schedule on the website – <https://www.archboardsa.org.au/for-architects/schedule-of-fees-and-chargesnew-page/>)