

Queensland



ARCHITECTS ACT 1985

**Reprinted as in force on 28 April 1995
(includes amendments up to Act No. 87 of 1994)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 28 April 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use gender neutral office names (s 25)
- correct spelling and use different spelling consistent with current drafting practice (s 26(1) and (2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- reorder provisions consistent with current drafting practice (s 30A)
- use appropriate names for instruments and provision units (s 31)
- insert references to schedule, appendix or body of law (s 33B)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 38, 39 and 40)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- make all necessary consequential amendments (s 7(1)(k)).

Also see Endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **Table of changed names and titles**
 - **Table of obsolete and redundant provisions**
 - **Table of renumbered provisions.**

Queensland



ARCHITECTS ACT 1985

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title and citation	5
2	Commencement	5
4	Savings	5
5	Interpretation	6
PART 2—THE BOARD		
6	Board of Architects of Queensland	7
7	Constitution of the board	7
8	Business of the board	8
9	Rules in the schedule	8
10	Tenure of office and remuneration of members	8
11	Vacancies	9
12	Registrar and other officers	10
13	Funds of board	10
PART 3—REGISTRATION OF ARCHITECTS		
14	The register	11
15	Publication of list of architects	11
16	Roll fee	12
17	Qualifications for registration	12
18	Application for registration	13
19	Certificates of registration	13
20	Appeal from refusal of application for registration	13
21	Removal from register	14
22	Restoration of name of architect to register	14

23	Reissue of certificate of registration	15
24	Continuation of name of deceased architect	15
PART 4—APPROVAL OF ARCHITECTURAL COMPANIES		
25	Conditions of approval	16
26	Certificate of approval and renewal	17
27	Publication of list of approved architectural companies	17
28	Returns by approved architectural companies	18
29	Refusal to approve	18
PART 5—DISCIPLINARY PROCEEDINGS		
30	Interpretation	19
31	Grounds for exercise of disciplinary powers against architect	19
32	Grounds for exercise of disciplinary powers against company	21
33	Commencement of disciplinary proceedings	22
34	Hearing	23
35	Disciplinary powers of board	24
36	Recovery of fine or costs	25
37	Appeal from board's decision	25
38	Publication of decision	26
39	Surrender of certificate	26
PART 6—PROHIBITED PRACTICES		
40	Prohibited practices	27
41	Supervision by architect	30
42	Company to use approved name	30
PART 7—MISCELLANEOUS		
43	Board to have powers of commission of inquiry	31
44	Penalty for forging registration	31
45	Appeals	31
46	Offence by approved architectural company	32
47	Service of documents	32
48	Accounts and audit	33
49	Reports by board	34
50	Evidence	35

51	Board may sue	35
52	Offences	35
53	Judicial notice	36
54	Regulations	36
55	Proclamations and orders in council	37
56	References to repealed Acts	37

SCHEDULE 38

1	Votes at elections	38
2	Duties of the board	38
3	The chairperson	39
4	The registrar	39
5	Meetings of the board	39
6	Examiners	40
7	Times of prescribed examinations	40
8	Manner of examination	40
9	Applications for examination	41
10	Granting of certificates	41
11	Applicant may appeal to the Minister	41
12	Duplicate certificate in case of loss etc.	41

ENDNOTES

1	Index to Endnotes	42
2	Date to which amendments incorporated	42
3	List of legislation	42
4	List of annotations	43
5	Table of changed names and titles	44
6	Table of obsolete and redundant provisions	45
7	Table of renumbered provisions	45

ARCHITECTS ACT 1985

[as amended by all amendments that commenced on or before 28 April 1995]

An Act to consolidate and amend the law relating to the registration and practice of architects and for related purposes

PART 1—PRELIMINARY

Short title and citation

1. This Act may be cited as the *Architects Act 1985*.

Commencement

2.(1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act or the provisions thereof specified by proclamation shall commence on the day or days appointed by proclamation for the commencement of this Act or, as the case may be, those provisions.

Savings

4.(2) Without limiting the operation of the *Acts Interpretation Act 1954* in relation to the repeal effected by subsection (1),¹ unless the contrary intention appears in this Act—

- (a) every act done and decision made, every instrument or document made or issued, for the purposes of the repealed Act shall continue in force and be deemed to have been done, made or

¹ The *Architects Act 1962*.

issued under this Act and shall be construed subject to this Act;

- (b) all moneys, including fees that, having accrued due under the repealed Act, are at the commencement of this Act due or payable to or recoverable by the Board of Architects of Queensland constituted under the repealed Act, or any other body or person, shall be and continue to be so due, payable and recoverable, and may be paid to and received and recovered by the corresponding body or person established or appointed under this Act;
- (c) any gazette, register, book, certificate or other document made evidence under the repealed Act shall continue evidence to the same extent as if this Act had not come into operation.

Interpretation

5. In this Act—

“approved architectural company” means a company for the time being approved by the board under part 4.

“architect” means a person registered as an architect in accordance with this Act and whose name, at any material time, remains upon the register.

“architecture” does not include naval architecture, golf course architecture, landscape architecture, or such other form of architecture as the Governor in Council declares by order in council shall, for the purposes of this Act, not be included in the term “architecture”.

“board” means the Board of Architects of Queensland constituted under this Act.

“chairperson” means the chairperson of the board and includes where applicable a member acting in accordance with this Act as chairperson of the board.

“company” means a company within the meaning of the Companies (Queensland) Code.

“executive officer”, in relation to a company, means any person by whatever name called and whether or not the person is a director of the company, who is concerned, or takes part, in the management of the company.

“member” means a member of the board and includes where applicable a person appointed under this Act to act in the place of a member.

“register” means the Register of Architects kept under this Act.

“registrar” means the registrar of the board appointed under this Act and includes any person appointed to act as, or for the time being performing the duties of, the registrar.

“rules” means the rules set forth in the schedule to this Act and includes any modification of the rules pursuant to this Act.

PART 2—THE BOARD

Board of Architects of Queensland

6.(1) The Board of Architects of Queensland constituted under the repealed Act is hereby preserved, continued in existence and constituted under and for the purposes of this Act.

(2) The board shall be a body corporate with perpetual succession and a common seal and may sue and be sued and shall, for the purposes of and subject to the provisions of this Act, be capable of doing and suffering all such acts and things as a body corporate may by law do or suffer.

Constitution of the board

7.(1) The board shall consist of 6 members appointed by the Governor in Council, as follows—

- (a) 3 members to be nominated by the Minister, 1 of whom shall be representative of a prescribed school of architecture;
- (b) 1 member who shall be the president for the time being of the Queensland Chapter of the Royal Australian Institute of Architects;
- (c) 2 members who shall be architects, and who shall, subject to subsection (2), be elected by the architects of Queensland in the manner prescribed.

(2) If, contrary to subsection (1)(c), an architect is not elected by the architects of Queensland, the Governor in Council shall appoint as member an architect nominated by the Minister.

(3) The Governor in Council shall appoint the chairperson of the board who shall be 1 of the members nominated by the Minister under subsection (1)(a).

Business of the board

8.(1) Subject to this Act the board shall meet at such times and conduct its business in such manner as it may decide or as may be prescribed.

(2) An act, proceeding, decision or determination of the board is not invalid or unlawful by reason only of any defect in the qualification, membership or appointment of any member or by reason only of there being any vacancy in the number of members.

Rules in the schedule

9.(1) The rules set forth in the schedule to this Act shall apply to the business and proceedings of the board, examinations, and certificates, and the several matters referred to therein, and shall be observed by the board and by all persons concerned.

(2) Such rules shall not be read or construed so as to prevent or limit the making of regulations for the purpose of giving full effect to this Act, but where any regulation under this Act conflicts with any of the provisions of the rules, the rules shall prevail.

Tenure of office and remuneration of members

10.(1) Subject to section 11, the members of the board, other than the president for the time being of the Queensland Chapter of the Royal Australian Institute of Architects (who shall hold office for the term of the president's appointment as president), shall hold office for a term of 2 years, but shall be eligible for reappointment, or reelection and reappointment, as the case may be.

(2) Each member of the board shall receive such fees and allowances as may from time to time be prescribed.

Vacancies

11.(1) The office of a member of the board becomes vacant if the member—

- (a) dies;
- (b) refuses or fails to act as a member;
- (c) is absent without prior leave granted by the board from more than 3 consecutive meetings of the board of which the member has received due notice;
- (d) becomes bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (e) resigns office by written notice given to the Minister;
- (f) becomes incapable of performing duties because of mental illness;
- (g) subject to subsections (2) to (7), does not hold or ceases to hold the qualifications (required by section 7(1)) for his or her office; or
- (h) is removed from office by the Governor in Council.

(2) For the purposes of subsection (1)(c), a member shall be deemed to be present at a meeting if the member attends at the time and place appointed for the meeting notwithstanding that, by reason that no quorum is present, no meeting is actually held on that day and the registrar shall record the name of any member who so attends.

(3) If the office of a member becomes vacant during his or her term of office for a reason mentioned in subsection (1) the Governor in Council shall, notwithstanding the provisions of section 7(1), appoint a person to that office who shall hold office for the balance of the term of appointment of his or her predecessor in office.

(4) If at any time a member is, from illness, absence or other proper cause—

- (a) prevented from attending a meeting of the board, the Minister may appoint a person to act in the place of that member during the member's absence; or
- (b) likely to be absent from meetings of the board for more than

4 months, the Governor in Council may appoint a person to act in the place of that member during the member's absence.

(5) If at any time the president of the Queensland Chapter of the Royal Australian Institute of Architects is absent on official leave granted by the institute, the Minister may appoint the person for the time being acting as president of the institute to act as member in the place of the president during the president's absence.

(6) A person appointed to act in the place of a member pursuant to subsection (4) or (5) shall, during the term of the person's appointment, have all the powers of and be deemed to be a member.

(7) If at any time the chairperson is absent from a meeting of the board the Minister may appoint 1 of the other members to act as chairperson and while so acting such other member shall have all the powers of and be deemed to be the chairperson.

Registrar and other officers

12.(1) The Governor in Council may appoint a registrar of the board and fix the remuneration to be paid for the registrar's services.

(1A) In fixing such remuneration the Governor in Council shall have regard to any recommendation made in that behalf by the board.

(2) The board may appoint such other officers as it thinks necessary to give effect to this Act, and may pay such other officers such remuneration as it thinks fit.

(2A) All officers so appointed shall hold office during the pleasure of the board.

Funds of board

13.(1) All moneys received by or on behalf of the board, including fees and penalties, shall be paid into the funds of the board.

(2) The remuneration of the registrar and other officers appointed under this Act, and all other expenses of and incidental to the administration of this Act, shall be paid by the board out of its funds.

(3) Any surplus moneys of the board that are not required for the

purposes of subsection (2) may be expended by the board for the purpose of the advancement of architecture in such manner as it may determine.

(4) The board may from time to time direct that moneys held by it that are not immediately required for the purposes of subsection (2) or (3) be placed on fixed deposit or be invested in government or approved securities.

PART 3—REGISTRATION OF ARCHITECTS

The register

14.(1) There shall be a register of architects containing the name and address of every person registered as an architect and such other particulars as are prescribed.

(2) The register of architects kept under the repealed Act shall continue and shall be the register of architects for the purposes of this Act.

Publication of list of architects

15.(1) The board shall cause to be published in the gazette, as soon as is practicable in each year, a list of the names of architects appearing in the register as at 1 January of that year.

(2) Subject to subsections (3) and (4), a copy of the gazette containing a list mentioned in subsection (1) shall, upon its production in evidence and until the contrary is proved, be sufficient evidence in all proceedings that the persons whose names appear in the list are registered as architects for the year in which the gazette is published.

(3) A certificate signed by the registrar stating that a person was or was not on any date or during any period registered as an architect shall, upon its production in evidence and until the contrary is proved, be sufficient evidence in all proceedings of the matters stated therein.

(4) A copy of the gazette referred to in section 16, 21 or 38 stating that a person's name has been removed from the register shall, upon its production in evidence and until the contrary is proved, be sufficient evidence in all proceedings of the matters stated therein.

Roll fee

16.(1) Subject to subsection (2), every person who is registered as an architect shall, upon registration and in respect of the year of registration, pay to the registrar the prescribed roll fee for that year.

(2) A person who is registered as an architect subsequent to 1 October in any year shall, upon registration, and in addition to the prescribed roll fee for the year of registration, pay to the registrar the prescribed roll fee for the year commencing on 1 January next following the date of registration of that person.

(3) Every architect shall, on or before 1 October in each year pay to the registrar the prescribed roll fee for the year commencing on 1 January next following.

(4) If an architect fails to pay the prescribed roll fee in accordance with subsection (3), the registrar shall forthwith notify the architect by certified mail addressed to the architect at the address appearing in the register that, if the fee is not paid to the registrar on or before 1 December next following, the board may remove the architect's name from the register.

(5) If an architect fails to pay the fee on or before that day, the board may remove the architect's name from the register, such removal to take effect on and from 1 January next following the date of removal and notification thereof to be published in the gazette as soon as is practicable thereafter.

Qualifications for registration

17.(1) Subject to this Act, a person shall be entitled to be registered as an architect if the person satisfies the board that he or she is of good character and reputation and—

- (a) has passed—
 - (i) parts 1 and 2 of the prescribed examinations or equivalent examinations conducted by a board or other body approved by the board; or
 - (ii) a course of study in architecture the syllabus of which has been approved by the board; and
- (b) has such practical experience in architectural work and practice as is prescribed and has passed part 3 of the prescribed examinations

or equivalent examinations conducted by a board or other body approved by the board.

(2) The board may exempt from the requirements of subsection (1)(b) an associate or a fellow of the Royal Australian Institute of Architects who became an associate or, as the case may be, a fellow of the institute prior to 1 January 1976.

Application for registration

18.(1) Application to the board for registration shall—

- (a) be made as prescribed; and
- (b) be supported by such evidence as the board may require; and
- (c) be accompanied by—
 - (i) the prescribed registration fee; and
 - (ii) the prescribed roll fee referred to in section 16(1) or, as the case may be, the prescribed roll fees referred to in section 16(2); and
 - (iii) the prescribed certificate fee.

(2) Where the board refuses an application for registration all fees that accompanied the application shall be refunded.

Certificates of registration

19. Where the board grants an application for registration it shall issue a certificate of registration as prescribed.

Appeal from refusal of application for registration

20. If an application for registration is refused by the board upon a ground other than the ground that the applicant has not passed the prescribed examinations or equivalent examinations or a course of study in architecture, the syllabus of which has been approved by the board, the applicant may appeal to a judge of the District Court who shall have jurisdiction to hear and determine the appeal and whose decision thereon shall be final and conclusive.

Removal from register

21.(1) The board may, in addition to the powers given to it under section 16, remove from the register the name of any person who—

- (a) has died;
- (b) applies to the board in writing to have his or her name removed from the register;
- (c) owing to mental illness, is not capable of practising as an architect;
- (d) does not possess the qualifications in respect of which he or she was registered.

(2) Before removing the name of a person from the register pursuant to subsection (1)(c) or (1)(d) the board shall give the person reasonable opportunity to appear before it, in person or by counsel, solicitor or duly authorised agent, to contest the proposed removal of his or her name from the register.

(3) A person aggrieved by the decision of the board pursuant to subsection (1)(c) or (1)(d) removing his or her name from the register may appeal to a judge of the District Court who shall have jurisdiction to hear and determine the appeal and whose decision thereon shall be final and conclusive.

(4) If the board removes the name of a person from the register pursuant to subsection (1)(a) or (1)(b) it shall cause notice of the removal to be published in the gazette.

(5) If the board removes the name of a person from the register pursuant to subsection (1)(c) or (1)(d) it shall, at the expiration of a period of 28 days after the date of notification of its decision, cause notice of the removal to be published in the gazette unless, within that period, an appeal is instituted against the decision.

(6) If such an appeal is terminated or dismissed the board shall cause notice of the removal to be published in the gazette.

Restoration of name of architect to register

22. Where the board, pursuant to section 16 or 21, removes from the

register the name of any person, the board may, upon application in writing made in that behalf, restore his or her name to the register either without payment of any fee, or conditional upon the payment of such fees as the board may direct.

Reissue of certificate of registration

23. Where the name of a person is, in accordance with this Act, restored to the register, the board shall reissue to the person the certificate of registration as prescribed.

Continuation of name of deceased architect

24.(1) Notwithstanding any other provision of this Act, upon the death of an architect the Board may permit the architect's name to remain upon the register, and may authorise the architect's executor, administrator, or trustee to carry on in the name of the deceased architect the practice formerly carried on by the architect.

(1A) However, the practice shall be carried on under the personal superintendence of an architect whose name shall be registered as superintendent of the practice.

(2) Any such permission and authority shall, in the first instance, be limited to a period not exceeding 12 months, but may from time to time be extended by the board for a further period or periods not exceeding 12 months at any one time.

(2A) However, the board may, at any time, if it thinks fit, withdraw its permission and authority and remove from the register the name of the deceased architect.

(3) Notwithstanding any other provision of this Act, the decision of the board to withdraw its permission and authority and the removal by the board from the register of the name of a deceased architect shall be final and conclusive and shall not be subject to appeal.

PART 4—APPROVAL OF ARCHITECTURAL COMPANIES

Conditions of approval

25.(1) Subject to this part, the board may approve a company as an approved architectural company if—

- (a) the person having the actual personal supervision and management of the business of the company at each place of business is an architect; and
- (b) its articles of association provide that at all times—
 - (i) the principal executive officer of the company shall be an architect and a director of the company;
 - (ii) if the company has only 2 directors—each shall be an architect or 1 shall be an architect and the other shall be—
 - (A) a person holding a prescribed qualification; or
 - (B) a relative, as prescribed, of the architect; or
 - (C) a public accountant or legal practitioner acting for the company;
 - (iii) if the company has more than 2 directors—at least two-thirds of the directors shall be architects;
 - (iv) at least two-thirds of the total voting rights of all directors of the company entitled to vote at a meeting of directors of the company shall be held by architects;
 - (v) at least two-thirds of the total voting rights of all persons entitled to vote at a general meeting of members of the company shall be held by architects;
 - (vi) a body corporate shall not be entitled to be a director of the company; and
- (c) at the time when application for approval is made the company complies with its articles of association made in accordance with paragraph (b).

(2) Application to the board for approval under subsection (1) shall—

- (a) be made as prescribed; and
- (b) be supported by such evidence as the board may require; and
- (c) be accompanied by the prescribed fee.

Certificate of approval and renewal

26.(1) If the board grants an approval pursuant to section 25 it shall issue a certificate of approval as prescribed that shall take effect on and from the date of its issue and shall expire on the last day of February next following but may be renewed pursuant to subsections (2) and (3).

(2) Application to the board by an approved architectural company for a renewal of its certificate of approval shall—

- (a) be made as prescribed on or before 1 February in each year; and
- (b) be supported by such evidence as the board may require; and
- (c) be accompanied by the prescribed fee.

(3) The board may grant a renewal of a certificate of approval for a period of 12 months expiring on the last day of February in any year.

Publication of list of approved architectural companies

27.(1) The board shall cause to be published in the gazette, as soon as is practicable in each year, a list of the companies that are approved architectural companies as at 1 March of that year.

(2) Subject to subsections (3) and (4), a copy of the gazette containing a list mentioned in subsection (1) shall, upon its production in evidence and until the contrary is proved, be sufficient evidence in all proceedings that the companies mentioned in the list are approved architectural companies for the year in which the gazette is published.

(3) A certificate signed by the registrar stating that a company was or was not on any date or during any period an approved architectural company shall, upon its production in evidence and until the contrary is proved, be sufficient evidence in all proceedings of the matters stated therein.

(4) A copy of the gazette referred to in section 29 or 38, stating that the approval of a company as an approved architectural company has been

refused or withdrawn shall, upon its production in evidence and until the contrary is proved, be sufficient evidence in all proceedings of the matters stated therein.

Returns by approved architectural companies

28.(1) Every approved architectural company shall, within 1 month after a person becomes or ceases to be a principal executive officer or other director, or a member of the company, lodge with the registrar a notice stating that fact and the name and residential address of the person and—

- (a) where the company has only 2 directors—stating whether that person—
 - (i) is an architect; or
 - (ii) holds a prescribed qualification; or
 - (iii) is a relative, as prescribed, of the other director who is an architect; or
 - (iv) is a public accountant or legal practitioner acting for the company; or
- (b) where the company has more than 2 directors—stating whether that person is an architect.

(2) An approved architectural company that fails to comply with the provisions of this section or that lodges a notice under this section that is false or misleading in a material particular is guilty of an offence against this Act.

Maximum penalty—\$2 000.

Refusal to approve

29.(1) If an application for approval as an approved architectural company or for the renewal of a certificate of approval under this part is refused by the board, the applicant may appeal to a judge of the District Court who shall have jurisdiction to hear and determine the appeal and whose decision thereon shall be final and conclusive.

(2) If the board refuses to renew a certificate of approval it shall, at the expiration of a period of 28 days after the date of notification of its decision,

cause notice of the refusal to be published in the gazette unless, within that period, an appeal is instituted against the decision.

(3) If such an appeal is terminated or dismissed the board shall cause notice of the refusal to be published in the gazette.

PART 5—DISCIPLINARY PROCEEDINGS

Interpretation

30. In this part—

“**commission**” means an agreement (whether in writing or not) in which an architect or a company undertakes to provide architectural services to a person (the “**principal**”) whether or not the agreement provides for the architect or company to receive valuable consideration in respect of the provision of those architectural services.

“**company**” means an approved architectural company.

Grounds for exercise of disciplinary powers against architect

31.(1) Subject to this part, the board may exercise any of the disciplinary powers referred to in section 35 against an architect on 1 or more of the following grounds—

- (a) that the architect has been convicted in Queensland of an indictable offence or has been convicted elsewhere of an offence which, if it were committed in Queensland, would be an indictable offence or has been convicted in Queensland or elsewhere of any other offence which other offence renders him unfit to practise as an architect;
- (b) that the architect fraudulently obtained his or her registration under this Act;
- (c) that the architect is not a fit and proper person to be registered as an architect;
- (d) that his or her registration as an architect in another State or

Architects Act 1985

Territory is or has been suspended or has been cancelled for a reason other than non-payment of fees;

- (e) that the architect is guilty of misconduct in a professional respect;
- (f) that the architect is an executive officer of a company in respect of which disciplinary action has been or is to be taken pursuant to section 35 unless the architect satisfies the board that the act or omission relevant to the proceedings against the company was done or made without his or her knowledge and that he or she could not with reasonable diligence have prevented the doing of the act or the making of the omission.

(2) Without limiting the meaning of the expression 'misconduct in a professional respect' used in subsection (1)(e), an architect shall be deemed to be guilty of such misconduct if the architect—

- (a) allows a person, other than another architect with whom the architect is in partnership, to practise as an architect in his or her name; or
- (b) in connection with a commission accepted by the architect, by a firm of which the architect is a member, or by a company of which the architect is an executive officer or employee, intentionally does an act or makes an omission that prejudices the interests or rights of the principal arising out of the commission; or
- (c) signs any account, statement, report, specifications, plan or other document thereby representing, or in any other manner represents, that the architect has performed architectural services if those services were not performed by the architect or under his or her personal supervision or direction; or
- (d) directly or indirectly gives or offers, or agrees to give or offer, a person valuable consideration as a reward or inducement for the person securing or attempting to secure a commission for the architect; or
- (e) undertakes or agrees to undertake a commission in connection with a matter the subject of a dispute if his or her remuneration for performing the commission depends in any way upon whether or not the dispute is resolved in favour on the principal;

or

- (f) fails to provide to the principal regular and accurate statements of the principal's costs arising out of a commission; or
- (g) provides architectural services in respect of a building or other construction and is the builder of that building or other construction without the written consent of the principal.

Grounds for exercise of disciplinary powers against company

32.(1) Subject to this part, the board may exercise any of the disciplinary powers referred to in section 35 against a company on 1 or more of the following grounds—

- (a) that the company has been convicted in Queensland or elsewhere of an offence which renders the company unfit to be an approved architectural company;
- (b) that the company is guilty of misconduct in a professional respect;
- (c) that an executive officer of the company who is not an architect is not a fit and proper person to be an executive officer of an approved architectural company;
- (d) that disciplinary action has been, or is to be, taken against an executive officer of the company pursuant to section 35;
- (e) that the company fraudulently obtained approval as an approved architectural company;
- (f) that the company does not or ceases to fulfil the requirements of section 25 in respect of obtaining approval as an approved architectural company.

(2) Without limiting the meaning of the expression 'misconduct in a professional respect' used in subsection (1)(b), a company shall be deemed to be guilty of such misconduct if—

- (a) in connection with a commission accepted by it, it intentionally does an act or makes an omission that prejudices the interests or rights of the principal arising out of the commission; or
- (b) it engages in conduct of the kind referred to in section 31(2)(c) to (g).

(3) For the purposes of subsection (2), section 31(2)(c) to (g) shall be read and construed as if references to an architect were references to a company.

Commencement of disciplinary proceedings

33.(1) Subject to this section, the board may of its own motion or upon the written complaint of any person cause an investigation to be made of the conduct of—

- (a) an architect in respect of a ground mentioned in section 31; or
- (b) a company in respect of a ground mentioned in section 32.

(1A) The board may appoint a person to conduct any such investigation.

(2) The board may refuse to investigate a complaint that is, in its opinion, frivolous or vexatious.

(3) If the board determines to authorise an investigation, pursuant to subsection (1), it shall, before the commencement of the investigation, give the architect or, as the case may be, the company written notice of its determination accompanied by—

- (a) sufficient particulars to inform the architect or, as the case may be, the company of the matter to be investigated; and
- (b) an invitation to lodge with the registrar a reply to the particulars contained in the notice, within 21 days after the date shown in the notice.

(4) Subject to subsection (5), the board may, after considering—

- (a) the results of any investigation authorised pursuant to subsection (1); and
- (b) any reply lodged in accordance with subsection (3);

summon the architect or, as the case may be, the company to show cause, at a time (being not less than 14 days after the date of service of the summons) and place specified in the summons, why disciplinary action should not be taken pursuant to section 35.

(5) A summons referred to in subsection (4) shall—

- (a) not be served until a reply is lodged in accordance with

subsection (3)(b) or until the expiration of the period allowed by subsection (3)(b) for lodging a reply, whichever occurs sooner; and

- (b) be accompanied by a complaint stating the ground or grounds mentioned in section 31 or, as the case may be, section 32 on which disciplinary action may be taken, and containing sufficient particulars to inform the architect or, as the case may be, the company of the matter of complaint.

(6) If a complaint against a company alleges a ground (mentioned in section 32(1)(c) or (d)) relating to the misconduct of executive officer, a copy of the complaint shall be served upon that executive officer together with a summons requiring the executive officer to appear at the time and place appointed for the hearing of the complaint against the company unless the executive officer is summoned to appear at that time and place pursuant to subsection (4).

(7) A summons required by subsection (6) to be served on an executive officer shall be served not less than 14 days before the date upon which the complaint against the company is to be heard.

Hearing

34. At the hearing of a complaint pursuant to this part—

- (a) the board may, or if required so to do by a natural person or company summoned pursuant to section 33 shall, order that the hearing take place in public;
- (b) a natural person summoned pursuant to section 33 shall attend throughout the duration of the hearing unless excused from so doing by the board;
- (c) subject to paragraph (b), a natural person summoned pursuant to section 33 may be represented at the hearing by his or her counsel or solicitor;
- (d) a company summoned pursuant to section 33 may be represented at the hearing by its counsel, solicitor or duly authorised agent;
- (e) a barrister, solicitor or other person appointed by the board may appear to examine or cross-examine witnesses or to otherwise

assist the board;

- (f) if a natural person or company summoned pursuant to section 33 fails to obey the summons then, upon proof of the due service of the summons, the board may hear and determine the matter in the absence of the person or, as the case may be, the company;
- (g) if the board believes that instead of or in addition to the ground or grounds specified in the complaint, the architect or, as the case may be, the company should show cause in relation to some other ground or grounds the architect or company shall, subject to paragraph (h), show cause in relation to the other ground or grounds;
- (h) before an architect or, as the case may be, a company is required to show cause pursuant to paragraph (g), the board shall give the architect or company particulars of the other ground or grounds and, if required so to do by the architect or company, adjourn the hearing for a period of 7 days or such longer period as the board may allow.

Disciplinary powers of board

35.(1) If, upon the hearing of a complaint pursuant to this part, the board is satisfied that a ground referred to in section 31 or, in the case of proceedings against a company, section 32 is made out it may do any 1 or combination of the following—

- (a) reprimand the architect or, as the case may be, the company;
- (b) order that the architect or, as the case may be, the company pay to the board within the time limited by the board a fine not exceeding \$2 000;
- (c) order—
 - (i) in respect of an architect—that the architect's name be removed from the register and that the architect be disqualified from obtaining registration indefinitely or for a period specified in the order;
 - (ii) in respect of a company—that its certificate of approval be withdrawn and that it be disqualified from obtaining

approval as an architectural company indefinitely or for a period specified in the order;

- (d) order that the architect or, as the case may be, the company pay to the board within the time limited by the board such costs of and incidental to the hearing as it thinks fit (including the fees and allowances payable to the members).

(2) If, upon the hearing of a complaint against a company pursuant to this part, the board is satisfied that an executive officer of the company, summoned pursuant to section 33(5) or (6), is not a fit and proper person to be an executive officer of an approved architectural company it may order—

- (a) that the executive officer be disqualified from being an executive officer of an approved architectural company indefinitely or for such period as is specified in the order; and
- (b) that the certificate of approval of the company be withdrawn until such time as the board is satisfied that the person, in respect of whom it has made an order under paragraph (a), is no longer an executive officer or member of the company.

Recovery of fine or costs

36.(1) If, pursuant to section 35, the board orders that a fine or costs be paid and the order is not complied with within the time limited in the order the board may recover the amount of the fine or costs outstanding as a debt due and owing to the board by action in a court of competent jurisdiction.

(2) A certificate of the registrar as to the making and terms of such an order and the amount outstanding in respect of the order shall be evidence, and in the absence of evidence to the contrary conclusive evidence, in all proceedings of the matters contained in the certificate.

Appeal from board's decision

37. If the board—

- (a) takes disciplinary action against an architect or company pursuant to this part; or
- (b) makes an order of disqualification in respect of an executive officer pursuant to section 35(1)(a);

the architect or, as the case may be, the company or executive officer may appeal to a judge of the District Court who shall have jurisdiction to hear and determine the appeal and whose decision thereon shall be final and conclusive.

Publication of decision

38.(1) If the board makes an order pursuant to section 35(1)(c) in respect of an architect or a company, it shall, at the expiration of a period of 28 days after the date of notification of its decision, cause notice of the order to be published in the gazette unless, within that period, an appeal is instituted against the decision.

(2) If such an appeal is terminated or dismissed the board shall cause notice of the order made by it pursuant to section 35(1)(c) to be published in the gazette.

Surrender of certificate

39.(1) If an order is made pursuant to section 35 removing the name of an architect from the register or withdrawing the certificate of approval of a company the architect or, as the case may be, the company shall surrender the relevant certificate to the board within 28 days after the date of notification of the board's decision unless within that period an appeal is instituted against the order.

(1A) If such an appeal is terminated or dismissed, the appellant shall forthwith surrender the relevant certificate to the board.

(2) An architect who, or a company that, fails to surrender a certificate in accordance with subsection (1) is guilty of an offence against this Act.

Maximum penalty—\$1 000.

(3) If an order is made pursuant to section 35 disqualifying an architect or company from obtaining registration or, as the case may be, approval for a specified period then, upon expiration of the period so specified and subject to the provisions of this Act in respect of obtaining registration or, as the case may be, approval, the certificate of registration may be reissued to the architect or, as the case may be, the certificate of approval may be reissued to the company.

(4) The removal of the name of an architect from the register or the withdrawal of a certificate of approval from a company pursuant to an order made under section 35 shall be effectual notwithstanding the failure to surrender the certificate of registration or, as the case may be, the certificate of approval.

(5) Subject to subsection (3), if an order is made pursuant to section 35 removing the name of an architect from the register or withdrawing the certificate of approval of a company the name of the architect shall not be again entered on the register or, as the case may be, the company shall not be again approved as an approved architectural company except—

- (a) on the order of a judge of the District Court upon appeal pursuant to section 37; or
- (b) by direction of the board in any case where the board thinks fit upon—
 - (i) application in writing being made to it; and
 - (ii) payment of such fees as the board may direct, being not greater in any case than the fees payable under this Act in respect of an application for registration as an architect or, as the case may be, an application for approval as an approved architectural company.

PART 6—PROHIBITED PRACTICES

Prohibited practices

40.(1) No person shall take or use or by inference adopt in connection with architecture or the practice of architecture (and whether alone or in conjunction with any other name, title, word, letters or symbol) any name, title, word, letters, or symbol implying or which may be construed as implying that the person is qualified or entitled to registration as an architect or is qualified to practise architecture other than such name, title, word, letters or symbol as truly indicates or indicate a qualification that the person in fact holds.

(2) No person other than an architect shall—

Architects Act 1985

- (a) advertise that the person is or hold himself or herself out as being or in any manner pretend to be or possess the status of an architect; or
- (b) in connection with architecture take or use or by inference adopt (either alone or in conjunction with any other name, title, word, letters or symbol)—
 - (i) the title of ‘architect’ or any abbreviation or derivative thereof; or
 - (ii) any name, title, word, letters or symbol implying, or which may be construed as implying that the person is an architect, or is qualified to practise architecture.

(2A) Subject to subsection (3) the provisions of subsection (2) do not apply to an unincorporated body or association of persons consisting wholly of persons who are architects or to an approved architectural company.

(3) An approved architectural company or a body or association of persons consisting wholly of architects that—

- (a) advertises or holds itself out as being qualified to practise architecture; or
- (b) takes or uses or by inference adopts (either alone or in conjunction with any other name, title, word, letters or symbol) any name, title, word, letters or symbol implying, or which may be construed as implying, that it is qualified to practise architecture;

shall, in conjunction therewith, specify the name or names of the architect or architects supervising the performance of architectural services undertaken by the company or, as the case may be, the body or association.

(4) A person who—

- (a) advertises that the person is or holds himself or herself out as being or in any manner pretends to be or to possess the status of a consultant or designer with respect to architecture; or
- (b) takes or uses or by inference adopts (either alone or in conjunction with any other name, title, word, letters or symbol) any name, title, word, letters or symbol implying, or which may be construed as implying, that the person is a consultant or designer with respect to architecture;

shall, if the person is not an architect, be deemed to hold himself or herself out as being an architect for the purposes of this section.

(5) A person who advertises or exhibits any degree, diploma, certificate, membership, licence, letters, testimonial or title, status or document, or takes or uses any letters (either alone or in conjunction with any title, word, or letters) which may be construed as implying that the person is an architect or is qualified to practise architecture, shall, if the person is not an architect, be deemed to hold himself or herself out as being an architect for the purposes of this section.

(6) Nothing contained in subsections (2), (4) or (5) shall be read so as to—

- (a) apply to any person—
 - (i) with respect to the practice of architecture by that person as an officer of the public service of Queensland or of the Commonwealth, or as an officer or employee of any statutory authority constituted for public purposes; or
 - (ii) with respect to the practice by that person of naval architecture, golf course architecture or landscape architecture, or any other form of architecture referred to in an order in council made pursuant to section 5; or
- (b) prevent any employee of an architect from using the title ‘architectural assistant’ or ‘architectural draftsman’ or ‘architectural technician’; or
- (c) prevent any person from using the term ‘architectural’ bona fide to indicate that the person carries on the business of the supply of wares, instruments, or materials, used in connection with architecture; or
- (d) prevent any engineer, builder, or other person from designing or superintending the erection of any building.

(7) Nothing in this Act shall debar any person, by reason only that the person is not an architect, from obtaining from any local government any permit required for the erection or the supervision of the erection of any work, undertaking, structure, or building, or from designing, erecting or supervising the erection of any work, undertaking, structure or building.

Supervision by architect

41.(1) Architectural services undertaken by an approved architectural company or by a body or association consisting wholly of architects shall at all times be performed under the supervision of an architect.

(2) An approved architectural company that fails to comply with subsection (1) commits an offence against this Act.

Maximum penalty—\$2 000.

(3) If a body or association consisting wholly of architects fails to comply with subsection (1) each of those architects shall be deemed to have committed an offence against this Act.

Maximum penalty—\$2 000.

(4) It is a defence to a charge of an offence brought against an architect pursuant to subsection (3) to prove that the failure to comply took place without his or her knowledge and that he or she could not with reasonable diligence have prevented such failure.

Company to use approved name

42. An approved architectural company that takes, uses or adopts in connection with architecture or the practice of architecture a name other than its name as shown in the certificate of approval issued to it under section 26 commits an offence against this Act.

Maximum penalty—\$2 000.

PART 7—MISCELLANEOUS**Board to have powers of commission of inquiry**

43. The board shall, in respect of disciplinary proceedings under part 5 or for the purposes of making any other investigation authorised by this Act—

- (a) have all the powers, authority, protection and jurisdiction of a commission of inquiry under the *Commissions of Inquiry Act 1950*, save any such powers, authority, protection and jurisdiction

as are, by that Act, confined to the chairperson, being a Judge of the Supreme Court; and

- (b) be authorised to take a statutory declaration from any person.

Penalty for forging registration

44. Any person who wilfully made or causes to be made any false entry in or falsification of the register or who obtains or attempts to obtain registration or approval of any kind under this Act for himself or herself or another person by wilfully making or producing, or wilfully causing to be made or produced, a false representation or declaration (whether verbal or written) shall be guilty of an offence against this Act.

Maximum penalty—\$2 000 or imprisonment for 6 months.

Appeals

45. Where by this Act provision is made for appealing to a Judge of the District Court against a decision of the board—

- (a) such an appeal shall be by way of rehearing and shall be instituted by lodging with the court written notice of the appeal within 28 days after the date of notification of the board's decision or, if exceptional circumstances exist, such further period as a Judge of the District Court allows;
- (b) an appellant shall serve a copy of the notice of appeal upon the registrar of the board within 7 days of lodging the notice with the court;
- (c) rules of court may be made under the *District Courts Act 1967* with respect to the institution, conduct and disposal of such appeals;
- (d) until such rules of court are made or in so far as such rules of court do not extend a Judge of the District Court may, in a particular case, give such directions as the Judge thinks fit and such directions shall, according to their tenor, have the force and effect of rules of court made for the purposes of this section;
- (e) the Judge may, in respect of the appeal, set aside the order of the board or vary it in such manner as the Judge thinks fit, or may

disallow the appeal and confirm the order of the board, and may, in any case, make such order as to the costs of the appeal as the Judge thinks fit.

Offence by approved architectural company

46.(1) A director of an approved architectural company that commits an offence against this Act shall be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly unless the director proves that the offence was committed without his or her knowledge and that he or she could not with reasonable diligence have prevented its commission.

(2) This section applies so as not to limit or affect in any way the liability of an approved architectural company to be proceeded against and punished for an offence against this Act.

Service of documents

47.(1) Subject to this Act, where any notice, complaint, summons or other document is to be given to any person under or for the purposes of this Act it shall be taken—

- (a) that the notice, requisition or other document has been duly given to that person upon evidence that the same has been sent by certified mail to or left at the address last known to the person by whom the same was sent or left as the place of residence or place of business of that person or, where that person is an incorporated person, as the registered office of that incorporated person; and
- (b) that, where service was effected by certified mail, the notice, complaint, summons or other document was received by the addressee at the time when the certified mail would have been delivered at the address to which it was sent in the ordinary course of post.

(2) Where service is to be effected on a body corporate, it may be effected on any person who is concerned or takes part in the management of the body corporate, or on the secretary thereof or on any person who is apparently in charge of any premises in or from which the business of the body corporate is conducted and service so effected shall be deemed to be

service on the body corporate.

Accounts and audit

48.(1) In this section—

“books and accounts” means the records, howsoever compiled, recorded or stored whether in written or printed form or on microfilm or by electronic process or otherwise, of transactions in respect of moneys or property expressed in money or, in the case of property, money or other units of measurement, and includes books, documents, writings, money forms, bank accounts, vouchers and other records of any kind from which accounts have been compiled and information and records of any kind to which the Auditor-General thinks he or she ought to have recourse in the conduct of an audit.

(2) The board shall cause proper books and accounts to be provided and kept and true and regular entries to be made therein in respect of all transactions entered into by the board.

(3) The board shall as soon as is practicable after the end of each financial year prepare statements of account with respect to the financial operations of the board for that year (the **“annual statements of account”**).

(4) The annual statements of account shall—

- (a) be in the form prescribed; and
- (b) be certified by the chairperson and the registrar as to whether in their opinion they fairly set out the financial transactions of the board for the period to which they relate and show a true and fair view of the state of affairs of the board at the end of that period on a basis consistent with that applied in respect of the financial year last preceding; and
- (c) thereupon be transmitted to the Auditor-General.

(5) Until the annual statements of account have been audited, and laid before the Legislative Assembly pursuant to section 49, no such statement shall be sold or made available to any person other than a member, the registrar or an officer appointed pursuant to section 12, the Minister or a person acting in aid of the Minister or the Auditor-General or a person acting in aid of the Auditor-General.

(6) The Auditor-General shall audit the accounts of the board kept in respect of all transactions entered into by the board and shall have in respect of any such audit all the powers and authorities conferred on the Auditor-General by the *Financial Administration and Audit Act 1977*.

(7) The Auditor-General shall certify on the annual statements of account whether or not the Auditor-General has obtained all the information and explanations required by the Auditor-General and whether or not such statements—

- (a) are prepared in the form prescribed; and
- (b) are in agreement with the accounts of the board; and
- (c) have, in the Auditor-General's opinion, been properly drawn up so as to present a true and fair view of the transactions for the financial year in question and the financial position at the end of that year on a basis consistent with that applied in respect of the financial year last preceding;

and after such certification, shall deliver those statements to the board.

Reports by board

49.(1) The board shall, not later than 31 October in each year, furnish to the Minister a report on the board's operations during the year ended 30 June in that year.

(2) The report shall include the annual statements of account together with the certificate of the Auditor-General prescribed pursuant to section 48.

(3) The Minister shall, within 14 sitting days after a report of the board is received, cause the report to be tabled before the Legislative Assembly.

Evidence

50.(1) In any proceeding by or on behalf of the board under this Act it shall not be necessary to prove the appointment or election of the members, chairperson, or registrar of the board.

(2) A writing certified by the registrar to be a true copy of or a true extract from any register, book, certificate, notice, list, document, or writing of any nature whatsoever that, pursuant to this Act, is in the custody of the board or

of the registrar or of any other officer of the board shall, upon its production in evidence, and until the contrary is proved, be sufficient evidence in any proceeding of the original of which it purports to be a copy or extract and shall be receivable in evidence to the same extent as the original.

(3) An averment in a complaint of the date on which the commission of an offence came to the knowledge of the complainant shall be evidence and, in the absence of evidence to the contrary, conclusive evidence in all proceedings of that averment.

Board may sue

51.(1) The board may, in its own name, by the registrar, or by any person thereunto authorised by the chairperson, institute or carry on any proceeding whatsoever.

(2) It shall not be necessary to prove the authority of any person to institute or carry on any proceeding on behalf of the board.

Offences

52.(1) All offences against this Act may be prosecuted, and all fees due and payable under this Act may be recovered, in a summary way under the *Justices Act 1886*, upon the complaint of any person authorised by the chairperson.

(2) Proceedings for an offence against this Act may be instituted at any time within 12 months after the commission of the offence, or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever period is later to expire.

(3) Any person who contravenes or fails to comply with any of the provisions of this Act shall be guilty of an offence against this Act.

(3A) Any person guilty of an offence against this Act shall be liable, if no specified penalty is prescribed for that offence, to a penalty not exceeding \$2 000.

(4) All penalties and fees recovered by the board under this Act shall be paid to the board and become part of its funds.

Judicial notice

53. For the purposes of this Act the signatures of the chairperson and the registrar shall be judicially noticed.

Regulations

54. The Governor in Council may, from time to time, make regulations, not inconsistent with this Act, prescribing all matters and things that are necessary or convenient for carrying out or giving effect to this Act, and without limiting the generality of the foregoing provisions of this subsection, in particular—

- (a) regulating the appointment and election of members and the proceedings of the board; and
- (aa) prescribing the fees and allowances, that may be paid to members of the board in relation to the exercise of their powers and duties under this Act, and including fees for attendance at meetings of the board and reasonable travelling expenses; and
- (b) regulating the duties of the registrar and other officers; and
- (c) prescribing what schools of architecture shall be recognised by the Minister for the purpose of representation on the board; and
- (d) prescribing the appointment of examiners, and regulating the holding of examinations and prescribing the standards of, subjects of, and fees for such examinations; and
- (e) prescribing the practical experience in architectural work and the practice of architecture required of an applicant for registration as an architect; and
- (f) regulating the conduct of disciplinary proceedings under part 5; and
- (g) prescribing fees payable under this Act including fees for inspection of any register or record, and for the making and supply of any copy thereof or extract therefrom; and
- (h) prescribing forms to be used for the purpose of this Act; and
- (i) prescribing the manner of keeping the register; and
- (j) prescribing the amount of any penalty for any breach of the

regulations which penalty shall not exceed in any particular case \$1 000; and

- (k) prescribing all matters and things required or permitted by this Act to be prescribed.

Proclamations and orders in council

55. Section 28A of the *Acts Interpretation Act 1954* shall apply with respect to proclamations and orders in council made under this Act and, for the purposes of so applying, that section shall be read and construed as if the references to regulations were references to proclamations and orders in council.

References to repealed Acts

56. A reference in an Act or document to either of the following Acts is taken to be a reference to this Act—

- *Architects Act 1928*
- *Architects Act 1962*.

SCHEDULE

Votes at elections

1.(1) In the case of the election of the representatives of the architects, each architect shall have 1 vote only.

(2) The registrar shall be the returning officer at any election.

(3) If at any time prior to or during the conduct of any election it appears to the Governor in Council that the registrar is or will be by reason of illness, absence from Brisbane, or other cause unable to perform some or all of the duties of returning officer in connection with an election the Governor in Council may appoint a person to perform all duties which, but for such illness, absence, or other cause should be performed by the registrar as returning officer.

(4) Upon such appointment the person appointed shall, during the illness, absence, or inability of the registrar do and perform all acts, matters and things which the registrar is by or under this Act required or authorised to do or perform as returning officer, and in respect of the doing or performance of every such act, matter and thing, shall be deemed to be the returning officer at the election.

Duties of the board

2. The duties of the board shall be—

- (a) to cooperate with the Department of Works, the Department of Education, and any other government department of Queensland, and with bodies approved by the board or conducting courses approved by the board for the purposes of section 17 of the Act, on all matters relating to architectural education; and
- (b) to conduct examinations or certificates of registration and to issue such certificates; and
- (c) to make such public notification as to the granting of registration as the Minister may direct; and
- (d) to carry out such other duties as may be prescribed or as the Minister may from time to time require.

SCHEDULE (continued)

The chairperson

3. The chairperson shall act as executive officer of the board.

The registrar

4. The registrar shall keep minutes of meetings of the board, issue notices of meetings, conduct correspondence, keep records of examinations and of the issue and cancellation of certificates, and of the suspension of certificates under the repealed Act, and perform such other duties pertaining to the business of the board as the board may direct.

Meetings of the board

5.(1) A meeting of the board shall be held at least once in every 2 months.

(2) Notice of the time and place of meetings, and of the business to be transacted by the board thereat, shall be given to all members at least 7 days before the date of the meeting.

(3) The chairperson shall preside at every meeting at which he or she is present.

(4) The business transacted at any meeting shall be that specified in the notice.

(5) Any 4 members shall form a quorum.

(6) A special meeting for any particular purpose may be called by the chairperson at the chairperson's discretion or when the chairperson is requested by 2 or more members to call such a meeting.

(6A) If the chairperson fails to call a special meeting after such a request, any 2 members of the board may call such a meeting by a notice signed by themselves.

(6B) Such notice shall state the time and place of meeting and the business to be transacted thereat, and shall be given to members at least 7 days before the date of such meeting.

SCHEDULE (continued)

(6C) The business transacted at any special meeting shall be that specified in the notice.

(7) At any meeting of the board, if a quorum is not present within 15 minutes after the notified hour of meeting, that fact and the names of the members present shall be recorded by the registrar in the minute book.

(8) All powers vested in the board may be exercised by a majority of the members present at any meeting duly held, and all questions shall be decided by a majority and by open voting.

(9) Upon any question the chairperson shall have a vote, and if the members are equally divided the chairperson shall have a second or casting vote.

(10) If any member refuses to vote, the member's vote shall be counted for the negative.

Examiners

6. The board may appoint examiners to conduct prescribed examinations.

Times of prescribed examinations

7.(1) Prescribed examinations shall be held at such times and places as the board may determine.

(2) Notification of the time and place of holding prescribed examinations shall be published in a daily newspaper circulating in the locality in which the examinations are to be held at least 28 days before the date of holding such examinations.

Manner of examination

8. The board shall determine the manner of the prescribed examinations, and may determine that oral, written, or practical tests, or any or all of these shall be employed.

SCHEDULE (continued)**Applications for examination**

9. A candidate wishing to sit for a prescribed examination shall make application to the board for entry to the examination, such application to be in the prescribed form or a form to the like effect and to be lodged with the board on or before the date determined by the board for lodging such applications.

Granting of certificates

10.(1) Subject to this Act, certificates of registration shall be granted by the board to every person who sits for the prescribed examinations and who satisfies the board's requirements.

(2) Certificates shall be in the prescribed form.

Applicant may appeal to the Minister

11. Every applicant for permission to sit for a prescribed examination, who is dissatisfied with the decision of the board in respect of his or her application, may within 3 months after notice of such decision has been communicated to the applicant by the registrar, appeal to the Minister, and the Minister may, after hearing such person and the board, dismiss the appeal or order the board to permit such applicant to sit for the prescribed examination.

Duplicate certificate in case of loss etc.

12.(1) If any certificate is lost or destroyed, the holder, or some person having knowledge of the facts and circumstances, may make a statutory declaration with respect thereto and the board, if satisfied with such declaration, may issue a fresh certificate to the person entitled to hold the same, on payment of the prescribed fee.

(2) Such certificate shall be endorsed with a memorandum setting out the reasons for the issue thereof, and thereafter such certificate shall be available as if it were the original certificate.

ENDNOTES

1 Index to Endnotes

	Page
2 Date to which amendments incorporated	42
3 List of legislation	42
4 List of annotations	43
5 Table of changed names and titles	44
6 Table of obsolete and redundant provisions	45
7 Table of renumbered provisions	45

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 April 1995. Future amendments of the Architects Act 1985 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

Architects Act 1985 No. 22

date of assent 15 April 1985

ss 1–2 commenced on date of assent

remaining provisions commenced 9 August 1985 (proc pubd Gaz 10 August 1985 p 2264)

as amended by—

Public Service (Administrative Arrangements) Act 1990 No. 73 s 3 sch 1

date of assent 10 October 1990

s 3 sch 1 commenced 24 November 1990 (proc pubd Gaz 24 November 1990 p 1450)

Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 sch

date of assent 6 December 1990

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1994 No. 15 s 3 sch 2

date of assent 10 May 1994

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act (No. 2) 1994 No. 87 s 3 sch 1

date of assent 1 December 1994

commenced on date of assent

4 List of annotations**Key to abbreviations in list of annotations**

amd	=	amended
AIA	=	Acts Interpretation Act 1954
ch	=	chapter
def	=	definition
div	=	division
exp	=	expires/expired
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
pt	=	part
R1	=	Reprint No. 1
RA	=	Reprints Act 1992
renum	=	renumbered
sdiv	=	subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Arrangement of Act

s 3 om R1 (see RA s 36)

Savings

s 4 amd R1 (see RA s 40)

Interpretation

s 5 amd 1990 No. 73 s 3 sch 1

def “**Minister**” om R1 (see AIA s 36)**Constitution of the board**

s 7 amd 1990 No. 88 s 3 sch; R1 (see RA s 38)

Registrar and other officers

s 12 amd R1 (see RA s 38)

Removal from register

s 21 amd 1990 No. 88 s 3 sch

Conditions of approval

s 25 amd 1994 No. 87 s 3 sch 1

Commencement of disciplinary proceedings

s 33 amd 1990 No. 88 s 3 sch

Hearing

s 34 amd 1990 No. 88 s 3 sch

Surrender of certificate

s 39 amd 1990 No. 88 s 3 sch

Accounts and audit

s 48 amd R1 (see RA s 39)

Board may sue

s 51 amd 1990 No. 88 s 3 sch

Offences

s 52 amd 1990 No. 88 s 3 sch

Regulations

s 54 amd R1 (see RA s 39)

References to repealed Acts

s 56 ins 1994 No. 87 s 3 sch 1

SCHEDULE

amd 1990 No. 88 s 3 sch

5 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
local authority	local government	Local Government Act 1993 s 755(1)(a)

6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
def “financial year”	Acts Interpretation Act 1954 s 36
def “Minister”	Acts Interpretation Act 1954 ss 36, 33(1) to(4) and 24B(8)(b) (see also RA, s 39, example 2)
definitions to be read in context	Acts Interpretation Act 1954 s 32A
reference to provisions of law inclusive	Acts Interpretation Act 1954 s 35D
statutory instruments may prohibit	Statutory Instruments Act 1992 s 27

7 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

Previous	Renumbered as
9, 1st para	9(1)
9, 1st unnum para	9(2)
12(1), 1st unnum para	12(1A)
12(2), 1st unnum para	12(2A)
16(4), 1st unnum para	16(5)
17, 1st para	17(1)
17, 1st unnum para	17(2)
21(5), 1st unnum para	21(6)
24(1), 1st unnum para	24(1A)
24(2), 1st unnum para	24(2A)
29(2), 1st unnum para	29(3)
32(2), 1st unnum para	32(3)
33(1), 1st unnum para	33(1A)
33(6), 1st unnum para	33(7)
36, 1st para	36(1)
36, 1st unnum para	36(2)
38, 1st para	38(1)

38, 1st unnum para	38(2)
39(1), 1st unnum para	39(1A)
40(2), 1st unnum para	40(2A)
48(3)(a), 1st para	48(3)
48(3)(a), 1st unnum para	48(4)
48(3)(a)(i)	48(4)(a)
48(3)(a)(ii)	48(4)(b)
48(3)(a)(iii)	48(4)(c)
48(3)(b)	48(5)
48(3)(c)	48(6)
48(3)(d)	48(7)
48(3)(d)(i)	48(7)(a)
48(3)(d)(ii)	48(7)(b)
48(3)(d)(iii)	48(7)(c)
51, 1st para	51(1)
51, 1st unnum para	51(2)
52(3), 1st unnum para	52(3A)
54(a), 1st unnum para sch	54(aa)
1(3), 1st unnum para	1(4)
5(6), 1st unnum para	5(6A)
5(6), 2nd unnum para	5(6B)
5(6), 3rd unnum para	5(6C)
5(8), 1st unnum para	5(9)
5(8), 2nd unnum para	5(10)
7, 1st para	7(1)
7, 1st unnum para	7(2)
10, 1st para	10(1)
10, 1st unnum para	10(2)
12, 1st para	12(1)
12, 1st unnum para	12(2)