



Architects Act 2002

Architects Regulation 2003

Current as at 1 July 2019

Reprint note

This is the last reprint before repeal. Repealed on 8 July 2019 by 2019 SL No. 131 s 28.

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Queensland

Architects Regulation 2003

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Dictionary	3
Part 2	Election of an architect to the board	
Division 1	Preliminary	
3	Purpose of pt 2	3
Division 2	Notice of election and nomination procedure	
4	Notice of election	3
5	Notice calling for nominations	4
6	Requirements for nominations	4
Division 3	Procedure if only 1 candidate nominated	
7	Candidate taken to be elected unopposed	4
8	Registrar to give notice of elected candidate	5
Division 4	Procedure if more than 1 candidate nominated	
9	Registrar to conduct ballot	5
10	Notice of accessibility of ballot	5
11	Registrar to ensure ballot accessible	5
12	Requirements for ballot forms	6
13	Ways of voting	6
14	Printed voting material—registrar	7
14A	Printed voting material—voting services provider	7
14B	How votes are cast	7
14C	Ballot box and electronic vote security—registrar	8
14D	Ballot box and electronic vote security—voting services provider	9
14E	Counting of votes—registrar	9
14F	Counting of votes—voting services provider	10
14G	Voting services provider to inform registrar of result	10

Contents

14H	Registrar to inform Minister of result	11
15	Candidate with the highest number of votes is elected	11
16	Registrar to give notice to candidates	11
17	Disposal of ballots—registrar	12
17A	Disposal of ballots—voting services provider	12
Division 5	Voting services providers and electronic voting systems	
17B	Voting services provider	13
17C	Requirements for electronic voting systems	13
Part 3	Miscellaneous	
18	Prescribed school of architecture—Act, s 82	14
18A	Code of practice approved—Act, s 108	14
19	Fees	14
20	Repeal	14
Schedule 1	Fees	15
Schedule 2	Dictionary	16

Architects Regulation 2003

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Architects Regulation 2003*.

2 Dictionary

The dictionary in schedule 2 defines words used in this regulation.

Part 2 Election of an architect to the board

Division 1 Preliminary

3 Purpose of pt 2

This part states the procedures for electing, for section 82(2)(c) of the Act, an architect for appointment as a member of the board.

Division 2 Notice of election and nomination procedure

4 Notice of election

- (1) The registrar must publish a notice of the election day for the election of an architect for appointment as a member of the board.

[s 5]

- (2) The notice must be published at least 2 months before the election day.

5 Notice calling for nominations

- (1) The registrar must publish a notice inviting nomination of a candidate for election.
- (2) The notice must—
 - (a) state the day and time by which a nomination of a candidate must be received by the registrar; and
 - (b) be published at least 28 days before the day by which nominations must be received.

6 Requirements for nominations

- (1) A nomination of a candidate for election must—
 - (a) be in the approved form; and
 - (b) be received by the registrar before the nomination day and time.
- (2) A nomination may be accompanied by the candidate's written statement.
- (3) A statement mentioned in subsection (2) must not be more than 200 words.

Division 3 Procedure if only 1 candidate nominated

7 Candidate taken to be elected unopposed

If only 1 candidate is nominated by the nomination day and time—

- (a) the registrar is not required to conduct a ballot for the election; and
- (b) the candidate is taken to be elected unopposed.

8 Registrar to give notice of elected candidate

- (1) The registrar must give the candidate written notice of the candidate's election.
- (2) Also, the registrar must publish a notice of the candidate's election as soon as practicable after the candidate's appointment to the board.

Division 4 Procedure if more than 1 candidate nominated

9 Registrar to conduct ballot

If more than 1 candidate is nominated by the nomination day and time, the registrar must conduct a ballot for the election under this division.

10 Notice of accessibility of ballot

The registrar must, at least 35 days before the election day, publish a notice that—

- (a) states the election day and election time; and
- (b) states—
 - (i) whether the registrar or a voting services provider is administering voting in the election; and
 - (ii) if a voting services provider is administering voting in the election—states the name and contact details of the voting services provider; and
- (c) provides instructions on how an eligible architect may cast a vote.

11 Registrar to ensure ballot accessible

Immediately after publishing the notice under section 10, the registrar must ensure both of the following are accessible to each eligible architect—

- (a) an electronic ballot form;
- (b) a paper ballot form.

Note—

See also section 13(2) about how an eligible architect obtains a paper ballot form.

12 Requirements for ballot forms

- (1) An electronic ballot form or a paper ballot form must—
 - (a) list the name of each candidate in alphabetical order; and
 - (b) be accompanied by any statements the candidates give to the registrar.
- (2) The registrar may approve changes to an electronic ballot form that are necessary to allow the form to be displayed electronically.

13 Ways of voting

- (1) An eligible architect—
 - (a) is entitled to a single vote at an election; and
 - (b) may vote using—
 - (i) an electronic ballot form; or
 - (ii) a paper ballot form.
- (2) However, if an eligible architect wants to vote using a paper ballot form, the architect must ask the following entity for a paper ballot form at least 28 days before the election day—
 - (a) if the registrar is administering voting in the election instead of a voting services provider—the registrar;
 - (b) if a voting services provider is administering voting in the election—the voting services provider.

- (3) An eligible architect who asks for a paper ballot form may vote using an electronic ballot form as long as the architect does not use the paper ballot form to vote.

14 Printed voting material—registrar

- (1) This section applies if—
 - (a) the registrar is administering voting in an election instead of a voting services provider; and
 - (b) an eligible architect asks the registrar for a paper ballot form.
- (2) The registrar must send the architect the following things at least 14 days before the election day—
 - (a) a paper ballot form;
 - (b) an unsealed envelope (the *ballot envelope*);
 - (c) an unsealed envelope (the *return envelope*) addressed to the registrar.

14A Printed voting material—voting services provider

- (1) This section applies if—
 - (a) a voting services provider is administering voting in an election; and
 - (b) an eligible architect asks the voting services provider for a paper ballot form.
- (2) The registrar must ensure the voting services provider sends the architect the printed voting material mentioned in section 14(2)(a) to (c) at least 14 days before the election day.

14B How votes are cast

- (1) For voting using an electronic ballot form, an eligible architect may vote only by following the instructions for the electronic voting system being used for the election, by the election time.

[s 14C]

- (2) For voting using a paper ballot form, an eligible architect may vote only by—
 - (a) marking the ballot form with a cross opposite the name of 1 candidate; and
 - (b) putting the ballot form in the ballot envelope and sealing the ballot envelope; and
 - (c) putting the ballot envelope in the return envelope and sealing the return envelope; and
 - (d) giving, posting or sending the return envelope to the following entity so that the entity receives the envelope by the election time—
 - (i) if the registrar is administering voting in the election instead of a voting services provider—the registrar;
 - (ii) if a voting services provider is administering voting in the election—the voting services provider.

14C Ballot box and electronic vote security—registrar

- (1) This section applies if the registrar is administering voting in an election instead of a voting services provider.
- (2) The registrar must—
 - (a) keep a ballot box for the election; and
 - (b) keep the ballot box in a safe place; and
 - (c) seal the ballot box in a way that—
 - (i) allows ballot envelopes to be put in it until the election finishes; and
 - (ii) prevents ballot envelopes from being taken from it until votes for the election are to be counted.
- (3) The registrar must have appropriate measures to keep an electronic voting system used or intended to be used for or in connection with electronic voting secure from interference at all times.

14D Ballot box and electronic vote security—voting services provider

- (1) This section applies if a voting services provider is administering voting in an election.
- (2) The registrar must ensure the voting services provider—
 - (a) has a ballot box for the election; and
 - (b) keeps the ballot box in a safe place; and
 - (c) seals the ballot box in a way that—
 - (i) allows ballot envelopes to be put in it until the election finishes; and
 - (ii) prevents ballot envelopes from being taken from it until votes for the election are to be counted.
- (3) The registrar must ensure the voting services provider has appropriate measures to keep an electronic voting system used or intended to be used for or in connection with electronic voting secure from interference at all times.

14E Counting of votes—registrar

- (1) This section applies if the registrar is administering voting in an election instead of a voting services provider.
- (2) The registrar must do the following at, or as soon as practicable after, the election time—
 - (a) for votes cast using an electronic ballot form—arrange for the electronic counting of the votes cast;
 - (b) for votes cast using a paper ballot form—
 - (i) open each ballot envelope in the ballot box for the election; and
 - (ii) accept each formal ballot form and reject each informal ballot form; and
 - (iii) count and record the number of votes for each candidate on the accepted ballot forms.

[s 14F]

- (3) Also, the registrar must do the things mentioned in subsection (2) in the presence of at least 2 witnesses.
- (4) Despite subsection (2)(b)(ii), the registrar may accept an informal ballot form if the registrar considers the voter's intention is clear.

14F Counting of votes—voting services provider

- (1) This section applies if a voting services provider is administering voting in an election.
- (2) The registrar must ensure the voting services provider does the following at, or as soon as practicable after, the election time—
 - (a) for votes cast using an electronic ballot form—arrange for the electronic counting of the votes cast;
 - (b) for votes cast using a paper ballot form—
 - (i) open each ballot envelope in the ballot box for the election; and
 - (ii) accept each formal ballot form and reject each informal ballot form; and
 - (iii) count and record the number of votes for each candidate on the accepted ballot forms.
- (3) Also, the registrar must ensure the voting services provider does the things mentioned in subsection (2) in the presence of at least 2 witnesses.
- (4) Despite subsection (2)(b)(ii), the voting services provider may accept an informal ballot form if the provider considers the voter's intention is clear.

14G Voting services provider to inform registrar of result

- (1) This section applies if a voting services provider is administering voting in an election.

- (2) The registrar must ensure the voting services provider informs the registrar the result of the counting as soon as practicable after counting all the votes.

14H Registrar to inform Minister of result

The registrar must inform the Minister the result of the counting as soon as practicable after counting all the votes.

15 Candidate with the highest number of votes is elected

- (1) Subject to subsections (2) to (4), the candidate with the highest number of votes is elected.
- (2) Subsections (3) and (4) apply if 2 or more candidates receive the same number of votes so that the candidate entitled to be elected under subsection (1) can not be decided.
- (3) The registrar must conduct a draw by completing the following steps in the presence of at least 2 witnesses—
 - (a) writing the names of the candidates with the same number of votes on separate pieces of paper that are the same kind, shape, size and colour;
 - (b) folding the pieces of paper in the same way to be the same size and thickness;
 - (c) putting the pieces of paper in a container and shuffling them;
 - (d) drawing out 1 of the pieces of paper.
- (4) The candidate whose name is drawn out under subsection (3)(d) is elected.

16 Registrar to give notice to candidates

- (1) The registrar must give each candidate written notice of the candidate elected.

[s 17]

- (2) Also, the registrar must publish a notice of the candidate elected as soon as practicable after the candidate's appointment to the board.

17 Disposal of ballots—registrar

- (1) This section applies if the registrar is administering voting in an election instead of a voting services provider.
- (2) The registrar must—
 - (a) keep all electronic ballot forms in a secure electronic location for 3 months after the election day; and
 - (b) keep the paper ballot forms that were put in the ballot box under section 14C(2) for 3 months after the election day.
- (3) During the 3 months, the registrar must make the tally of electronic ballot forms and paper ballot forms available for inspection by members of the public, free of charge, at the registrar's office during ordinary office hours.
- (4) At the end of the 3 months, the registrar must destroy the electronic ballot forms and paper ballot forms.

17A Disposal of ballots—voting services provider

- (1) This section applies if a voting services provider is administering voting in an election.
- (2) The registrar must ensure the voting services provider—
 - (a) keeps all electronic ballot forms in a secure electronic location for 3 months after the election day; and
 - (b) keeps the paper ballot forms that were put in the ballot box under section 14D(2) for 3 months after the election day.
- (3) During the 3 months, the registrar must ensure the voting services provider makes the tally of electronic ballot forms and paper ballot forms available for inspection by members of

the public, free of charge, at the voting services provider's office during ordinary office hours.

- (4) At the end of the 3 months, the registrar must ensure the voting services provider destroys the electronic ballot forms and paper ballot forms.

Division 5 Voting services providers and electronic voting systems

17B Voting services provider

A *voting services provider*, for an election of an architect for appointment as a member of the board, means an entity—

- (a) approved by the board to administer voting in the election; and
- (b) whose name and contact details are published on the board's website from when a notice is published under section 10.

17C Requirements for electronic voting systems

- (1) An electronic voting system provided by the registrar or a voting services provider must—
 - (a) give an eligible architect an opportunity to change the architect's vote before casting the vote; and
 - (b) not allow a person to find out how a particular eligible architect cast the architect's vote.
- (2) An electronic voting system provided by the registrar or a voting services provider must—
 - (a) if used properly, give the same result in the scrutiny of votes as would be obtained if the scrutiny were conducted without using the system; and
 - (b) not allow a person to find out how a particular eligible architect cast the architect's vote.

Schedule 1 Fees

section 19

	\$
1 Application fee—Act, ss 8(2)(b)(iii) and 23(2)(b)(ii)	262.35
2 Registration fee (practising architect)—Act, s 8(2)(b)(iii)—	
(a) for a period of registration of more than 1 month but not more than 6 months	147.75
(b) for a period of registration of more than 6 months	295.50
3 Registration fee (non-practising architect)—Act, s 8(2)(b)(iii)	101.00
4 Annual registration fee (practising architect)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	295.50
5 Annual registration fee (non-practising architect)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	101.00
6 Processing refused application—Act, s 14(b)	177.80
7 Processing lapsed application—Act, s 27(7)	177.80
8 Processing withdrawn application—Act, s 35(2)(a)	90.05
9 Copy of the register or part of it—Act, s 103(1)(b)	43.50
	plus \$2.65 for each page copied
10 Copy of approved code of practice or part of it—Act, s 110(1)(b)	17.15
	plus \$2.65 for each page copied

Schedule 2 Dictionary

section 2

ballot envelope see section 14(2)(b).

election day, for an election of an architect to the board, means the day of the election, decided by the board.

election time, for an election of an architect to the board, means the time on the election day, decided by the board, and stated on the ballot papers for the election.

eligible architect means a person who is an architect on the day a notice of an election is published under section 4(1).

formal ballot form, for a paper ballot form, means a ballot form that is marked as required under section 14B(2)(a).

informal ballot form, for a paper ballot form, means a ballot form that is not marked as required under section 14B(2)(a).

nomination day and time means the day and time stated in a notice given under section 5(1).

publish, in relation to a notice, means publishing the notice—

- (a) in a publication that is likely to be read by architects, including for example, a journal or newsletter given to architects; or
- (b) in an electronic form, including for example, on the board's website on the internet.

return envelope see section 14(2)(c).

voting services provider see section 17B.