



Queensland

Architects Amendment Bill 2010



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2010

A Bill

for

An Act to amend the *Architects Act 2002* for particular purposes and to make consequential amendments to the *Architects Regulation 2003* and the *Cooperatives Regulation 1997*

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Architects Amendment Act 2010</i> .	3
Clause 2	Act amended	4
	This Act amends the <i>Architects Act 2002</i> .	5
Clause 3	Insertion of new s 7A	6
	Part 2, division 1—	7
	<i>insert—</i>	8
	‘7A Types of registration as an architect	9
	‘The types of registration as an architect under this Act are registration as a practising architect or a non-practising architect.’.	10
		11
		12
Clause 4	Amendment of s 8 (Applying for registration)	13
	(1) Section 8(2)(a), after ‘form’—	14
	<i>insert—</i>	15
	‘and state the type of registration to which the application relates’.	16
		17
	(2) Section 8(2)(b)(ii)—	18
	<i>omit.</i>	19
	(3) Section 8(2)(b)(iii) and (iv)—	20
	<i>renumber</i> as section 8(2)(b)(ii) and (iii).	21
Clause 5	Amendment of s 9 (Eligibility)	22
	Section 9—	23
	<i>insert—</i>	24

- ‘(2) Also, an applicant for registration as a non-practising architect is eligible for registration only if the board is satisfied that the applicant will not carry out, or be responsible for the carrying out of, architectural services within the registration period to which the application for registration relates.’

Clause 6	Replacement of s 10 (When applicant is qualified for registration)	6 7
	Section 10—	8
	<i>omit, insert—</i>	9
‘10	When applicant is qualified for registration	10
	‘An applicant for registration is qualified for registration if the applicant has—	11 12
	(a) 1 or more of the following qualifications—	13
	(i) a qualification in architecture recognised by the Architects Accreditation Council of Australia (the <i>AACA</i>);	14 15 16
	(ii) a qualification in architecture obtained outside Australia and assessed by the <i>AACA</i> to be equivalent to a qualification mentioned in subparagraph (i);	17 18 19 20
	(iii) successful completion of the National Program of Assessment, or another program, coordinated by the <i>AACA</i> ; and	21 22 23
	<i>Editor’s note—</i>	24
	For a list of other programs coordinated by the <i>AACA</i> see the board’s website on the internet < www.boaq.qld.gov.au >.	25 26 27
	(b) successfully completed—	28
	(i) the <i>AACA</i> ’s Architectural Practice Examination; or	29 30
	(ii) another examination, if any, arranged or approved by the board.	31 32

	<i>Editor's note—</i>	1
	For a list of any examinations arranged or approved by the board see the board's website on the internet < www.boaq.qld.gov.au >.	2 3 4
Clause 7	Amendment of s 11 (Fitness to practise as an architect)	5
	(1) Section 11(e)—	6
	<i>renumber</i> as section 11(f).	7
	(2) Section 11—	8
	<i>insert—</i>	9
	‘(e) if the applicant has been required to undergo a health assessment under section 35D—	10 11
	(i) whether the applicant underwent the assessment;	12
	or	13
	(ii) whether the applicant cooperated with the doctor appointed to conduct the assessment;’.	14 15
Clause 8	Amendment of s 12 (Deciding application)	16
	Section 12(2)—	17
	<i>omit.</i>	18
Clause 9	Replacement of s 16 (Meaning of <i>continuing competency requirements</i>)	19 20
	Section 16—	21
	<i>omit, insert—</i>	22
‘16	Meaning of <i>continuing registration requirements</i>	23
	‘(1) <i>Continuing registration requirements</i> are requirements of the board that, if satisfied, demonstrate that an applicant for renewal or restoration of registration has maintained competency in the practice of architecture.	24 25 26 27
	‘(2) The requirements may include requirements about the following—	28 29

-
- (a) the nature, extent and period of practice of architecture by the applicant; 1
2
 - (b) the nature and extent of continuing professional development to be undertaken by the applicant; 3
4
 - (c) the nature and extent of research, study or teaching, relating to architecture, to be undertaken by the applicant; 5
6
7
 - (d) the nature and extent of administrative work, relating to architecture, to be performed by the applicant. 8
9
- ‘(3) The requirements are satisfied by complying with the board’s continuing registration requirements for architecture. 10
11
- ‘(4) The board must— 12
- (a) keep published the board’s continuing registration requirements on the board’s website on the internet; and 13
14
 - (b) keep the requirements available for inspection, without charge, during normal business hours at the board’s office; and 15
16
17
 - (c) if asked by a person and on payment of the fee, if any, prescribed under a regulation, give the person a copy of the requirements. 18
19
20
- Editor’s note—* 21
- The board’s website on the internet is <www.boaq.qld.gov.au>.’ 22

Clause 10 Amendment of s 18 (Applying for renewal) 23

- (1) Section 18(3)(b)(i)— 24
omit. 25
- (2) Section 18(3)(b)(ii) and (iii)— 26
renumber as section 18(3)(b)(i) and (ii). 27

Clause 11 Amendment of s 20 (Deciding application) 28

- (1) Section 20(2)(b), ‘competency’— 29

[s 12]

- omit, insert—* 1
'registration'. 2
(2) Section 20(4)— 3
omit. 4
(3) Section 20(3)— 5
renumber as section 20(4). 6
(4) Section 20— 7
insert— 8
'(3) Also, for an application for renewal of registration as a 9
non-practising architect, the board must be satisfied that the 10
applicant will not carry out, or be responsible for the carrying 11
out of, architectural services within the registration period to 12
which the application relates.' 13

Clause 12 Amendment of s 23 (Applying for restoration) 14

- (1) Section 23(1), 'a person's'— 15
omit, insert— 16
'an individual's'. 17
(2) Section 23(1), 'the person'— 18
omit, insert— 19
'the individual'. 20
(3) Section 23(2)(b)(i) to (iii)— 21
omit, insert— 22
(i) any documents, identified in the approved form, 23
the board reasonably requires to decide the 24
application; 25
(ii) the application fee prescribed under a regulation; 26
(iii) the annual registration fee.' 27

Clause 13	Amendment of s 24 (Deciding application)	1
	(1) Section 24(2)(b), ‘competency’—	2
	<i>omit, insert—</i>	3
	‘registration’.	4
	(2) Section 24(4)—	5
	<i>omit.</i>	6
	(3) Section 24(3)—	7
	<i>renumber</i> as section 24(4).	8
	(4) Section 24—	9
	<i>insert—</i>	10
	‘(3) Also, for an application for restoration of registration as a	11
	non-practising architect, the board must be satisfied that the	12
	applicant will not carry out, or be responsible for the carrying	13
	out of, architectural services within the registration period to	14
	which the application relates.’.	15
Clause 14	Amendment of pt 2, div 6 hdg (Cancellation of registrations)	16
	Part 2, division 6, heading, ‘of’—	17
	<i>omit, insert—</i>	18
	‘ and immediate suspension of ’.	19
Clause 15	Amendment of s 28 (Grounds for cancellation)	20
	Section 28—	21
	<i>insert—</i>	22
	‘(d) the architect’s registration to practise as an architect	23
	under a law applying, or that applied, in the	24
	Commonwealth, another State or a foreign country has	25
	been cancelled under that law for disciplinary reasons;	26
	or	27
	(e) the architect’s membership of an association of	28
	architects, whether in Australia or a foreign country, has	29
		30

[s 16]

- been cancelled under the association’s rules for disciplinary reasons; or 1
2
- (f) the architect has contravened a condition of the architect’s registration; or 3
4
- (g) the assessment in a health assessment report given to the board under section 35F is that the architect is currently unable to competently and safely practise as an architect.’. 5
6
7
8

Clause 16 Insertion of new s 29A 9

Part 2, division 6, after section 29— 10

insert— 11

‘29A Immediate suspension of registration 12

‘(1) This section applies if the board requires an architect to undergo a health assessment under section 35D and the architect does not undergo the health assessment as required or does not cooperate with the doctor appointed to conduct the assessment. 13
14
15
16
17

‘(2) The board may, by information notice given to the architect, immediately suspend the architect’s registration. 18
19

‘(3) The information notice must also state the period of suspension. 20
21

‘(4) The suspension— 22

(a) is for the period the board decides; and 23

(b) has effect when the information notice is given. 24

‘(5) The board must end the suspension if satisfied that the ground for the suspension no longer exist. 25
26

‘(6) The suspension ends if the architect’s registration is cancelled or otherwise ends.’. 27
28

Clause 17 Insertion of new ss 32A and 32B 29

Part 2, division 7— 30

insert—

‘32A Notification of disciplinary action by other bodies

- ‘(1) An architect must advise the board about any disciplinary action (the *event*) taken against the architect in another State or a foreign country in relation to the architect’s practice as an architect, within 21 days after the event, unless the architect has a reasonable excuse.

Maximum penalty—50 penalty units.

- ‘(2) For subsection (1) it is immaterial whether or not the disciplinary action happened under a law of the other State or country, or under the rules of an association of architects.

‘32B Notification of inability to practise

- ‘(1) This section applies if an architect has been unable to competently and safely practise as an architect for a continuous period of 6 months because of the architect’s mental or physical health.

- ‘(2) The architect must immediately notify the board in writing of that fact, unless the architect—

(a) has already notified the board in writing of the incapacity; or

(b) has a reasonable excuse.

Maximum penalty—50 penalty units.’.

Clause 18 Amendment of s 34 (Form of certificate of registration)

Section 34(2)—

insert—

- ‘(c) whether the architect is a practising or non-practising architect.’.

Clause 19 Insertion of new ss 35A and 35B

Part 2, division 8—

insert—

‘35A Inquiries about fitness to practise as an architect

‘(1) This section applies to the following persons (each a *relevant person*)—

(a) an individual applying for registration as an architect under section 8;

(b) an architect applying for renewal of registration under section 18;

(c) an individual applying for restoration of the person’s registration under section 23.

‘(2) The board may make inquiries about the relevant person to help in deciding whether the person is, or continues to be, fit to practise as an architect.

‘35B Report about relevant person’s criminal history

‘(1) The board may ask the commissioner of the police service for a written report about the criminal history of a relevant person.

‘(2) If asked by the board, the commissioner of the police service must give the board a written report about the criminal history of the relevant person.

‘(3) The duty imposed on the commissioner of the police service applies only to information in the commissioner’s possession or to which the commissioner has access.

‘(4) A report mentioned in subsection (2) may only be used for the purposes of this Act and must be destroyed as soon as practicable after it is no longer needed for those purposes.

‘(5) In this section—

relevant person see section 35A(1).’

Clause 20 Insertion of new pt 2A

Before part 3—

insert—

‘Part 2A	Health assessments	1
‘35C	Definitions for pt 2A	2
	‘In this part—	3
	<i>subject architect</i> see section 35D(1).	4
‘35D	Health assessment	5
	‘(1) This section applies if the board reasonably believes an architect (the <i>subject architect</i>) is unable to competently and safely practise as an architect because of the architect’s mental or physical health.	6 7 8 9
	‘(2) The board may require the subject architect to undergo a health assessment by a doctor (the <i>health assessor</i>) appointed by the board.	10 11 12
	‘(3) If the board decides to require a health assessment, the board must give the subject architect an information notice about the decision to require the assessment that includes—	13 14 15
	(a) a stated date, time and place, for the assessment; and	16
	(b) the name and qualifications of the health assessor appointed by the board to conduct the assessment; and	17 18
	(c) the possible consequences of failing to undergo, or cooperate during, the assessment.	19 20
	‘(4) The stated date must be no sooner than 14 days after the information notice is given to the subject architect unless the architect and the board agree, in writing, to an earlier date.	21 22 23
	‘(5) The stated time and place must be reasonable having regard to the circumstances of the subject architect as known to the board.	24 25 26
‘35E	Appointment of health assessor	27
	‘Before appointing a doctor as a health assessor, the board must be satisfied the doctor does not have a personal or professional connection with the subject architect that may	28 29 30

prejudice the way in which the doctor conducts the
assessment. 1
2

‘35F Health assessment report 3

‘(1) A health assessor conducting all or part of a health assessment
of a subject architect must prepare a report about the
assessment (*health assessment report*). 4
5
6

‘(2) The health assessment report must include— 7

(a) the health assessor’s findings as to whether the subject
architect is currently unable to competently and safely
practise as an architect; and 8
9
10

(b) if the health assessor finds that the subject architect is
unable to competently and safely practise as an
architect—the health assessor’s recommendations as to
any conditions that could be imposed on the architect’s
registration to overcome the inability. 11
12
13
14
15

‘(3) The health assessor must give the health assessment report to
the board and a copy to the subject architect. 16
17

‘35G Payment for health assessment and report 18

‘(1) The board is liable for the cost of the health assessment and
the preparation of the health assessment report. 19
20

‘(2) However, if the assessment is that the subject architect is
currently unable to competently and safely practise as an
architect, the board may require the architect, by notice, to pay
the board the amount of the cost of the assessment and of the
preparation of the health assessment report. 21
22
23
24
25

‘(3) The amount mentioned in subsection (2) is a debt payable to
the board. 26
27

‘35H Use of health assessment report 28

‘(1) A health assessment report is not admissible in any
proceeding, and a person can not be compelled to produce the 29
30

report or to give evidence about the report or its contents in
any proceeding. 1
2

- ‘(2) Subsection (1) does not apply in relation to— 3
- (a) a proceeding relating to an application by the subject
architect to whom the report relates for registration as,
or renewal or restoration of registration as, an architect
under this Act; or 4
5
6
7
 - (b) a proceeding on an appeal by the subject architect
against a decision of the board— 8
9
 - (i) refusing to grant, renew or restore registration; or 10
 - (ii) cancelling or immediately suspending registration. 11
- ‘(3) Also, subsection (1) does not apply if the report is admitted or
produced, or evidence about the report or its contents is given,
in a proceeding with the consent of— 12
13
14
- (a) the health assessor who prepared the report; and 15
 - (b) the architect to whom the report relates. 16
- ‘(4) A health assessment report may only be used for the purposes
of this Act and must be destroyed as soon as practicable after
it is no longer needed for those purposes. 17
18
19
- ‘(5) In this section— 20
- health assessment report* includes a copy of the report or a
part of the report or copy.’. 21
22

Clause 21 Insertion of new pt 3, div 1AA 23

Part 3, before division 1— 24

insert— 25

‘Division 1AA Extended application of part 3 26

‘36AA Application to former architects 27

- ‘(1) Action may be taken under this part in relation to a person
who was an architect at the time the conduct of the person that 28
29

[s 22]

is relevant for this part happened even though the person is no longer an architect. 1
2

‘(2) For the purpose of taking action under this part, the person mentioned in subsection (1) is taken to be an architect. 3
4

‘(3) This section does not limit, but may extend, the operation of the other provisions of this part.’. 5
6

Clause 22 Insertion of new s 69AA 7

Part 4, before section 69— 8

insert— 9

‘69AA Application of pt 4 to certain former architects 10

‘For applying this part to a person mentioned in section 36AA(1), the person is taken to be an architect.’. 11
12

Clause 23 Amendment of s 73 (Board’s decision on investigation about architects) 13
14

(1) Section 73(2), ‘1 of’— 15

omit, insert— 16

‘1 or more of’. 17

(2) Section 73(2)(b)— 18

omit, insert— 19

‘(b) enter into an undertaking agreed with the architect about a matter relating to the architect carrying out architectural services, including, for example, to submit to an audit of the architect’s practice of architecture;’. 20
21
22
23

(3) Section 73(2)(d)— 24

omit, insert— 25

‘(d) impose a condition, agreed to by the architect, on the architect’s registration; 26
27

(e) take no further action about the matter the subject of the investigation.’. 28
29

-
- (4) Section 73(3) to (5)— 1
renumber as section 73(4) to (6). 2
- (5) Section 73— 3
insert— 4
- ‘(3) If the architect does not comply with an undertaking entered 5
into under subsection (2)(b), the board may decide to take 6
another action mentioned in subsection (2).’ 7
- (6) Section 73(5), as renumbered, ‘(2)(a), (b) or (c)’— 8
omit, insert— 9
‘(2)(a) to (d)’. 10
- (7) Section 73(6), as renumbered, ‘(2)(b), (c) or (d)’— 11
omit, insert— 12
‘(2)(b) to (e)’. 13

- Clause 24 Amendment of s 74 (Notice of result of investigation 14
about architects) 15**
- Section 74(3), ‘73(2)(d)’— 16
omit, insert— 17
‘73(2)(e)’. 18

- Clause 25 Insertion of new s 74A 19**
- After section 74— 20
insert— 21
- ‘74A Publishing of certain decisions on investigation 22
about architect 23**
- ‘(1) This section applies if the board decides— 24
- (a) to caution or reprimand an architect under section 25
73(2)(c); or 26
- (b) to impose a condition on an architect’s registration 27
under section 73(2)(d). 28

[s 26]

- ‘(2) The board may notify the decision, and reasons for the decision, on the board’s website on the internet. 1
2
- ‘(3) The board must not act under subsection (2) until the particulars of the decision are included in the register under section 102.’. 3
4
5

- Clause 26 Amendment of s 75 (Board’s decision about other investigations)** 6
7
- (1) Section 75(2), ‘1 of the’— 8
omit, insert— 9
‘1 or more of the’. 10
- (2) Section 75(3) and (4)— 11
renumber as section 75(4) and (5). 12
- (3) Section 75— 13
insert— 14
- ‘(3) If the person does not comply with an undertaking entered into under subsection (2)(b), the board may decide to take another action mentioned in subsection (2).’ 15
16
17

- Clause 27 Amendment of s 76 (Board to take action as soon as practicable)** 18
19
- Section 76, ‘73(2)(a) to (c), or’— 20
omit, insert— 21
‘73(2)(a) to (d), or’. 22

- Clause 28 Amendment of s 80 (Functions of board)** 23
- (1) Section 80(1)(e) to (h)— 24
omit, insert— 25
‘(e) to advise the Minister about the operation of this Act in its application to the practice of architecture; 26
27

-
- (f) to arrange or approve examinations in the practice of architecture for the purpose of registration under this Act; 1
2
3
 - (g) to advance education in architecture and professional standards of architects; 4
5
 - (h) to perform other functions given to the board under this or another Act; 6
7
 - (i) to perform a function incidental to a function mentioned in paragraphs (a) to (h).’ 8
9

(2) Section 80(2)— 10
omit. 11

Clause 29 Amendment of s 82 (Membership of board) 12
Section 82(2)(b)(i), ‘Royal’— 13
omit. 14

Clause 30 Amendment of pt 5, div 7 hdg (Registrar of board) 15
Part 5, division 7, heading, after ‘board’— 16
insert— 17
‘and other staff’. 18

Clause 31 Insertion of new s 100A 19
After section 100— 20
insert— 21

‘100A Other staff 22
‘With the board’s consent, other public service employees may— 23
24
(a) be engaged by a public sector unit to provide services for the board; or 25
26
(b) be deployed to the board to provide services for the board.’. 27
28

Clause 32	Replacement of s 101 (Board to reimburse cost of registrar's services)	1 2
	Section 101—	3
	<i>omit, insert—</i>	4
'101	Board to reimburse cost of registrar's or other staff's services	5 6
	'The board must reimburse the public sector unit in which the registrar or a public service employee is employed the reasonable costs of the services provided by the registrar or public service employee for the board.'	7 8 9 10
Clause 33	Amendment of s 114 (Using titles or names etc.)	11
	Section 114(2), 'an architect'—	12
	<i>omit, insert—</i>	13
	'a practising architect'.	14
Clause 34	Omission of s 118 (Information for advertisements)	15
	Section 118—	16
	<i>omit.</i>	17
Clause 35	Amendment of s 121 (Review of particular decisions)	18
	Section 121(2)(e), '73(2)(d)'—	19
	<i>omit, insert—</i>	20
	'73(2)(e)'.	21
Clause 36	Amendment of s 130 (Orders relating to architect)	22
	Section 130(2), '40 penalty units'—	23
	<i>omit, insert—</i>	24
	'200 penalty units'.	25

Clause 37	Amendment of s 131 (Orders relating to former architect)	1
	(1) Section 131(1)—	2
	<i>omit, insert—</i>	3
	‘(1) This section applies if the tribunal decides that a disciplinary ground is established against a person who is not an architect at the time of the tribunal’s decision.’	4 5 6
	(2) Section 131(2)(b)—	7
	<i>omit, insert—</i>	8
	‘(b) to do 1 or more of the following—	9
	(i) order the person to pay a stated amount of not more than the equivalent of 200 penalty units;	10 11
	(ii) make an order reprimanding the person;	12
	(iii) make an order disqualifying, indefinitely or for a stated period, the person from obtaining registration as an architect.’	13 14 15
	(3) Section 131(3) and (4)—	16
	<i>omit.</i>	17
Clause 38	Amendment of s 138 (Summary proceedings for offences)	18 19
	Section 138(2)—	20
	<i>omit, insert—</i>	21
	‘(2) The proceeding must start within the later of the following periods to end—	22 23
	(a) 1 year after the commission of the offence;	24
	(b) 6 months after the commission of the offence comes to the complainant’s knowledge, but within 2 years after the commission of the offence.’	25 26 27
Clause 39	Amendment of s 141A (Notice and record for corporations)	28 29
	(1) Section 141A, heading ‘corporations’—	30

<i>omit, insert—</i>	1
‘businesses’.	2
(2) Section 141A(1), (2), (3) and (7), ‘corporation’—	3
<i>omit, insert—</i>	4
‘business’.	5
(3) Section 141A(3)(a), ‘corporation’s’—	6
<i>omit, insert—</i>	7
‘business’s’.	8
(4) Section 141A(3)(c), after ‘name’—	9
<i>insert—</i>	10
‘and signature’.	11
(5) Section 141A(7) and (8), ‘(5)’—	12
<i>insert—</i>	13
‘(6)’.	14
(6) Section 141A(7), (8) and (9)—	15
<i>renumber</i> as section 141A(8), (9) and (10).	16
(7) Section 141A(5) and (6)—	17
<i>omit, insert—</i>	18
‘(5) Subsection (6) applies if a business gives the board a notice under subsection (2) and a change happens in any 1 or more of the following—	19 20 21
(a) the business’s name, business address and telephone number; and	22 23
(b) the name of a place at which the business provides architectural services using an architect; and	24 25
(c) the name of an architect who is responsible for carrying out architectural services for the business at a place.	26 27
‘(6) The business must, within 21 days after the change happens, notify the board, in the approved form, about the change.	28 29

	‘(7) If the change is in an architect responsible for carrying out architectural services for the business, the notice about the change is not given under subsection (6) unless the notice states the new architect’s name and signature.’.	1 2 3 4
	(8) Section 141A— <i>insert</i> —	5 6
	‘(11) In this section— <i>business</i> means a corporation, partnership or other unincorporated association.’.	7 8 9
Clause 40	Replacement of pt 11, div 2, hdg (Transitional provisions) Part 11, division 2, heading— <i>omit, insert</i> —	10 11 12
	‘Division 2 Transitional provisions for Act No. 53 of 2002’.	13 14
Clause 41	Amendment of s 159 (Existing registrations) Section 159(5), ‘section 8(2)(b)(iv)’— <i>omit, insert</i> — ‘section 8(2)(b)(iii)’.	15 16 17 18
Clause 42	Amendment of s 162 (Continuing effect of qualifications under repealed Act) Section 162(1)(b)— <i>omit, insert</i> — ‘(b) only until the commencement of the <i>Architects Amendment Act 2010</i> .’.	19 20 21 22 23 24
Clause 43	Insertion of new pt 11, div 3 After section 165—	25 26

<i>insert—</i>	1
‘Division 3 Transitional provision for Architects Amendment Act 2010	2 3
‘166 Certain applications to be dealt with under pre-amended Act	4 5
‘(1) This section applies to any of the following applications if the application was made to the board, and not finally dealt with, before the commencement—	6 7 8
(a) an application for registration under the pre-amended Act, section 8;	9 10
(b) an application for renewal of registration under the pre-amended Act, section 18;	11 12
(c) an application for restoration of registration under the pre-amended Act, section 23.	13 14
‘(2) The pre-amended Act continues to apply to the application for the purpose of making a decision about the application.	15 16
‘(3) In this section—	17
<i>commencement</i> means the commencement of this section.	18
<i>pre-amended Act</i> means this Act as in force immediately before the commencement.	19 20
‘167 Prospective application of ss 36AA and 69AA	21
‘(1) Sections 36AA and 69AA do not apply to a person who, before the commencement, stopped being an architect if the relevant conduct of the person mentioned in section 36AA(1) happened before the commencement.	22 23 24 25
‘(2) In this section—	26
<i>commencement</i> means the commencement of this section.’.	27

Clause 44	Amendment of sch 2 (Dictionary)	1
	(1) Schedule 2, definitions <i>affected by bankruptcy action</i> , <i>assessment entity</i> , <i>complainant</i> and <i>continuing competency</i> <i>requirements</i> —	2 3 4
	<i>omit.</i>	5
	(2) Schedule 2—	6
	<i>insert</i> —	7
	<i>‘affected by bankruptcy action</i> , in relation to an individual, means the individual is an insolvent under administration within the meaning of the Corporations Act, section 9.	8 9 10
	<i>complainant</i> , other than in section 138, means the person who makes the complaint.	11 12
	<i>continuing registration requirements</i> see section 16(1).	13
	<i>health assessment</i> , in relation to an architect, includes—	14
	(a) a physical, medical or psychiatric examination or test of the architect; and	15 16
	(b) asking questions to assess the architect’s mental and physical health.	17 18
	<i>health assessment report</i> see section 35F(1).	19
	<i>health assessor</i> , for part 2A, see section 35D(2).	20
	<i>non-practising architect</i> means an architect who does not carry out, and is not responsible for the carrying out of, architectural services.	21 22 23
	<i>practising architect</i> means an architect who carries out, or is responsible for the carrying out of, architectural services.	24 25
	<i>subject architect</i> , for part 2A, see section 35C.’.	26
Clause 45	Regulations amended	27
	The schedule amends the regulations mentioned in it.	28

[s 46]

Clause	46	Amendment of regulations does not affect powers of Governor in Council	1
			2
		The amendment of a regulation in the schedule does not affect	3
		the power of the Governor in Council to further amend the	4
		regulation or to repeal it.	5

Schedule	Consequential amendments	1
	Section 45	2
Architects Regulation 2003		3
1	Schedule 1, item 1, ‘s 8(2)(b)(iv)’—	4
	<i>omit, insert—</i>	5
	‘ss 8(2)(b)(iii) and 23(2)(b)(ii)’.	6
2	Schedule 1, item 2, ‘s 8(2)(b)(iv)’—	7
	<i>omit, insert—</i>	8
	‘s 8(2)(b)(iii)’.	9
3	Schedule 1, item 3, ‘ss 18(3)(b)(iii)’—	10
	<i>omit, insert—</i>	11
	‘ss 18(3)(b)(ii)’.	12
Cooperatives Regulation 1997		13
1	Schedule 5, item 12, ‘<i>Architects Act 1985</i>’—	14
	<i>omit, insert—</i>	15
	‘ <i>Architects Act 2002</i> ’.	16