

# **Architects (Registration Fees) Amendment Regulation 2019**

Explanatory notes for Subordinate Legislation 2019 No. 21

made under the

*Architects Act 2002*

## **General Outline**

### **Short title**

*Architects (Registration Fees) Amendment Regulation 2019*

### **Authorising law**

Section 143 of the *Architects Act 2002*

### **Policy objectives and the reasons for them**

The Board of Architects of Queensland (BOAQ) operates primarily on revenue from the registration of architects. However, the current fee structure has been identified as insufficient to sustainably fund the BOAQ's regulatory functions.

The BOAQ's fees have not been reviewed since 2003 and since that time, have only increased in accordance with the government indexation rate (currently 3.5 percent). In contrast, the BOAQ's costs have increased up to 134 percent, on average, per year as the BOAQ deals with an increase in the volume and complexity of complaints received and seeks to provide a responsive and effective service to the architecture profession and broader community. This comprises of an increase in prosecutions between 2016-17 and 2017-18 which has increased the BOAQ's investigation, hearing and legal expenses by 376% (from \$44,145 to \$209,968). The figure quoted represents the average annual increase over 5 years.

These cost drivers have not been matched by a corresponding fee increase. A fee increase is needed to for the BOAQ to continue to effectively undertake its legislative functions. The *Architects (Registration Fees) Amendment Regulation 2019* (the Architects Regulation) seeks to redress this situation.

### **Achievement of policy objectives**

The *Architects Act 2002* requires a range of applications (e.g. applications for registration and renewal as a registered architect) to be accompanied by the fees prescribed under a regulation.

To assist the BOAQ in meeting the costs of performing its functions and ensure it can operate sustainably, it is proposed to increase annual registration fees for practising architects by \$90.90, from \$198.10 to \$289.00.

Consistent with all other fees in the Architects Regulation, the updated fees will be indexed in accordance with the Queensland Government's indexation policy.

## **Consistency with policy objectives of authorising law**

The Architects Regulation is consistent with the objectives of the authorising Acts.

## **Inconsistency with policy objectives of other legislation**

The Architects Regulation is consistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The policy objectives can only be achieved by making the regulation.

## **Benefits and costs of implementation**

Increasing the fees payable to the BOAQ will allow it to more effectively discharge its legislative functions in a financially sustainable way. As the fee reflects cost recovery, it is in accordance with Queensland Treasury's *Principles for Fees and Charges*.

The proposals will also use the existing fee collection infrastructure of the BOAQ and no significant implementation costs are anticipated.

## **Consistency with fundamental legislative principles**

The Architects Regulation is consistent with fundamental legislative principles.

## **Consultation**

The Australian Institute of Architects and the Association of Consulting Architects were consulted and support the proposed amendment.

A survey of all registered architects in Queensland supported the proposed new fee of \$289.00.

The Queensland Productivity Commission has advised that further regulatory analysis is not necessary, as such analysis would not be of net benefit, given the consultation that has already been undertaken through the survey.