Queensland

Architects Regulation 2019

Subordinate Legislation 2019 No. 131

made under the

Architects Act 2002
State Penalties Enforcement Act 1999

Contents

Authorised by the Parliamentary Counsel

Part 1   Preliminary

1   Short title

This regulation may be cited as the *Architects Regulation 2019*.

2   Commencement

(1) This regulation, other than part 5, commences on 8 July 2019.

(2) Part 5 commences on 1 January 2020.

3   Dictionary

The dictionary in schedule 3 defines words used in this regulation.

Part 2   Election of architect to board

Division 1   Preliminary

4   Purpose of part

This part states, for section 143(2)(b) of the Act, the procedures for the election of an architect for appointment as a member of the board.

Division 2   Notice of election and nomination procedure

5   Notice of election

(1) The registrar must publish a notice that states the election day for the election.

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

6   Notice calling for nominations

(1)   The registrar must publish a notice inviting nominations of candidates for the 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 mentioned in paragraph (a).

7   Requirements for nominations

(1)   A nomination of a candidate for the election must be—

  (a)   in the approved form; and

  (b)   received by the registrar before the nomination day and time.

(2)   A nomination may be accompanied by a written statement by the candidate.

(3)   The statement by the candidate must not be more than 200 words.

Division 3   Procedure if only 1 candidate nominated

8   Candidate taken to be elected unopposed

If only 1 candidate is nominated under division 2—

  (a)   the registrar is not required to conduct a ballot for the election; and

  (b)   the candidate is taken to be elected unopposed.

9   Registrar to give notice to candidate and Minister

(1)   The registrar must give the candidate and Minister written notice of the candidate's election as soon as practicable after the nomination day and time.

(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

10   Registrar to conduct ballot

If more than 1 candidate is nominated under division 2, the registrar must conduct a ballot for the election under this division.

11   Notice of accessibility of ballot

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

(a)   states the election day and election closing 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 for the election; and

(c)   provides instructions on how an eligible architect may cast a vote.

(2)   If a voting services provider is administering voting in the election, the registrar must publish the name and contact details of the voting services provider on the board's website from the day the notice is published under subsection (1).

12   Registrar to ensure ballot accessible

(1) Immediately after publishing a notice under section 11, the registrar must ensure an electronic ballot form is accessible to each eligible architect for the election.

(2) If an eligible architect wants to vote using a paper ballot form, the architect must ask the entity administering voting in the election for a paper ballot form at least 28 days before the election day.

(3) If the registrar is administering voting in the election, 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) a return envelope.

(4) If a voting services provider is administering voting in the election, the registrar must ensure the voting services provider will, for a request by an eligible architect under subsection (2), send the architect the printed voting material mentioned in subsection (3) at least 14 days before the election.

13   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 written statements by the candidates given to the registrar.

(2) The registrar may make any changes to the electronic ballot form that are necessary to allow the form to be displayed electronically.

14   Ways of voting

(1) An eligible architect—

(a) is entitled to a single vote at the election; and

(b) may vote using—

(i) an electronic ballot form; or

(ii) a paper ballot form.

(2) 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.

15   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 closing time.

(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 entity administering voting in the election so that the entity receives the envelope before the election closing time.

16   Ballot box and electronic vote security

(1) The registrar must ensure—

(a) a ballot box is kept for the election; and

(b) the ballot box is kept in a safe place; and

(c) the ballot box is sealed 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.

(2)   The registrar must ensure appropriate measures are in place to keep an electronic voting system used or intended to be used for electronic voting secure from interference at all times.

17   Counting of votes

(1)   The registrar must, as soon as practicable after the election closing time, arrange for the counting of votes cast.

(2)   For votes cast using a paper ballot form, the entity counting the votes must—

    (a)   open each ballot envelope in the ballot box for the election; and

    (b)   accept each formal ballot form and reject each informal ballot form; and

    (c)   count and record the number of votes for each candidate on all ballot forms accepted under this section.

(3)   The registrar must ensure the things mentioned in subsection (2) are done in the presence of at least 2 witnesses.

(4)   Despite subsection (2)(b), the entity counting the votes may accept an informal ballot form if the entity considers the voter's intention is clear.

(5)   In this section—

formal ballot form, for a paper ballot form, means a ballot form that is marked as required under section 15(2)(a).

informal ballot form, for a paper ballot form, means a ballot form that is marked other than as required under section 15(2)(a).

18 Candidate with the highest number of votes is elected

(1) The candidate with the highest number of votes is elected.

(2) However, 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.

19 Voting services provider to give notice to registrar

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

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

20 Registrar to give notice to Minister

The registrar must give the Minister written notice of the result of the counting of votes and the candidate elected as soon as practicable after counting all the votes.

21 Registrar to give notice to candidates

As soon as practicable after the appointment of the elected candidate to the board, the registrar must—

(a) give each candidate written notice of the candidate elected as soon as practicable after the candidate's appointment to the board; and

(b) publish a notice of the candidate elected as soon as practicable after the candidate's appointment to the board.

22 Disposal of ballots

(1) The registrar must ensure—

(a) all electronic ballot forms are kept in a secure electronic location for the inspection period; and

(b) the paper ballot forms that were put in the ballot box under section 16(1) are kept for the inspection period.

(2) During the inspection period, the registrar must ensure the count of electronic ballot forms and paper ballot forms is available for inspection by members of the public, free of charge, at the board's office during ordinary office hours.

(3) At the end of the inspection period, the registrar must ensure the electronic ballot forms and paper ballot forms are destroyed.

(4) In this section—

inspection period, for an election, means the period of 3 months starting on the election day.

Part 3 Miscellaneous

23 Requirements for electronic voting systems

An electronic voting system 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 architect cast the architect's vote; and

(c)   give the same result in the scrutiny of votes as would be obtained if the scrutiny were conducted without using the system.

24   Prescribed schools of architecture—Act, s 82

For section 82(2)(a)(i) of the Act, a school of architecture (however described) at each of the following universities is a prescribed school of architecture—

(a)   Bond University;

(b)   Griffith University;

(c)   Queensland University of Technology;

(d)   The University of Queensland.

25   Code of practice approved—Act, s 108

For section 108(3) of the Act, the code of practice called 'Board of Architects of Queensland Code of Practice' made by the board on 12 December 2018 is approved.

26   Prescribed titles, names or words—Act, s 114

(1)   The titles and names stated in schedule 1, part 1 are prescribed for section 114(1)(b) of the Act.

(2)   The words stated in schedule 1, part 2 are prescribed for section 114(2)(b) of the Act.

27   Fees

The fees payable under the Act are stated in schedule 2.

Part 4 Repeal and transitional provision

Division 1 Repeal

28 Repeal

The Architects Regulation 2003, SL No. 11 is repealed.

Division 2 Transitional provision

29 Provision for particular elections

(1) If the election day for an election occurred under the repealed regulation within 3 months before the commencement, the following provisions continue to apply in relation to the election to the entity that administered voting in the election as if this regulation had not been made—

    (a) if the entity was the registrar—the repealed regulation, section 17;

    (b) if the entity was a voting services provider—the repealed regulation, section 17A.

(2) If an election was started but the election day for the election had not occurred under the repealed regulation before the commencement, the repealed regulation, part 2 continues to apply to the election as if this regulation had not been made.

(3) In this section—

repealed regulation means the repealed *Architects Regulation 2003*.

Part 5   Amendment of State Penalties Enforcement Regulation 2014

30   Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

31   Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1—

insert—

Architects Act 2002

Column 1 Infringement notice offence		Column 2 Infringement notice fine (penalty units)
s 32		1
s 32A(1)		5
s 54		1
s 56(1)		5
s 56(2)		5
s 67(1)	(other than an offence that constitutes an assault on an investigator)	5
s 113(1)		20
s 113(2)		20
s 114(1)		20
s 114(2)		20

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 115(2)	20
s 116(2)	6
s 116(3)	6
s 117(2)	1

Administering authority for an infringement notice offence that is an offence against a provision of the *Architects Act 2002*, or an infringement notice about the offence—the Board of Architects of Queensland

Authorised persons for service of infringement notices—the registrar appointed under the *Architects Act 2002*, section 100

Schedule 1 Prescribed titles, names or words

section 26

Part 1 Titles or names

architectural building designer

associate architect

BIM (building information modelling) architect

CAD (computer aided design) architect

commercial architect

design architect

graduate architect

grand architect

infrastructure architect

in-house architect

interior architect

principal architect

project architect

residential architect

senior architect

student architect

Part 2 Words

architectural

architectural building design

architectural experience

architectural fee

architectural planning and design

architectural plans

architectural project

architectural project design

architectural skill

architecturally

architecturally designed

architecture

architecture design

commercial architecture

interior architecture

residential architecture

Schedule 2   Fees

section 27

		$
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
10	Copy of approved code of practice or part of it—Act, s 110(1)(b)	17.15
		plus $2.65 for each page

Schedule 3   Dictionary

<div align="right">section 3</div>

ballot envelope see section 12(3)(b).

election means an election of an architect as a member of the board.

election closing time, for an election, means the time on the election day decided by the board as the time by which all votes must be cast for the election.

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

eligible architect, for an election, means a person who was an architect on the day the notice of the election day was published under section 5(1).

nomination day and time means the day and time stated in a notice given under section 6.

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.

return envelope means an unsealed envelope addressed to the entity administering voting in the election.

voting services provider, for an election, means an entity approved by the board—

(a)   to administer voting in the election; and

(b)   to provide an electronic voting system or postal voting system for the election; and

(c)   to count votes in the election.

ENDNOTES

1   Made by the Governor in Council on 4 July 2019.
2   Notified on the Queensland legislation website on 5 July 2019.
3   The administering agency is the Department of Housing and Public Works.

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