

A



A



©



A



**Regulation of the Architect
Profession within Australia**
An Overview

February 2015



Contents

1.	Introduction	3
2.	Registration Requirements for Individuals	4
	2.1 Types or Divisions of Registration	8
3.	Registration Requirements for Partnerships, Firms, Companies and Corporations	10
4.	Renewal of Registration	14
	4.1 Code of Conduct	16
	4.2 Professional Indemnity Insurance	17
	4.3 Maintenance of Skills and Knowledge	18
	4.4 Fitness to Practice	19
5.	Complaints against an Architect	21
6.	Protection of the Title “Architect”	31
7.	Summary Table	39

1. Introduction

In Australia the architecture profession is regulated by eight States and Territories with each jurisdiction having its own Architects Act (Act) and Architects Regulations (Regulations). As a result, there are both similarities and differences amongst jurisdictions in the regulation of the architectural profession.

This document identifies significant areas of regulation of the architectural profession and provides an overview how each jurisdiction regulates those areas. For detailed information pertaining to specific issues and/or legislative provisions please refer to each jurisdiction's Act and Regulations which are available through their on-line legislation database.

Significant areas of regulation for the architecture profession are:

1. registration requirements for individuals;
 - 1.1. types or divisions of registration;
2. registration requirements for partnerships, firms, companies and corporations;
3. renewal of registration;
 - 3.1. code of conduct;
 - 3.2. professional indemnity insurance;
 - 3.3. maintenance of skills and knowledge; and
 - 3.4. fitness to practice;
4. complaints against an architect; and
5. protection of the title "architect".

2. Registration Requirements for Individuals

Australian Capital Territory

In order to register a person, the Act requires an individual to have relevant expertise and relevant experience.

An individual has relevant expertise if he or she has:

1. a qualification declared by the Registrar, successfully completed a course of study accredited by the Board, or qualifications gained outside Australia that the Board is satisfied are adequate to allow the individual to practise architecture; and
2. passed an examination arranged or approved by the Board.

An individual has relevant experience if the individual has:

1. at least 2 years practical experience in the practice of architecture of which at least 1 year is postgraduate experience and at least 1 year is in Australia; and
2. the Board is satisfied that the period and kind of practise are adequate to allow the individual to competently practise architecture.

The Act provides for the Board to refuse to register an if:

1. the individual is bankrupt or personally insolvent;
2. the individual has been convicted or found guilty of an offence against the Act;
3. the individual has been convicted or found guilty of an offence against a Commonwealth, Territory or State law punishable by imprisonment for 1 year or longer; or
4. the individual's registration under the corresponding law of a local jurisdiction has been cancelled or suspended because of an act or omission of the individual that would, if the individual were registered in the ACT and the act or omission had happened here, have allowed the individual's registration to be cancelled or suspended.

The Act provides for the imposition of conditions on registration and renewal of registration. Conditions are determined by the Board.

New South Wales

An individual is entitled to be registered as architect if:

1. the Board is satisfied that the individual is of good fame and character;
2. the individual has the necessary qualifications for registration as an architect (i.e. a qualification prescribed by the Regulations, completed a course of study that is accredited by the Board or passed an examination approved by the Board);
3. the individual has acquired practical experience required by the Board as a prerequisite for entry to the architectural practice examination; and
4. the individual has passed an examination in architectural practice arranged or approved by the Board.

The Act provides for the Board to refuse to register a person if:

1. the person is bankrupt, has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with his or her creditors,

or made an assignment of his or her remuneration for their benefit;

2. the person has been convicted of an offence under the Act;
3. the person has been convicted of any other offence, either in or outside the State, and the Board is of the opinion that the circumstances of the offence are such as to render the person unfit in the public interest to practise architecture; or
4. the person's registration, licence, accreditation or certification under an architects registration law has been cancelled or suspended because of conduct that would (if it occurred in New South Wales and the person were an architect under the Act) authorise cancellation or suspension of the person's registration under the Act.

The Act requires the application of the *Licensing and Registration (Uniform Procedures) Act 2002*. For the purposes of applying that Act, registration may only be granted to an individual who is at least 21 years of age. The Act provides for the imposition of conditions on registration. Conditions are determined by the Board.

Northern Territory

The qualifications for registration are that the Board is satisfied that the person holds, or is entitled to hold, a certificate from AACA that certifies that the person is suitably qualified to practise architecture and he or she is a fit and proper person.

The Act provides for the imposition of conditions on registration. Conditions are determined by the Board.

Queensland

An applicant is eligible for registration if the applicant is qualified and the Board considers the applicant is fit to practise as an architect. An applicant is qualified for registration if the applicant has:

1. a qualification in architecture recognised by the AACA, a qualification in architecture obtained outside Australia and assessed by AACA to be equivalent to a recognised qualification, or successfully completed AACA's National
2. Program of Assessment; and
3. successfully completed AACA's Architectural Practice Examination or another examination approved by the Board. In deciding whether an applicant is fit to practise as an architect, the

Board may have regard to the following:

1. whether the applicant has a conviction, other than a spent conviction, for an indictable offence; an offence against the Act; or another offence, relating to the practice of architecture, against a law applying in the State, the Commonwealth, another State or a foreign country;
2. if the registration of the applicant in Queensland or elsewhere has been suspended or cancelled, the reasons for its suspension or cancellation;
3. any order about the applicant concerning disciplinary action under the Act;
4. whether the applicant is affected by bankruptcy action or is an executive officer of a corporation affected by control action;
5. if the applicant has been required to undergo a health assessment under the Act, whether the applicant underwent the assessment or whether the applicant cooperated with the doctor appointed to conduct the assessment; or
6. any other issue relevant to the applicant's ability to competently practise as an architect, including, for example, the applicant's mental or physical health.

The Act states that an architect's registration can be cancelled if he or she has contravened a condition of registration. The Act provides for conditions of registration to be imposed as a result of disciplinary action and following a health assessment.

South Australia

A natural person is eligible for registration if the person:

1. has a qualification that is approved or recognised by the Board;
2. has met the requirement for registration determined by the Board;
3. is insured in a manner and to an extent approved by the Board against civil liabilities that might be incurred by the person in connection with the provision of services as a registered architect; and
4. is a fit and proper person to be registered on the register of architects.

The Board may impose conditions on limited registration only. The Act provides for a number of conditions, in addition to any other condition the Board thinks fit.

Tasmania

In order to be registered, a person must satisfy the Board that he or she is of good fame and character.

Any person who has met the following is entitled to registration as an architect:

1. passed the examination for the Diploma of Architecture of the Hobart Technical College or an examination of a university, college, school, or public institution for the training of architects the passing of which is recognised by the Royal Australian Institute of Architects as conferring an entitlement to apply for admission to corporate membership of the Institute;
2. completion of at least 2 years of practical experience that is approved by the Board and of which at least one year shall be after passing an examination referred to in paragraph 1; and
3. passed an oral and written examination as required by the Board for the purpose of satisfying it that the applicant has acquired a practical knowledge of the architect's profession.

Without prejudice to the above, any person who is in the opinion of the Board, by reason of his ability and competence in the field of architecture, is entitled to registration as an architect.

The Act does not provide for the imposition of conditions on registration.

Victoria

A natural person is eligible to be registered as an architect if the person:

1. is of good character;
2. has been engaged for not less than 2 years on practical architectural work and has attained a standard of professional practice satisfactory to the Board; and
3. either holds a prescribed qualification in architecture, or has passed a prescribed course of study and completed a period of 5 years in gaining professional knowledge in architecture to the satisfaction of the Board.

For the purposes of paragraph 2, the Board may require a natural person to undertake a written or oral architectural practice examination conducted by the Board to assess the person's standard of professional practice.

For the purposes of paragraph 3, the following qualifications are prescribed: Bachelor of Architecture or Master of Architecture (Practice), Deakin University;

Bachelor of Architecture, The Royal Melbourne Institute of Technology; Bachelor of Architecture or Master of Architecture (Coursework)—Option C, The University of Melbourne; and any other architecture qualification at degree level which is approved by the Board as being equivalent those qualifications. A prescribed course of study is AACA's National Program of Assessment.

The Act provides for conditions of registration to be imposed as a result of disciplinary action.

Western Australia

The requirements for registration are the person:

1. holds a qualification from an accredited architectural course, holds a qualification that the Board considers equivalent to an accredited course or has otherwise attained a standard in relation to the practice of architecture that is acceptable to the Board;
2. has passed the National Examination Paper and Examination by Interview;
3. has not been convicted of an offence, whether in Western Australia or elsewhere, the nature of which renders the person unfit to be a registered person; and
4. is otherwise a fit and proper person.

The Act provides for the imposition of conditions on registration and renewal of registration. Conditions are limited to those stated in the Act.

2.1 Types or Divisions of Registration

Australian Capital Territory

There is only one type or class of registration.

The Act provides definitions for the terms architect and architectural service.

New South Wales

There are two types of registration – full registration and temporary registration. Temporary registration may be granted to a person who has architectural qualifications and practical experience in another country. Temporary registration expires at a date determined by the Board.

The practising status of an architect is to be recorded in the register i.e. whether the architect is a practising architect or non-practising architect. In order to record that an architect is a non-practising architect the Board has to be satisfied that the architect has retired from the practice of architecture or is not likely to practise as an architect for the foreseeable future.

The Act provides definitions for the terms architect, architectural qualification, architectural service, architecture, full registration and temporary registration. Non-practising architect is defined in the Regulations.

Northern Territory

There is only one type or class of registration.

The Act provides definitions for the terms architect, registered architect and practise.

There are two types of registration – practising architect and nonpractising architect.

In order to register or renew a person's registration as a nonpractising architect the Board must be satisfied that the person will not carry out, or be responsible for the carrying out of, architectural services within the registration period.

The Act provides definitions for architect, architectural service, nonpractising architect and practising architect.

South Australia

There are two types of registration – full registration and limited registration. Limited registration may be granted by the Board if a person does not have the necessary qualifications or experience required for full registration in order to enable the person to do whatever is necessary to become eligible for full registration or to teach or undertake research. The Board may impose conditions on the registration.

Provisional registration may be granted by the Registrar if it appears likely that the Board will grant an application for registration.

Provisional registration remains in force until the Board determines the application.

The Act provides a definition for the term registered architect.

Tasmania

There is only one type or class of registration.

The Act provides a definition for the term architect.

Victoria

There are two classes of registration – practising architects and retired or non-practising architects.

In order to pay a reduced fee, retired and non-practising architects must make a declaration that he or she does not intend to practise as an architect for the period

to which the annual fee applies.

The Act provides a definition for the term architect. The terms practising, non-practising and retired are not defined.

Western Australia

There are two divisions of the register – division 1 for registered persons who are currently practising architecture, and division 2 for registered persons who are not currently practising architecture.

The Act and Regulations do not provide definitions for the terms architect, architecture, practising or non-practising.

3. Registration Requirements for Partnerships, Firms, Companies and Corporations

Australian Capital Territory

The Act states that the Board may only register an individual.

However, the Act provides for the appointment of one or more nominees for a firm. [The Act defines a firm as a corporation or partnership.]

A nominee of a firm has the function of ensuring that the architectural services for which the nominee is responsible comply with the Act.

A firm that is a corporation, and a partner in a firm that is a partnership, commits an offence if a nominee of the firm fails to ensure that the relevant architectural services comply with the Act.

If an architect is a nominee for a firm, the name of the firm and other details as prescribed in the Regulations are to be recorded in the register.

New South Wales

The Act does not provide for registration of partnerships, firms, companies or corporations. However, it states that a corporation or firm that wishes to represent itself to be an architect must ensure that at all times there is at least one nominated architect who is nominated by the corporation or firm and is responsible for the provision of architectural services by the corporation or firm. [The Act defines firm as a partnership or other unincorporated association of persons.]

Any failure, without reasonable excuse, by a nominated architect to properly supervise the provision of architectural services by an architect corporation or architect firm is unsatisfactory professional conduct and may result in disciplinary action.

If an architect is a nominated architect, the name of the corporation or firm and other details as prescribed in the Regulations are to be recorded in the register.

Northern Territory

The Act requires the Board to keep a register for the registration of architects, architectural partnerships and architectural companies.

In order to register an architectural partnership, the Board must be satisfied that:

1. the partnership has a place of business or is carrying on business within the Territory;
2. the partnership carries on business within the Territory under the names of the partners or a name registered under the Business Names Registration Act 2011 (Cth);
3. at least one of the partners of the partnership is an architect and will be responsible for managing the architectural practice and supervising the provision of architectural services provided by the partnership in the Territory; and
4. if the partnership includes a company amongst its partners, the company is an architectural company.

In order to register an architectural company, the Board must be satisfied that:

1. it has a place of business or is carrying on business within the Territory;
2. its constitution is acceptable to the Board and contains provisions that the

Board be notified of an intention to amend the constitution and be furnished with a copy of a proposed resolution to give effect to that intention, and a body corporate shall not be eligible to be a director of the company; and

3. at least one of the directors of the company or one of the employees of the company is an architect and will be responsible for managing the architectural practice and supervising the provision of architectural services provided by the company in the Territory.

The Act provides for prescribed particulars in addition to those stated in the Act to be recorded in the register; however, no particulars have been prescribed specific to architectural partnerships or architectural companies.

The Act requires architectural companies and architectural partnerships to submit an annual statement with the following information:

1. the full name and usual address of every person who on June preceding the lodging of the annual statement was a director of the company or member of the partnership;
2. whether each director/member is an architect; and
3. any other matter necessary or convenient to the administration of the Act which is indicated in the form.

The most recent annual statement form for architectural companies requires the full name and registration details of the company director or employee who is an architect and responsible for managing the architectural practice of the company in the Territory and supervising the provision of architectural services provided by the company in the Territory.

The Act does not provide for any offences specific to architectural companies or architectural partnerships.

Queensland

The Act does not provide for registration of partnerships, firms, companies or corporations.

The Act exempts corporations from committing an offence by using the title or name "architect", "registered architect" or other prescribed title or names, if the corporate has given the Board a notice that includes the business's name, business address and telephone number; the name of each place at which the business provides the services; and the name and signature of each architect who is responsible for carrying out architectural services for the business at each business location.

A notice is taken not to have been given unless the notice includes the prescribed information and is accompanied by the prescribed fee.

The Regulations do not prescribe such a fee.

South Australia

The Act requires a register of architectural businesses to be kept.

[The Act defines an architectural business as a body corporate or each of the partners in a partnership.]

A body corporate is eligible for registration on the register of architectural businesses if the Board is satisfied that at least half the members, or a majority of the members, of the governing body are registered architects.

A partnership is eligible for registration on the register of architectural businesses if the Board is satisfied that least half the partners, or a majority of the partners, are registered architects or bodies corporate that are registered architectural

businesses.

The register must include the following for a body corporate:

1. the name and registered address of the body corporate;
2. the full name and nominated contact address of each member of the governing body of the body corporate; and
3. information identifying each member of the governing body who is a registered architect; and
4. information prescribed by the Regulations.

The register must include the following in relation to each partnership:

1. the name under which the partnership carries on business;
2. the full name and nominated contact address of each partner; and
3. information identifying each partner who is a registered architect; and
4. information prescribed by the Regulations.

The Regulations do not prescribe additional information to be included on the register for a body corporate or partnership.

The Act does not provide for any offences specific to architectural businesses.

Tasmania

The Act does not provide for registration of partnerships, firms, companies or corporations.

Victoria

The Act provides for the approval of partnerships and companies.

The names of approved partnerships and companies are to be recorded in the register.

The Board may approve a partnership if at least one of the partners is an architect who is covered by the required insurance. An approved partnership must not provide architectural services unless a member of the partnership who is registered as an architect is responsible for the carrying out of the services, and the services are carried out by or under the supervision of a registered architect.

The Board may approve a company if satisfied that the constitution of the company provides that one of the purposes of the company is the practise of architecture and at least one director is an architect who is covered by the required insurance. An approved company must not provide architectural services unless a director of the company who is registered as an architect is responsible for the carrying out of the services, and the services are carried out by or under the supervision of a registered architect.

The Act provides for the cancellation or suspension of approval of a company or partnership if the Board is satisfied that the company or the members of the partnership have failed to comply with a direction of the Board or the Regulations.

If an architect who provides architectural services to clients on behalf of an approved partnership or an approved company contravenes one or more specified Regulations, then that Regulation is also contravened by each partner in that approved partnership who is an architect, or each director of that approved company who is an architect.

The Act and Regulations prescribe the information that the register is to contain for approved partnerships and approved companies.

The Act provides for the licensing of corporations. [A corporation means a company as defined in the Corporations Act or any other body corporate prescribed by the Regulations. The Regulations prescribe an Aboriginal and Torres Strait Islander corporation as defined in the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Commonwealth).]

The register may have divisions that are prescribed by the Regulations relating to different categories of licensed corporations.

No divisions of licenced corporations have been prescribed.

The licensing requirements for corporations are:

1. the corporation's constitution is acceptable to the Board;
2. each of the directors of the corporation is acceptable to the Board;
3. all architectural work to be done by the corporation is to be done under the direct control and supervision of a registered person who is an officer or employee of the corporation;
4. the means by which the corporation proposes to comply with paragraph 3 are acceptable to the Board;
5. the person who will have ultimate responsibility for the architectural work to be done by the corporation is a registered person who is an officer or employee of the corporation; and
6. the name under which the corporation proposes to carry on the practice of architecture is acceptable to the Board.

The Board may make an allegation to the State Administrative Tribunal that the Tribunal should take action against a particular licensed corporation on the ground that:

1. the constitution or rules governing the internal management of the corporation has or have been amended in an unacceptable manner;
2. the requirements for licensing have not been complied with or have ceased to be complied with in relation to the corporation;
3. the corporation has contravened or failed to comply with a provision of the Act, a condition imposed under the Act, or a requirement under the Act to give the Board advice or information; or
4. the conduct of a natural person is such that the licence of the corporation should be suspended or cancelled in the case where the Tribunal has already determined there is a proper cause for disciplinary action in respect of the person, and the person at the relevant time was an officer or employee of the corporation.

The following information is to be entered in the register:

1. the name of the corporation;
2. the date of the initial grant of licence;
3. the licence number;
4. the address of the corporation;
5. any conditions applying to the licence;
6. other information that is prescribed by the Regulations.

No other information is prescribed by the Regulations.

4. Renewal of Registration

Australian Capital Territory

The legislation does not differentiate between initial registration and renewal of registration.

The Act states that registration is for 1 year. It does not provide dates for the registration period, nor does it specify requirements for the renewal of registration.

New South Wales

The legislation does not differentiate between initial registration and renewal of registration.

The Act states that an architect must pay to the Board the approved fee for annual registration on or before 31 March; however, the Board's website states that the due date is now 30 June.

Northern Territory

The legislation does not differentiate between initial registration and renewal of registration.

The renewal of registration period is from 1 January to 31 December.

The renewal fee falls due on 1 February.

Queensland

The legislation differentiates between initial registration and renewal of registration.

When deciding whether to renew an applicant's registration, the Board must have regard to:

1. whether the Board considers the applicant is fit to practise as an architect; and
2. the extent to which the applicant has satisfied the continuing registration requirements i.e. competency in the practice of architecture.

In considering whether an applicant is fit to practise as an architect for renewal of registration, the Board may have regard to the same matters it considered when granting initial registration.

The period of registration is a financial year.

South Australia

The legislation differentiates between initial registration and renewal of registration.

In order to renew a person's registration, the person must furnish the Board with a return in a form approved by the Board containing information required by the Board.

The Act provides for the renewal date to be fixed by the Board. The Board has set the renewal fee to be due on 1 July.

Tasmania

The legislation does not differentiate between initial registration and renewal of registration.

The renewal of registration period is from 1 January to 31 December.

Victoria

The renewal fee must be paid on or before 31 January.

The legislation does not differentiate between initial registration and renewal of registration.

Annual fees must be paid to the Board by 1 July in each year.

Western Australia

The legislation differentiates between initial registration and renewal of registration.

The renewal of registration period is from 1 July to 30 June. The renewal fee falls due on 30 September.

The Act provides for the imposition of conditions on renewal of registration. Conditions are limited to those stated in the Act.

4.1 Code of Conduct

Australian Capital Territory

The Act provides for a regulation to adopt a professional conduct code. This has not occurred.

It also provides for the Minister to direct the Board about the exercise of its functions which may include a proposed professional conduct code.

New South Wales

The Act provides for the establishment of a code of professional conduct setting out guidelines that should be observed by architects in their professional practice. The code of professional conduct is set out in Schedule 2 of the Regulations.

The provisions of the code of professional conduct are considered in determining what constitutes proper and ethical conduct by an architect.

Northern Territory

The Act and Regulations do not provide for a code of conduct. Queensland The Act states that the Board must make a code of practice to provide guidance to architects as to appropriate professional conduct or practice.

The Board's code of practice is a statutory instrument and must be approved under a regulation.

An approved code of practice is admissible as evidence in a disciplinary proceeding brought by the Board against an architect.

The code may only be used to provide evidence of appropriate professional conduct or practice for an architect.

South Australia

The Act states that one of the functions of the Board is to prepare or endorse, subject to the approval of the Minister, codes of conduct or professional standards for registered architects and architectural businesses.

The Board's code may be referred to or incorporated into the Regulations. The Board's code has been approved by the Minister and published as required by the Act, but has not been referenced or incorporated into the Regulations.

Failure to comply with the code may constitute unprofessional conduct for the purposes of the Act and be grounds for disciplinary action.

Tasmania

The Act provides for the Board to regard any document declaring the proper conduct of architects in a professional respect, promulgated by the Board with the approval of the Minister, in determining whether an architect is guilty of infamous or improper conduct in a professional respect.

The website refers to the Architect's Model Statutory Code of Professional Standards and Conduct; however, it is unclear if this has been promulgated by the Board with the approval of the Minister as required by the Act.

Victoria

The Regulations require that an architect must perform his or her work as an architect in a competent manner and to a professional standard. The Regulations contain a number of general and specific professional conduct obligations.

The Regulations provide for the Board to prepare guidelines on professional conduct and practice for architects. This has not occurred.

Western Australia

The Act provides for a regulation to adopt any standards, rules, code or other provisions by some other body with or without amendment or modification. This has not occurred.

4.2 Professional Indemnity Insurance

Australian Capital Territory

Before providing an architectural service, an architect is required to provide evidence of the professional indemnity insurance the architect holds. The legislation does not specify the amount of insurance cover required, nor does it state that insurance must be held.

New South Wales

An architect should hold professional indemnity insurance appropriate for the architectural services being provided and provide information about the insurance held to the client.

Northern Territory Queensland

There is no requirement for an architect to hold professional indemnity insurance.

The Act and Regulations do not contain professional indemnity insurance provisions. The Act requires the Board to make a code of practice. The Board's code states that an architect must hold professional indemnity insurance appropriate for the architectural services being provided by the architect and if requested by the client, provide information to the client relating to the insurance held.

However, the architect can advise the client that he or she does not maintain professional indemnity insurance providing that occurs before entry into an agreement with the client.

South Australia

An architect is required to hold professional indemnity insurance.

The Act states that an architect must be insured in a manner and to an extent approved by the Board. The South Australian Board considers that the minimum amount of insurance cover is \$1 million.

An architect must satisfy the Board that insurance is in effect. The South Australian Board has determined that a copy of the certificate of currency is to be provided to the Board at initial registration and renewal of registration.

Tasmania

There is no requirement for an architect to hold professional indemnity insurance.

Victoria

An architect is required to hold professional indemnity insurance.

The architect must provide evidence of insurance cover to the Board at initial registration and by 1 July each year.

The Minister may specify the kind and amount of insurance that is required to be held by an architect. The Minister has specified that not less than \$1 million plus not less than \$200,000 or 20% for defence costs, with one automatic reinstatement, is required.

Western Australia

The Board may impose as a condition of registration or renewal of registration that an architect holds professional indemnity insurance.

The Western Australian Board has imposed this requirement for both individuals and corporations. The Regulations state that the minimum amount of insurance cover is \$1 million.

An architect must provide evidence to the Board that insurance is in effect (i.e. provide a copy of the certificate of currency) at initial registration, renewal of registration and when the insurer, period of insurance or amount of cover changes.

4.3 Maintenance of Skills and Knowledge

Australian Capital Territory

The Act and Regulations do not require an architect to maintain his or her skills and knowledge.

New South Wales

The Board's code of conduct requires an architect to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of the architectural services that the architect normally provides.

The Board requires architects to report on their continuing professional development (CPD) activities at the time of annual renewal of registration.

Non-practising architects are not required to comply with these CPD requirements.

Northern Territory

The Act and Regulations do not require an architect to maintain his or her skills and knowledge.

Queensland

The Act requires that the Board must be satisfied that an architect has maintained competency in the practice of architecture in order to meet continuing registration requirements. Continuing registration requirements must be considered by the Board when deciding to renew or refuse to renew a person's registration.

The Board requires architects to report on their CPD activities at the time of annual renewal of registration.

Non-practising architects are not required to comply with these CPD requirements.

South Australia

The Board's code of conduct states that architects are expected to keep their knowledge and skills relevant to professional work up to date.

Architects are not required to report on their CPD activities.

Tasmania

The Act and Regulations do not require an architect to maintain his or her skills and knowledge.

Victoria

The Act and Regulations do not require an architect to maintain his or her skills and knowledge.

Western Australia

The Act requires that the Board be satisfied that a person has attained or maintained a level of knowledge, skill and competence that the Board considers is required in order to renew a person's registration. The Board's preferred method of demonstrating this requirement is participation in a continuing professional development program; however, this does not preclude a person from providing evidence in some other form to satisfy the Board's requirements.

The Board requires architects to report on their CPD activities at the time of annual renewal of registration.

Non-practising architects are not required to comply with these CPD requirements.

4.4 Fitness to Practice

Australian Capital Territory

In general, fitness to practice requirements are specified as registration requirements rather than requirements specific to the renewal of registration.

The Act provides for the Board to refuse to register a person if:

1. the person is bankrupt or personally insolvent;
2. the person has been convicted or found guilty of an offence against the Act;
3. the individual has been convicted or found guilty of an offence against a Commonwealth, Territory or State law punishable by imprisonment for 1 year or longer;
4. the individual's registration under the corresponding law of a local jurisdiction has been cancelled or suspended because of an act or omission of the individual that would, if the individual were registered in the ACT and the act or omission had happened here, have allowed the individual's registration to be cancelled or suspended.

New South Wales

An individual is entitled to be registered as an architect if the Board is satisfied that the individual is of good fame and character. The Act also provides for the Board to refuse to register a person if:

1. the person is bankrupt, has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with his or her creditors, or made an assignment of his or her remuneration for their benefit;
2. the person has been convicted of an offence under the Act;
3. the person has been convicted of any other offence, either in or outside the State, and the Board is of the opinion that the circumstances of the offence are such as to render the person unfit in the public interest to practise architecture; or
4. the person's registration, licence, accreditation or certification under an architects registration law has been cancelled or suspended because of conduct that would (if it occurred in New South Wales and the person were an architect under the Act) authorise cancellation or suspension of the person's registration under the Act.

Northern Territory

The Act provides for the Board to remove the name of a person from the register under a number of circumstances, including the following:

1. who is convicted, whether in the Territory or elsewhere, of an indictable offence or of any other offence which, in the opinion of the Board, renders him unfit to practise;
2. who becomes of unsound mind; or
3. who is found by the Board to have been guilty of:
 - a. habitual drunkenness or addiction to a narcotic drug;
 - b. accepting a commission or substantial valuable consideration from a person who has offered or agreed to execute, or is engaged in the execution of, any work in connection with a building designed or supervised by the registered architect or from a person who has offered or agreed to supply any material, fittings or appliances to be used in or in connection

with a building designed or supervised by the registered architect;

- c. allowing a person, other than a registered architect, to practise in his name as an architect; or
- d. directly or indirectly giving or offering or agreeing to give or offer to a person any valuable consideration for securing or attempting to secure for the architect employment or work as an architect.

Queensland

In deciding whether an applicant is fit to practise as an architect, the Board may have regard to the following:

1. whether the applicant has a conviction, other than a spent conviction, for an indictable offence; an offence against the Act; or another offence, relating to the practice of architecture, against a law applying in the State, the Commonwealth, another State or a foreign country;
2. if the registration of the applicant in Queensland or elsewhere has been suspended or cancelled, the reasons for its suspension or cancellation;
3. any order about the applicant concerning disciplinary action under the Act;
4. whether the applicant is affected by bankruptcy action or is an executive officer of a corporation affected by control action;
5. if the applicant has been required to undergo a health assessment under the Act, whether the applicant underwent the assessment or whether the applicant cooperated with the doctor appointed to conduct the assessment; or
6. any other issue relevant to the applicant's ability to competently practise as an architect, including, for example, the applicant's mental or physical health.

South Australia

The Act provides for the Board to determine the information it requires in order to renew a person's registration. The Board requires the person to answer a number of fitness to practice questions.

Tasmania

The Act states that no person shall be entitled to be registered as an architect unless he satisfies the Board that he is of good fame and character.

Victoria

The Act requires that a person be of good character in order to be eligible to be registered as an architect.

Western Australia

The Act and Regulations require that an architect is a fit and proper person and has not been convicted of an offence, in Western Australia or elsewhere, the nature of which renders the person unfit to be a registered person, in order to renew registration.

5. Complaints against an Architect

Australian Capital Territory

The Act prescribes the following grounds for occupational discipline:

1. the architect has contravened the Act;
2. the architect contravened a requirement of the professional conduct code (if adopted);
3. the architect has contravened a condition of his or her registration;
4. the architect has been convicted, or found guilty of an offence against a corresponding law of a local jurisdiction (i.e. any law of a local jurisdiction that regulates architects in the jurisdiction); and
5. the architect has been found guilty, in the ACT or elsewhere, of an offence involving fraud, dishonesty or violence that is punishable by imprisonment for 1 year or more.

Anyone may lodge a complaint against an architect to the Board.

The complaint must be in writing and signed by the complainant. The Board may require the complainant to verify the complaint by statutory declaration.

The Board must take reasonable steps to investigate the complaint.

The Board must not take further action on a complaint if it is satisfied that the complaint lacks substance; the complaint is frivolous, vexatious or was not made genuinely; or the complaint has been adequately dealt with.

If the Board is satisfied that a ground for occupational discipline exists, the Board must apply to the ACAT for occupational discipline.

The discipline orders the ACAT may make are set out in the ACT

Civil and Administrative Tribunal Act 2008.

The Regulations provide for details of any suspension or cancellation of registration to be recorded in the register.

New South Wales

The Act defines professional misconduct as meaning unsatisfactory professional conduct of a sufficiently serious nature to justify the suspension of an architect or the cancellation of an architect's registration, or any other conduct that is declared by the Regulations to be professional misconduct for the purposes of the Act. The Regulations declare professional misconduct to be conduct of an architect that involves a substantial or consistent failure to reach reasonable standards of competence and diligence for an architect.

Unsatisfactory professional conduct means any of the following:

1. any contravention by the architect of the conditions of the architect's registration;
2. a failure by the architect to comply with a provision of any code of professional conduct established by the Regulations;
3. any failure without reasonable excuse by the architect to comply with a direction, order or requirement of the Board, Tribunal or Supreme Court;
4. any failure without reasonable excuse by the architect to properly supervise the provision of architectural services by an architect corporation or architect

firm while the architect is a nominated architect responsible for the provision of those services;

5. any failure by the architect to comply with the applicable requirements of the Licensing and Registration (Uniform Procedures) Act 2002;
6. any contravention by the architect of the Act or the Regulations;
7. any conduct of the architect that demonstrates that the architect is not a fit and proper person to be registered as an architect;
8. any other conduct of the architect that demonstrates incompetence, or a lack of adequate knowledge, skill, judgment or care in the practice of architecture;
9. any other improper or unethical conduct of the architect in the course of the practice of architecture; or
10. any conduct that is declared by the Regulations to be unsatisfactory professional conduct for the purposes of the Act.

Disciplinary finding means a finding of unsatisfactory professional conduct or professional misconduct.

Any person may make a complaint against an architect to the Board.

The complaint must be in writing and verified by statutory declaration.

The Board must conduct an investigation into a complaint. The Board may dismiss a complaint if it is satisfied that the complaint is frivolous or vexatious or otherwise lacking in merit; has already been dealt with as a complaint; or is trivial in nature.

After the Board has completed an investigation into a complaint against an architect, the Board must apply to the Civil and Administrative Tribunal for a disciplinary finding against an architect under if it is satisfied that the architect is guilty of professional misconduct.

If the Board is satisfied that the architect is guilty of unsatisfactory professional conduct it may apply to the Tribunal for a disciplinary finding against the architect or it may take any one or more of the following actions:

1. caution or reprimand the architect;
2. order the withholding or refunding of part or all of the payment for the architectural services that are the subject of the complaint;
3. direct that conditions relating to the architect's practice of architecture be imposed on the architect's registration;
4. order that the person complete any educational course or courses specified by the Board;
5. order that the person report on his or her architectural practice at specified times, in a specified manner and to specified persons;
6. order that the person seek and take advice, in relation to the management of his or her architectural practice, from a specified person or persons; or
7. order the architect to pay a fine of an amount not exceeding 15 penalty units.

If the Tribunal finds that the architect is guilty of unsatisfactory professional conduct, the Tribunal may make any one or more of the actions list above; although, the fine amount must not exceed 200 penalty units.

If the Tribunal finds that the architect is guilty of professional misconduct, the Tribunal may (in addition to the actions listed above) suspend the architect's

registration for a period as the Tribunal thinks fit or order the cancellation of the architect's registration.

The Board must publicise disciplinary action taken against an architect.

Northern Territory

A person may make a complaint against an architect to the Board.

The complaint must be in writing and signed by the complainant.

The Board must consider the complaint and it may conduct an investigation into the complaint.

On completing its consideration of and investigations into a complaint, the Board must make a determination:

1. that the complaint is of a frivolous, irrelevant or malicious nature, or that the complaint does not set out sufficient grounds on which to base a complaint, and dismiss the complaint;
2. that no further action is warranted;
3. to reprimand the registered architect;
4. to fine the registered architect an amount not exceeding the prescribed amount;
5. to impose conditions on or vary the conditions imposed on the registered architect's registration;
6. to suspend the registered architect's registration; or
7. to cancel the registered architect's registration.

The legislation does not require disciplinary action to be published; although, the Act provides for the Board to keep a register in such form as it thinks fit.

Queensland

The Act defines unsatisfactory professional conduct to include the following:

1. conduct that is of a lesser standard than that which might reasonably be expected of the architect by the public or the architect's professional peers;
2. conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgment or care, in the practice of architecture;
3. misconduct in a professional respect;
4. fraudulent or dishonest behaviour in the practice of architecture; or
5. other improper or unethical conduct.

A person who is aggrieved by an architect's conduct may make a complaint to the Board. The complaint must be in the approved form and the Board may require the complainant to verify the complaint by statutory declaration.

The Board may decide to reject a complaint if the Board considers the complaint is frivolous, vexatious or trivial.

The Board may conduct an investigation into the architect's conduct.

The Board must prepare a written report about the investigation including the Board's findings about the complaint. The Board must decide one or more of the following:

1. start a disciplinary proceeding against the architect;

2. enter into an undertaking agreed with the architect about a matter relating to the architect carrying out architectural services;
3. caution or reprimand the architect;
4. impose a condition, agreed to by the architect, on the architect's registration; or
5. take no further action about the matter the subject of the investigation.

If the Board decides to caution or reprimand an architect or impose a condition on an architect's registration, the particulars of the decision must be recorded in the register and the Board may notify the decision on the Board's website.

The Board may apply to the QCAT to conduct a disciplinary proceeding to decide whether a disciplinary ground is established.

Each of the following is a ground for disciplining an architect:

1. the architect has behaved in a way that constitutes unsatisfactory professional conduct;
2. the architect has failed to comply with a provision of the Act; or
3. the architect has been convicted of an offence against an Act of the State, the Commonwealth or another State related to the practice of architecture.

If the Tribunal is making a decision about whether the architect has behaved in a way that constitutes unsatisfactory professional conduct or practice, the tribunal must have regard to the approved code of practice.

If the Tribunal decides that a disciplinary ground is established, the Tribunal may:

1. reprimand the architect;
2. cancel the architect's registration;
3. disqualify, indefinitely or for a stated period, the architect from obtaining registration as an architect;
4. order the architect to pay a stated amount of not more than the equivalent of 200 penalty units; or
5. take no action against the architect.

If the Tribunal makes an order about an architect, details of the order must be recorded in the register.

South Australia

The Act defines unprofessional conduct to include:

1. improper or unethical conduct in relation to professional practice;
2. incompetence or negligence in relation to the provision of services as an architect;
3. a contravention of or failure to comply with a provision of the Act or a code of conduct or professional standard prepared or endorsed by the Board under the Act; and
4. conduct that constitutes an offence punishable by imprisonment for 1 year or more under some other Act or law.

A complaint against an architect can be laid before the Board by a person who is aggrieved by conduct of an architect, the Registrar, the Minister or a representative body. The manner in which the complaint must be laid before

the Board is to be approved by the Board. A complaint can be laid against a registered architect and a body corporate, or the partners in a partnership, that is a registered architectural business.

The Board must inquire into the subject matter of the complaint unless the Board considers that the complaint is frivolous or vexatious.

There is proper cause for disciplinary action against a person who is a registered architect if:

1. the person's registration was improperly obtained;
2. the person is guilty of unprofessional conduct; or
3. the person is for any reason no longer a fit and proper person to be registered on the register of architects.

There is proper cause for disciplinary action against a body corporate, or the partners in a partnership, that is a registered architectural business if the registration of the body corporate or partnership was improperly obtained or the body corporate or a partner in the partnership has contravened or failed to comply with a provision of the Act or a code of conduct prepared or endorsed by the Board.

If, after conducting an inquiry, the Board is satisfied that there is proper cause for disciplinary action against the respondent, the Board may order one or more of the following:

1. censure the respondent;
2. require the respondent to pay to the Board a fine not exceeding \$10 000;
3. if the respondent is a registered architect impose conditions on the respondent's registration restricting the respondent's right to provide services as an architect; suspend the respondent's registration for a period not exceeding 1 year; cancel the respondent's registration; or disqualify the respondent from being registered; or
4. if the respondent is a body corporate or a partner in a partnership that is a registered architectural business suspend the registration of the body corporate or partnership for a period not exceeding 1 year; cancel the registration of the body corporate or partnership; or disqualify the body corporate or partnership from being registered.

The legislation does not require disciplinary action to be published; although, the Act provides for the Board to include information as the Board thinks fit on the register.

Tasmania

The Board may summon an architect to appear before it where an architect is:

1. convicted of a crime; an offence which if committed in Tasmania would be a crime; or a contravention of the prohibited practices section of the Act; or
2. alleged to be guilty of infamous or improper conduct in a professional respect, or not to possess the qualifications in respect of which he was registered.

The Board upon hearing the case, where an architect is guilty of improper conduct in a professional respect, may make the following orders:

1. his registration be suspended for a term not exceeding 12 months;
2. he pay the Board a fine of not more than \$200; or

3. he be reprimanded by the Board.

Where an architect has been convicted of a crime, offence or contravention of the prohibited practices section of the Act; is guilty of infamous conduct in a professional respect; or is found not to possess the qualifications in respect of which he is registered, the Board may remove his or her name from the register or make any order as listed above.

In determining whether an architect is guilty of infamous or improper conduct in a professional respect regard may be had to any document promulgated by the Board with the approval of the Minister and declaring the proper conduct of architects in a professional respect.

The legislation does not require disciplinary action to be published.

Victoria

The Regulations prescribe the following general and specific obligations for the professional conduct of architects. Contravention of one or more of these Regulations constitutes unprofessional conduct by an architect.

1. An architect must perform his or her work as an architect in a competent manner and to a professional standard.
2. An architect must act in the interest of his or her client or prospective client, and not favour his or her own interest over that of his or her client or prospective client.
3. An architect who acts on the same project in the capacity of an architect and a developer, or an architect and an estate agent, or has any other conflict of interest with a client or prospective client, must give the client or prospective client written notice of the scope of each of those roles or that conflict of interest.
4. After giving notice of a conflict of interest, an architect must obtain written consent to act for a client or prospective client.
5. An architect who is commissioned to administer conditions of contract must do so impartially between the parties to that contract.
6. An architect must be remunerated for his or her architectural services by either the professional fee, other benefits specified in the contract of engagement, or the salary and any other benefits payable by the architect's employer.
7. An architect must ensure representations made in connection with the supply or possible supply of architectural services, or in connection with the promotion or advertising by any means of the supply of architectural services, are accurate and current.
8. Disclosure of name of architects:
 - a. An architect who is a sole practitioner must ensure that any written communication from his or her practice discloses his or her name.
 - b. An architect who is a member of an approved partnership must ensure that any written communication from the partnership discloses the names of the members of the partnership who are architects and states that those members are architects.
 - c. An architect who is a director of an approved company must ensure that any written communication from the company discloses the names of all directors of the company who are architects and states that those directors are architects.

9. Before an architect accepts an engagement to provide architectural services or services as a developer or services both as an architect and a developer, he or she must in writing, set out the description, terms and conditions of the engagement and supply a copy of that document to the client.

If an architect who provides architectural services to clients on behalf of an approved partnership or an approved company contravenes one or more of the above obligations prescribed in the Regulations, then that Regulation is also contravened by each partner who is an architect in an approved partnership, and each director who is an architect in an approved company.

The Board, on its own initiative or on the complaint of any person, may determine that an inquiry should or should not be held into an architect's fitness to practise or professional conduct.

The Board may refer a complaint to mediation if the Board considers it appropriate to do so and the complainant and architect consent to that referral. Each inquiry must be conducted by a Tribunal constituted under the Act.

The Tribunal can make the following findings:

1. the architect is careless or incompetent in his or her practice;
2. the professional standards of the architect are demonstrably lower than the standards which a competent architect should meet;
3. the architect is guilty of unprofessional conduct;
4. the architect has breached or failed to comply with any provision of the Act;
5. the architect has been convicted in Victoria of an indictable offence or has elsewhere been convicted of an offence which if committed in Victoria, would be an indictable offence; or
6. the registration of the architect has been obtained by fraud or misrepresentation or concealment of facts.

The Tribunal may make one or more of the following determinations and make any determination as to costs that it thinks fit:

1. to caution the architect;
2. to reprimand the architect;
3. to require the architect to undertake further education;
4. to impose a condition or limitation on the architect's registration relating to the architect's practice;
5. to impose a penalty not exceeding 50 penalty units;
6. to suspend the architect's registration for the period stated in the determination; or
7. to cancel the architect's registration.

The Registrar must publish a notice of a determination of the Tribunal to cancel or suspend an architect's registration in a manner determined by the Board.

Western Australia

The Regulations prescribe the following conduct of a person (person 1) as constituting unprofessional conduct as an architect:

1. holding out or in any way implying that person 1's name is entered in a particular division of the register if the name is not entered in that division of the register;

2. using, in connection with an architectural service provided by person 1 the name of a registered person who is not a partner or employee of person 1 or the name of a licensed corporation of which person 1 is not an officer, employee or partner;
3. allowing a natural person (person 2) to practise in person 1's name in connection with an architectural service provided by person 2 if person 2 is not registered or is registered but is not a partner or employee of person 1;
4. allowing a corporation to practise in person 1's name in connection with an architectural service provided by the corporation if the corporation is not a licensed corporation or the corporation is a licensed corporation but person 1 is not an officer of the corporation;
5. signing an account, statement, report, specification, plan or other document purporting to represent any architectural work as having been done by person 1 in circumstances where the work has not been done under person 1's direct control or supervision;
6. accepting architectural work on condition or promise that person 1 will give or receive, or because person 1 has given or received, any remuneration, discount, gift or commission directly or indirectly to or from another person, other than remuneration to be received by person 1 from the client;
7. failing to disclose to a client a direct or indirect pecuniary interest (other than an interest in a public company) that person 1 has in any product or service that person 1 specifies or recommends for use in connection with the project in respect of which person 1's services are engaged, or uses or causes to be used in connection with that project;
8. using, or causing to be used, in connection with a project in respect of which person 1's services are engaged, a product or service in which person 1 has an interest of a kind referred to in paragraph 7 without having the client's written acknowledgment of the disclosure of the interest; and the client's written consent to the use of the product or service.

The Act states that proper causes for disciplinary action are any of the following things:

1. that the person has engaged in unprofessional conduct as an architect;
2. that the person has done or omitted to do something, or engaged in conduct (whether in this State or elsewhere) that renders the person unfit to be registered;
3. that the person has contravened or failed to comply with a provision of the Act, a condition imposed under the Act, or a requirement under the Act to give the Board advice or information;
4. that the person has done or omitted to do something in connection with the practice of architecture in a manner or to the extent that falls short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent architect;
5. that the person has engaged in conduct, other than the nonpayment of fees, that has caused at any time:
 - a. the name of a person to cease to appear in the register of architects or other record kept by a board or authority charged with regulating the registration of architects in a place outside the State; or
 - b. the disqualification of a person by such a board or authority from carrying

on the practice of architecture.

For the purposes of paragraph 1 above unprofessional conduct as an architect includes, without limiting the general meaning of the term, conduct that is prescribed by the Regulations as constituting unprofessional conduct as an architect.

The Act provides for the Board to make rules providing for the manner of making a complaint to the Board. In order for a rule to have effect it must be confirmed by the Governor. This has not occurred. Never-the-less, the Board requires a complaint to be made in writing and under a statutory declaration.

The Board may carry out an investigation for the purposes of determining whether any cause exists that might be considered by the Board a proper cause for disciplinary action. The Board is not to investigate a complaint that is made more than 3 years after the conduct is alleged to have occurred unless the Board decides that it is just and fair to investigate the complaint having regard to the delay and reasons for the delay, or it is in the public interest to investigate the complaint.

The Board may allege to the State Administrative Tribunal that there is proper cause for disciplinary action to be taken against an architect. If the Tribunal is of the opinion that proper cause exists for disciplinary action the Tribunal may order one or more of the following:

1. that the person be cautioned or reprimanded;
2. that the person pay a penalty not exceeding \$5000;
3. that a condition be imposed on the person relating to the practice of architecture or an aspect of that practice specified in the order;
4. that the person undergo and complete the education, training or professional development or learning relevant to the practice of architecture or an aspect of that practice that is specified in the order;
5. that the person practise under the supervision that is specified in the order for a specified period;
6. that the person obtain and implement, within a specified period, advice from a specified person, in relation to the practice of architecture or an aspect of practice;
7. that the person give an undertaking, either with or without security not exceeding \$5 000, for a specified period in relation to the future conduct of the person as an architect or ensuring compliance with another disciplinary action taken in relation to the person;
8. that the registration of the person be suspended for a period, not exceeding 12 months; or
9. that the person's name be removed from the register and that the person's registration be cancelled.

The Board may refer to a committee a complaint that there is proper cause for disciplinary action in respect for a person, for conciliation of the matter. The Board may, with the consent of each of the parties to a conciliation, by order give effect to a settlement negotiated under the Act.

The Board may make an allegation to the Tribunal that the Tribunal should take action against a licensed corporation on the ground that the conduct of a natural person is such that the licence of the corporation should be suspended or cancelled where the Tribunal has already determined there is a proper cause for disciplinary action in respect of the person and the person at the relevant time

was an officer or employee of the corporation.

The Tribunal may suspend a licence for a period, not exceeding 12 months, or cancel a licence with effect from a specified day.

Unless the Tribunal orders otherwise the Board may publish, in the manner and to the persons determined by the Board, notice of action taken, or a decision or order made, in relation to a registered person, or a licensed corporation.

Details of any disciplinary action taken, except disciplinary action taken with the consent to each of the parties to a conciliation, is to be recorded in the register.

6. Protection of the Title “Architect”

Australian Capital Territory

The Act defines architectural service to mean a service provided in connection with the design, planning or construction of buildings that is ordinarily provided by architects.

The Act prescribes the following offences related to the protection of the title architect.

1. An individual must not pretend to be registered e.g. using “architect” or “registered architect” on letterhead, entry sign or other advertisement.
2. A corporation must not offer an architectural service unless the corporation has a nominee. Each partner in a partnership commits an offence if the partnership offers an architectural service and the partnership does not have a nominee.
3. An individual commits an offence if the individual advertises that the individual provides an architectural service and the individual is not registered.
4. An individual commits an offence if the individual advertises that the individual provides an architectural service and the individual does not include his or her registered name and registration number.
5. A corporation commits an offence if the corporation advertises that it provides an architectural service and does not include the name and registration number of the corporation’s primary nominee in the advertisement. A partner commits an offence if the partnership advertises that it provides an architectural service and does not include the name and registration number of the partnership’s primary nominee in the advertisement.
6. A corporation commits an offence if the corporation provides, or advertises that it will provide an architectural service and does not include the name and registration number of the corporation’s primary nominee in each item of written business. A partner commits an offence if the partnership provides an architectural service and does not include the name and registration number of the partnership’s primary nominee in each item of written business.
7. A person commits an offence if the person offers an architectural service to be provided by someone else, the provider of the service is not a registered architect, and the person is reckless about whether the provider is a registered architect.

The Regulations provides for the following exemptions:

1. landscape architect, naval architect and computer systems architect;
2. the use of the term “architectural” by a person who carries on a business that supplies goods in relation to architecture to indicate that the person carries on that business;
3. the use of the terms architectural assistant, architectural technician and architectural drafter by an employee of a registered architect;
4. the use of the terms “architect” and “registered architect” by an interstate architect if the use of the term is accompanied by something that indicates the local jurisdiction where the architect is registered and the architect has

told the architects board in writing that the architect would be using the term in the ACT.

New South Wales

The Act provides the following definitions:

1. architectural service means a service provided in connection with the design, planning or construction of buildings that is ordinarily provided by architects; and
2. architecture does not include naval architecture, computer architecture or any other architecture not concerned with buildings.

The Act also prescribes, without limitation, that use of any of the following titles, names or descriptions constitutes representation as an architect:

1. the title or description "architect" or "registered architect",
2. another title, name or description that indicates, or is capable of being understood to indicate, or is calculated to lead a person to infer, that the person is an architect,
3. any title, name or description prescribed by the Regulations; or
4. a corporation or firm comprises one or more architects in the case of a corporation or firm.

For the purposes of paragraph 3, the Regulations prescribe the title or description "architectural designer" and "architectural design".

The Act prescribes the following offences relating to the practice of architecture.

1. An individual must not represent himself or herself to be an architect, and must not allow himself or herself to be represented to be an architect unless he or she is an architect.
2. A person must not represent an individual to be an architect if the person knows, or ought reasonably to know, that the individual is not an architect.
3. A corporation or firm must not represent itself to be an architect, and must not allow itself to be represented to be an architect unless the corporation or firm has at least one nominated architect who is responsible for the provision of architectural services by the corporation or firm.
4. A person must not represent a corporation or firm to be an architect if the person knows, or ought reasonably to know, that any such representation by the corporation or firm itself would constitute a contravention of paragraph 1.
5. An architect corporation or architect firm must ensure that at all times there is at least one nominated architect who is nominated by the corporation or firm and responsible for the provision of architectural services by the corporation or firm.
6. An architectural corporation or architect firm must ensure that any written business correspondence issued by the corporation or firm indicates the name of the nominated architect responsible for the provision of architectural services by the corporation or firm and the name of the nominated architect is prominently displayed at each place of business of the corporation or firm.
7. If a person (other than an architect) provides or offers to provide an architectural service, the person is guilty of an offence if the architectural service is not provided by, or under the supervision of, an architect.
8. A person (other than an architect) who provides, or represents that the

person will provide, architectural services to a client must ensure that any correspondence about those services indicates the name of an architect who is responsible for the provision of those architectural services to the client.

The Act provides the following exemptions for certain titles and descriptions:

1. an employee of an architect from using the title or description of “architectural assistant”, “architectural technician” or “architectural drafter”;
2. a person from using the title or description of “landscape architect”, “naval architect” or “computer systems architect”;
3. a person from using the title or description of “architect” or “registered architect” if the person is registered as an architect in a neighbouring jurisdiction, is normally resident in that jurisdiction, the person indicates the jurisdiction in which the person is so registered, and the person has notified the Board of his or her intention to use such a title or description;
4. a person who holds an architectural qualification from describing himself or herself as holding that qualification;
5. a person from using the word “architectural” only as indicating that the person carries on the business of supplying goods in connection with architecture; or
5. a person from using any name, title or description prescribed by the Regulations.

For the purposes of paragraph 6, a professional association of architects is not prohibited from using the title or description of “architect” or “registered architect” in the name of the association.

Northern Territory

The Act restricts the use of the following words “architect”, “architectural practitioner”, “architectural consultant” or “architectural designer” to only be used by a registered architect. A name, title, addition or description indicating or implying that the person, partnership or company is a registered architect or carries on the practice of architecture is also restricted.

The Act prescribes the following exemptions:

1. “architecture” or “architectural” in a name, title or description if the person, partnership or company holds a qualification that is usually described by using the words architect or architectural in the name, title or description;
2. architectural draftsman;
3. golf-course architect;
4. landscape architect; or
5. naval architect.

Queensland

The Act prescribes the following offences related to protection of the title “architect”.

1. A person who is not an architect must not claim, or hold himself or herself out, to be an architect or allow himself or herself to be held out as an architect.
2. A person must not hold out another person as an architect if the person knows or ought reasonably to know the other person is not an architect.
3. A person who is not an architect must not use the title “architect” or “registered architect” that in the context in which the title or name is used suggests that the person is an architect.

4. A person who is not a practising architect must not use any of the words “architectural services”, “architectural design services” or “architectural design” to advertise or otherwise promote services provided by the person unless the services are to be provided using a practising architect.
5. If a person claims, or holds out, that the person provides architectural services at a place using an architect, the person must ensure an architect is at the place while the services are provided and carries out, or is responsible for the carrying out of, the services.
6. If a person who claims, or holds out, that the person will provide architectural services to someone (the other person) using an architect, the person must inform the other person of the name and contact details of the architect responsible for the carrying out of the services.
7. If a person who provides, or intends to provide, architectural services to someone (the other person) using an architect, the person must ensure the name and contact details of the architect who is, or will be, responsible for the carrying out of the services are stated on all correspondence about the services from the person to the other person.

The Act provides for additional titles, names and words to be prescribed in the Regulations in reference to paragraphs 3 and 4; however, this has not occurred.

The Act provides exemptions to paragraphs 1 and 3 for corporations if the corporation has given the Board a notice that includes the business’s name, business address and telephone number; the name of each place at which the business provides the services; and the name and signature of each architect who is responsible for carrying out architectural services for the business at each business location.

South Australia

The Act defines prescribed word as meaning architect or any other word prescribed by the Regulations. No additional words have been prescribed by the Regulations.

The Act prescribes the following offences related to protection of the title “architect”.

1. 1. A natural person must not hold himself or herself out as an architect or permit another person to do so unless registered on the register of architects.
2. A person must not hold out a natural person as an architect unless that natural person is registered on the register of architects.
3. A person must not hold out a body corporate as an architect or permit another person to do so unless the body corporate is registered on the register of architectural businesses.
4. A person must not hold out a partnership as a partnership of architects or firm of architects or permit another person to do so unless the partnership is registered on the register of architectural businesses.
5. A person whose registration on the register of architects is limited or subject to a condition under the Act must not hold himself or herself out as having a registration that is not limited or not subject to a condition or permit another person to do so.
6. A person must not hold out another whose registration on the register of architects is limited or subject to a condition under the Act as having a registration that is not limited or not subject to a condition.
7. A natural person who is not a registered architect must not use a prescribed

word, or its derivatives, to describe himself or herself or a service that he or she personally provides.

8. A body corporate that is not a registered architectural business must not use a prescribed word, or its derivatives, to describe the body corporate or a service that the body corporate provides.
9. A person who is a partner in a partnership that is not a registered architectural business must not use a prescribed word, or its derivatives, to describe the partnership or a service that the partnership provides.
10. A person must not, in the course of advertising or promoting service that he or she or a partnership in which he or she is a partner use a prescribed word, or its derivatives, to describe a person who is engaged in the provision of the service or the partnership if the person or partnership is not a registered architect or registered architectural business.

The Act provides the following exceptions for certain titles and description:

1. an employee of a registered architect or registered architectural business from using the title or description of "architectural assistant", "architectural technician" or "architectural drafter";
2. a person from using the title or description of "landscape architect", "naval architect" or "computer systems architect";
3. a person who holds an architectural qualification from describing himself or herself as holding that qualification;
4. a person from using the word "architectural" only as indicating that the person carries on the business of supplying goods in connection with architecture; or
5. a person from using a name, title or description prescribed by the Regulations.

In relation to paragraph 5, the Regulations prescribe the following titles or descriptions - "architectural engineer", "golf course architect", "information technology architect", "IT architect" or "system architect".

Tasmania

The Act defines "architect" or "architecture" to not include naval architect or naval architecture or landscape architect or landscape architecture.

The Act prescribes the following offences related to protection of the title "architect".

1. No person shall use or publish in connection with architecture, or the practice of architecture, any title, name, words, or letters which indicate that he is qualified for, or entitled to, registration as an architect other than such title, name, words, or letters as truly indicate a qualification which he holds.
2. No architect shall accept any commission or substantial service or favour from any person who has contracted to execute or is engaged in the execution of any work in connection with any building designed or supervised by such architect, or from any person who has offered or agreed to supply any materials, fittings, or appliances to be used in or in connection with such building.
3. A person who is not an architect shall not describe himself using the word "architect", any other word or combination of letters that sounds or looks like the word "architect" or any other title, description, or addition that indicates or may indicate to the public that he is registered or entitled or qualified to be registered as an architect.

4. A person who is not an architect shall not in respect of building operations, plans, drawings, or specifications indicate that he has anywhere obtained a professional or legal qualification of an architectural nature. This does not affect the use of the expressions "engineer", "structural engineer", "architectural draughtsman", "architectural designer", "master builder", "builder", or other expression to describe members of the engineering profession or persons in the building industry having qualifications generally understood to be other or lower than those of architects.

The Act provides the following exceptions for certain titles and description:

1. naval architects or landscape architects in respect of their respective professions; or
2. a person practising architecture as an employee of the Crown or the Commonwealth at the commencement of the *Architects Act 1970*.

Victoria

The Act prescribes, without limitation, representation as an architect as:

1. using the title "architect" or any other title, name or description that indicates, or is capable of being understood to indicate, or is calculated to lead a person to infer, that the person or body is an architect or is registered or approved under the Act;
2. a representation that the person provides the services of an architect;
3. a representation that the body consists of one or more architects, provides the services of an architect or is registered or approved under the Act; or
4. the making or publication of a statement or document that states or implies that the person or body is an architect, practises as an architect or undertakes work as an architect.

The Act prescribes the following offences related to protection of the title "architect".

1. A natural person must not represent himself or herself to be an architect and must not allow himself or herself to be represented to be an architect unless he or she is registered as an architect under the Act.
2. A person must not represent a natural person to be an architect if the person knows or ought reasonably to know that the natural person is not registered as an architect under the Act.
3. A body (other than a body corporate) must not represent itself to be an architect and must not allow itself to be represented to be an architect unless it is an approved partnership.
4. A person must not represent a body (other than a body corporate) to be an architect if the person knows or ought reasonably to know that the body is not an approved partnership.
5. A body corporate must not represent itself to be an architect and must not allow itself to be represented to be an architect unless it is an approved company.
6. A person must not represent a body corporate to be an architect if the person knows or ought reasonably to know that the body corporate is not an approved company.
7. A person or body (other than a person who is registered as an architect or an approved partnership or an approved company) must not use any of the

terms "architectural services", "architectural design services" or "architectural design" in relation to the design of buildings or parts of buildings by that person or body; or the preparation of plans, drawings or specifications for buildings or parts of buildings by that person or body.

8. An approved company must not provide architectural services unless a director of the company who is registered as an architect is responsible for the carrying out of the services and the services are carried out by or under the supervision of a person who is registered as an architect.
9. An approved partnership must not provide architectural services unless a member of the partnership who is registered as an architect is responsible for the carrying out of the services and the services are carried out by or under the supervision of a person who is registered as an architect.

The Act provides for the following exemptions:

1. a person from using the title or description of "landscape architect", "naval architect" or "computer systems architect";
2. a person from using any name, title or description prescribed by the Regulations; or
3. any person employed in providing architectural services as an officer or employee of the public service of Victoria or of the Commonwealth or as an officer or employee of any public statutory authority in respect of that person's employment from representing himself or herself an architect.

The Regulations do not prescribe any names or titles in relation to paragraph 2.

Western Australia

The Act provides the definition of restricted word as "architect", "architects", "architectural" or "architecture", and any abbreviation or derivative of those words or any other word or combination of letters that sounds or looks like those words.

The Act prescribes the following offences related to protection of the title "architect".

1. A natural person, other than a registered person, must not use a restricted word as part of the person's title or description; hold himself or herself out as being an architect, a person who practises architecture or a person who is qualified to practise architecture; or in any way imply that the person is an architect, a person who practises architecture or a person who is qualified to practise architecture.
2. A body corporate, other than a licensed corporation, must not use a restricted word as part of its title or description, hold itself out as being an architect or in any way imply that it is an architect.
3. A person must not use a restricted word as part of the title or description of a firm, hold out a firm as comprising one or more architects or in any way imply that a firm comprises one or more architects unless at least one of the members of the firm is a registered person or a licensed corporation.
4. A registered person or a licensed corporation must not carry on the practice of architecture under any name other than the name of the person or corporation as recorded in the register unless the person or corporation has the written consent of the Board to do so and complies with each condition imposed by the Board in relation to the name of the practice.
5. A licensed corporation must not use, in connection with an architectural service provided by the corporation, the name of a registered person who is not an officer, employee or partner of the licensed corporation; or another

licensed corporation which is not a partner of the first mentioned licensed corporation.

6. A person must not make or publish, or permit the making or publishing of, a statement or document that states or implies that that person or another person, who is not registered or licensed, is an architect, practises as an architect or undertakes or is willing to undertake work as an architect.
7. A person must not use a restricted word in relation to services offered by a service provider unless there is a reasonable likelihood that the work to be done by or on behalf of the service provider will be controlled and supervised by a registered person.
8. A person must not state or imply that work to be done by or on behalf of a service provider will be done or controlled and supervised by an architect, unless there is a reasonable likelihood that the work will be controlled and supervised by a registered person.
9. If a restricted word is used in relation to services offered by a service provider or it is stated or implied by the service provider that the work will be done or controlled and supervised by an architect, and the service provider becomes aware of a reasonable likelihood that the work to be done will not be controlled or supervised by an architect, the responsible person must inform the client.

The Act provides the following exemptions:

1. a person designs, or superintends the erection of, a building;
2. a natural person describes himself or herself as an architect registered in a specified place other than Western Australia, if that person is registered as an architect in that place, is in Western Australia temporarily and does not design, or superintend the erection of, any building whilst in Western Australia;
3. a naval architect, landscape architect or golf course architect is described as such or that person's work is described as naval architecture, landscape architecture, or golf course architecture respectively;
4. an architectural drafter is described as such or that person's work is described as architectural drafting;
5. a person who provides technical or other support services to an architect is described as an architectural technician or assistant or the person's work is otherwise described in terms of providing a support service to an architect;
6. a restricted word is used in relation to the manufacture, supply or naming of products or materials for use in the practice of architecture or the construction of buildings;
7. a restricted word is used in the title or description of an educational institution in relation to the provision of education in architecture;
8. a restricted word is used in circumstances where the word is clearly not connected with the design and construction of buildings; or
9. a restricted word is used in circumstances of a kind prescribed by the Regulations.
10. A person must not falsely represent any person as being the person referred to in a certificate of registration or licence document.

The Regulations do not prescribe any circumstances in relation to paragraph 9.

7. Summary Table

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
2. Registration Requirements for Individuals								
Requirements prescribed in Act and/or Regulations	√	√	√	√	√ and Board	√	√	√
Holds an AACA certificate	X	X	√	X	X	X	√	X
Qualification from an accredited course	√	√	X	√	√	√	√	√
Overseas qualification	√	√	X	√	X	√	√	√
Standard of practice acceptable to Board	X	√	X	√	X	√	√	√
post graduate experience	√	√	X	in effect	X	√	√	in effect
Practice examination	√	√	X	√	X	√	√	√
Fit and proper person	X	√	√	√	√	√	√	√
Not bankrupt	√	√	X	√	X	X	X	X
No convictions	√	√	X	√	X	X	X	√
No cancellation or suspension of registration in another jurisdiction	√	√	X	√	X	X	X	√
Professional indemnity insurance	X	X	X	X	√	X	X	√ imposed as a condition
Provision for imposition of conditions on registration	√	√	√	not at initial registration	√ limited registration only	X	not at initial registration	√
Conditions determined by	Board	Board	Board	n/a	Act and Board	n/a	n/a	Act

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
2.1 Types or Divisions of Registration								
Number of types or divisions of registration	1	2 full and temporary	1	2	3	1	2	2
practising / full	√	√	√	√	√	√	√	√
non-practising or retired	X	√	X	√	X	X	√	√
temporary	X	√	X	X	X	X	X	X
limited	X	X	X	X	√	X	X	X
provisional	X	X	X	X	√	X	X	X
Definitions provided	√	√	√	√	limited	√	limited	X
3. Registration Requirement for Partnerships, Firms, Companies and Corporations								
Provision for registration	X	X	√	X	√	X	√	√
Term used for registration	n/a	n/a	registration	n/a	registration	n/a	approval	licence
Provision for nominating a responsible architect	√	√	√	X	X	X	√	√
Failure of responsible architect to properly supervise architectural services is an offence or unprofessional conduct	√	√	X	X	X	X	√	√
Responsible architect details to be recorded in the register	√	√	requires Regulation amendment	X	√	X	√	√

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
4. Renewal of Registration								
renewal period	unspecified	1 April - 31 March?	1 January - 31 December	1 July - 30 June	set by Board 1 July - 30 June	1 January - 31 December	1 July - 30 June	1 July - 30 June
renewal fee due	unspecified	31 March?	1 February		30 June	31 January	30 June	30 September
4.1 Code of Conduct								
Provision for code in Act and/or Regulations	√	√	X	√	√	√	√	√
Code of conduct adopted	X	√	X	√	√	?	X	X
Code used in disciplinary proceedings	n/a	√	n/a	√	√	√	n/a	n/a
4.2 Professional Indemnity Insurance								
Insurance cover must be held	X	X	X	code of conduct	√	X	√	√
Evidence of insurance to be provided to client	√	√ information only	X	if requested	X	X	X	X
Evidence of insurance to be provided to Board	X	√ information only	X	X	√	X	√	√
Minimum amount of cover	X	X	X	X	Board set \$1M	X	Minister set \$1M	\$1M

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
4.3 Maintenance of Skills and Knowledge								
Maintenance of skills and knowledge required	X	√	X	√	√	X	X	√
Report on CPD to be provided to Board annually	n/a	√	n/a	√	X	n/a	n/a	√
Exemption for non-practising architects	n/a	√	n/a	√	n/a	n/a	n/a	√
4.4 Fitness to Practice								
Fitness to practice requirements specific to renewal of registration	X	X	X	X	√	X	X	√
5. Complaints against an Architect								
definition or grounds for unprofessional conduct (or similar terms) provided	√	√ two classes of conduct	X	√	√	X	√	√
complaint to be lodged under a statutory declaration	Board discretion	√	X	Board discretion	Board discretion	X	X	?
Board to consider complaint and/or conduct investigation	√	√	√	√	√	√	√	√ Tribunal constituted under Act
Board to determine complaint	X	unsatisfactory professional conduct only	√	√	√	√	√ Tribunal constituted under Act	X

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Board to refer complaint to external Tribunal for finding	√	professional misconduct and unsatisfactory professional conduct only	X	√ Board discretion	X	X	X	√
Board to refer to mediation or conciliation	X	X	X	X	X	X	Board discretion	Board discretion
Board has disciplinary powers	X	unsatisfactory professional conduct only	√	√	√	√	√ Tribunal constituted under Act	X
External Tribunal has disciplinary powers	√	√	X	√	X	X	X	√
Disciplinary action to be published	in the register	√	discretion to publish in register	in the register	discretion to publish in register	X	Board discretion	Board discretion and in register
6. Protection of the Title “Architect”								
protected words	√	√	√	√	√	√	√	√
representation provisions	√	√	√	√	√	?	√	√
exemptions	√	√	√	√	√	√ limited	√	√

Architects Accreditation
Council of Australia

