

REGULATION OF THE ARCHITECTURAL PROFESSION

A SUMMARY OF AUSTRALIAN
STATE AND TERRITORY
LEGISLATION

MAY 2018



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INTRODUCTION



Australia has a federal system of government and regulation of most professions occurs at the state and territory level. The architecture profession is regulated by eight State and Territory Architect Registration Boards, with each jurisdiction having its own Architects Act (Act) and Architects Regulations (Regulations). Regulations are delegated legislation, usually made by a Minister under the Act to clarify or expand on particular aspects of regulation.

The key roles of the Architect Registration Boards are to register architects, conduct disciplinary investigations, pursue unregistered use of the term architect, accredit programs of study and inform the public on architectural registration issues. The Boards have a responsibility to the public, users of architectural services, the built environment industry, and Architects who employ graduates.

The eight ARBs (and their respective establishing laws) are:

- [NSW Architects Registration Board](#) – *Architects Act 2003 (NSW)*
- [Architects Registration Board of Victoria](#) – *Architects Act 1991 (Vic)*
- [Board of Architects of Queensland](#) – *Architects Act 2002 (Qld)*
- [The Architectural Practice Board of South Australia](#) – *Architectural Practice Act 2009 (SA)*
- [Architects Board of Western Australia](#) – *Architects Act 2004 (WA)*
- [Australian Capital Territory Architects Board](#) – *Architects Act 2004 (ACT)*
- [Board of Architects of Tasmania](#) – *Architects Act 1929 (Tas)*
- [Northern Territory Architects Board](#) – *Architects Act (NT)*

An Architect Registration Board will generally have 5-11 members with a mix of expertise, which may include architects in private practice, government practice and academia, as well as government and community nominees. Members may be directly appointed by the relevant Minister, nominated by professional bodies or elected by registered architects. The eight Architect Registration Boards are collectively the owners of the national standard setting body, the Architects Accreditation Council of Australia (AACA).

As a result of the federal system, there are both similarities and differences amongst jurisdictions in the regulation of the architectural profession. For example, all states accept the Architectural Practice Exam set by the AACA as meeting the professional examination component for registration. However, only some states require Continuing Professional Development (CPD) subsequent to registration.

This document identifies how each jurisdiction regulates key aspects of the architectural profession under its respective Act and Regulations. Section 2 is a summary table of the major topics by jurisdiction, including eligibility for registration, classes of registration, registration of companies, disciplinary proceedings and offenses for misuse of the term “architect”. The following sections then present each topic in more detail. This document is provided for general information only and does not constitute legal advice. It is up to date as at May 2018. For the full current text of each jurisdiction’s Act and Regulations please refer to the respective on-line legislation databases.

SUMMARY OF LEGISLATION REGULATING ARCHITECTS IN AUSTRALIA

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	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Registration Requirements for Individuals								
Requirements prescribed in Act and/or Regulations	√	√	√	√	√	√	√	√
Qualification from an accredited course	√	√	in effect	√	√	√	√	√
Overseas qualification	√	√	in effect	√	√	√	√	√
Standard of practice acceptable to Board	X	√	X	√	√	√	√	√
Industry experience	√	√	in effect	in effect	in effect	√	√	in effect
Practice examination	√	√	in effect	√	in effect	√	√	√
Fit and proper person	X	√	√	Fitness to practise	√	√	√	√
Not bankrupt	√	√	X	√	X	X	X	X
No serious convictions	√	√	X	√	in effect	X	X	√
No cancellation or suspension of registration in another jurisdiction	√	√	X	√	in effect	X	X	√
Provision for imposition of conditions on registration	√	√	√	not at initial registration	Only initially for limited registration	X	not at initial registration	√
Conditions determined by	Board	Board	Board	Board	Act and Board	n/a	n/a	Act and Board
Types or Divisions of Registration								
Number of types or divisions of registration	1	3	1	2	3	1	2	2
practising/full	√	√	√	√	√	√	√	√
non-practising or retired	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
Registration Requirement for Partnerships 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	√	√	√	in effect	X	X	√	√
Failure of responsible architect to properly supervise services is an offence or unprofessional conduct	√	√	X	X	X	X	√	√
Responsible architect details to be recorded in the register	√	√	requires Regulation	X	board members and partners	X	√	√

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Renewal of Registration								
renewal period	unspecified	1 April – 31 March	1 January – 31 December	1 July – 30 June	1 July – 30 June	1 January – 31 December	1 July – 30 June	1 July – 30 June
renewal fee due	unspecified	30 June	1 February	31 May	30 June	31 January	30 June	30 Sept
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
Professional Indemnity Insurance								
Insurance cover must be held	√	Code of Conduct	X	Code of Conduct	√	X	√	Licence condition
Evidence of insurance to be provided to client	√	√	n/a	if requested	X	n/a	X	X
Evidence of insurance to be provided to Board	X	X	n/a	X	√	n/a	√	√
Minimum amount of cover	X	X	X	Appropriate level of cover	\$1M	X	\$1.2M	\$1M
Maintenance of Skills and Knowledge								
Maintenance of skills and knowledge required	X	Code of Conduct	X	√	Code of Conduct	X	Code of Conduct	√
Report on CPD to be provided to Board annually	n/a	√	n/a	√	X	n/a	X	√
Exemption for non-practising architects	n/a	√	n/a	√	n/a	n/a	X	√
Fitness to Practice								
Fitness to practice requirements specific to renewal of registration	X	X	X	√	X	X	X	√
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	X
Board to consider complaint and/or conduct investigation	√	√	√	√	√	Tribunal constituted under Act	Tribunal constituted under Act	√
Board to determine complaint	X	unsatisfactory professional conduct only	√	√	√	Tribunal constituted under Act	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	X	Board discretion	X	X	X	√
Board to refer to mediation or conciliation	X	Board discretion	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
Protection of the Title “Architect”								
protected words	√	√	√	√	√	√	√	√
representation provisions	√	√	√	√	√	√	√	√
exemptions	√	√	√	√	√	√	√	√

3. REGISTRATION REQUIREMENTS FOR INDIVIDUALS

AUSTRALIAN CAPITAL TERRITORY	<p>In order to register a person, the Act requires an individual to have relevant expertise and relevant experience.</p> <p>An individual has relevant expertise if he or she has:</p> <ol style="list-style-type: none">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; and2. passed an examination arranged or approved by the Board. <p>An individual has relevant experience if the individual has:</p> <ol style="list-style-type: none">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; and2. the Board is satisfied that the period and kind of practise are adequate to allow the individual to competently practise architecture. <p>The Act provides for the Board to refuse to register an individual if:</p> <ol style="list-style-type: none">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; or4. 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. <p>The Act provides for the imposition of conditions on registration and renewal of registration. Conditions are determined by the Board or the ACT Civil and Administrative Tribunal (ACAT).</p>
NEW SOUTH WALES	<p>An individual is entitled to be registered as architect if:</p> <ol style="list-style-type: none">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, a course of study accredited by the Board, or an examination approved by the Board, for example the NSW Built Work Program of Assessment) – the Regulations prescribe any qualification on the list of qualifications maintained by the AACA;3. the individual has acquired practical experience required by the Board as a prerequisite for entry to the architectural practice examination; and4. the individual has passed an examination in architectural practice arranged or approved by the Board. <p>The Act provides for the Board to refuse to register an individual if:</p> <ol style="list-style-type: none">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; or4. 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.

	<p>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.</p> <p>The Act provides for the imposition of conditions on registration. Conditions are determined by the Board.</p>
<p>NORTHERN TERRITORY</p>	<p>The qualifications for registration are that the Board is satisfied that the person holds, or is entitled to hold, a certificate from AACA that certificate that the person is suitably qualified to practise architecture and he or she is a fit and proper person. In practice the AACA no longer issues certificates, however completion of the Architectural Practice Examset by the AACA is accepted.</p> <p>The Act provides for the imposition of conditions on registration. Conditions are determined by the Board.</p>
<p>QUEENSLAND</p>	<p>An applicant is eligible for registration if the applicant is qualified and the Board considers the applicant is fit to practise as an architect.</p> <p>An applicant is qualified for registration if the applicant has:</p> <ol style="list-style-type: none"> 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 Program of Assessment; and 2. successfully completed AACA's Architectural Practice Examination or another examination approved by the Board. <p>In deciding whether an applicant is fit to practise as an architect, the Board may have regard to the following:</p> <ol style="list-style-type: none"> 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. <p>The Act states that an architect's registration can be cancelled if he or she meets any condition under section 28 of the <i>Architects Act 2002</i>. The Act provides for conditions of registration to be imposed as a result of disciplinary action and following a health assessment.</p>
<p>SOUTH AUSTRALIA</p>	<p>A natural person is eligible for registration if the person:</p> <ol style="list-style-type: none"> 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. <p>A qualification recognised by the Board includes any qualification on the AACA list of accredited qualifications. The requirements for registration are completion of the Architectural Practice Examination or another approved pathway such as the Overseas Architect Assessment.</p> <p>The Board may impose conditions on limited registration only. The Act provides for a number of possible conditions, in addition to any other condition the Board thinks fit</p> <p>The Act provides that conditions on registration can be imposed in the event of disciplinary action.</p>

<p>TASMANIA</p>	<p>In order to be registered, a person must satisfy the Board that he or she is of good fame and character.</p> <p>Any person who has met the following is entitled to registration as an architect:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>The Act does not provide for the imposition of conditions on registration.</p>
<p>VICTORIA</p>	<p>A natural person is eligible to be registered as an architect if the person:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>A range of qualifications are prescribed for Deakin University, RMIT University, The University of Melbourne, Monash University and the Oceania Polytechnic (now defunct). Candidates may also hold any other architecture qualification at degree level which is approved by the Board as being equivalent those qualifications. Prescribed courses of study are the AACA's National Program of Assessment or the APEC Architect Supplementary Assessment.</p> <p>The Act provides for conditions on registration to be imposed as a result of disciplinary action.</p>
<p>WESTERN AUSTRALIA</p>	<p>The requirements for registration are found in the Regulations and state that the person:</p> <ol style="list-style-type: none"> 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. <p>The Act provides for the imposition of conditions on registration and renewal of registration. Conditions are limited to those stated in the Act or imposed under disciplinary proceedings.</p>

4. TYPES OR DIVISIONS OF INDIVIDUAL REGISTRATION



<p>AUSTRALIAN CAPITAL TERRITORY</p>	<p>There is only one type or class of registration.</p> <p>The Act provides definitions for the terms architect and architectural service.</p>
<p>NEW SOUTH WALES</p>	<p>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 of a kind that demonstrates that the individual would be capable of practising architecture in the State with the same level of competence and skill expected of NSW registered architects. Temporary registration expires at a date determined by the Board.</p> <p>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.</p> <p>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.</p>
<p>NORTHERN TERRITORY</p>	<p>There is only one type or class of registration.</p> <p>The Act provides definitions for the terms architect, registered architect and practise.</p>
<p>QUEENSLAND</p>	<p>There are two types of registration – practising architect and non-practising architect.</p> <p>In order to register or renew a person’s registration as a non-practising 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.</p> <p>The Act provides definitions for architect, architectural service, non-practising architect and practising architect.</p>
<p>SOUTH AUSTRALIA</p>	<p>There are two main 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 limited registration but not full registration (except in the case of disciplinary proceedings when conditions can be imposed).</p> <p>A third type of registration, provisional registration, may on occasion 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.</p> <p>The Act provides a definition for the term registered architect</p>

TASMANIA	<p>There is only one type or class of registration.</p> <p>The Act provides a definition for the term architect.</p>
VICTORIA	<p>There are two classes of registration – practising architects and retired or non-practising architects.</p> <p>In order to pay a reduced fee, retired and non-practising architects must make a declaration that they do not intend to practise as an architect for the period to which the annual fee applies.</p> <p>The Act provides a definition for the term architect. The terms practising, non-practising and retired are not defined.</p>
WESTERN AUSTRALIA	<p>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.</p> <p>The Act and Regulations do not provide definitions for the terms architect, architecture, practising or non-practising.</p>

5. REGISTRATION REQUIREMENTS FOR PARTNERSHIPS AND CORPORATIONS



<p>AUSTRALIAN CAPITAL TERRITORY</p>	<p>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 (one of whom must be the principal nominee). The Act defines a firm as a corporation or partnership.</p> <p>A nominee of a firm has the function of ensuring that the architectural services for which the nominee is responsible comply with the Act.</p> <p>A nominee may give a mandatory notice to the firm that specified action is required to be compliant with the Act. In this case, a firm that is a corporation, and a partner in a firm that is a partnership, commits an offence if it fails to undertake the action required to comply with the Act.</p> <p>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.</p>
<p>NEW SOUTH WALES</p>	<p>The Act does not provide for registration of partnerships 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 architect who is nominated by the corporation or firm to be responsible for the provision of architectural services by the corporation or firm. This architect must be a director, partner or employee of the corporation or firm. The Act defines firm as a partnership or other unincorporated association of persons.</p> <p>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.</p> <p>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.</p>
<p>NORTHERN TERRITORY</p>	<p>The Act requires the Board to keep a register for the registration of architects, architectural partnerships and architectural companies.</p> <p>In order to register an architectural partnership, the Board must be satisfied that:</p> <ol style="list-style-type: none">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 (Cwth);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; and4. if the partnership includes a company amongst its partners, the company is an architectural company. <p>In order to register an architectural company, the Board must be satisfied that:</p> <ol style="list-style-type: none">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

	<p>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.</p> <p>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.</p> <p>The Act requires architectural companies and architectural partnerships to submit an annual statement with the following information:</p> <ol style="list-style-type: none"> 1. the full name and usual address of every person who on 30 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. <p>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.</p> <p>The Act does not provide for any offences specific to architectural companies or architectural partnerships.</p>
<p>QUEENSLAND</p>	<p>The Act does not provide for registration of partnerships, firms, companies or corporations.</p> <p>The Act exempts corporations from committing a prima facie offence by using the title or name “architect”, “registered architect” (or other prescribed title or names) 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 architectural services; and the name and signature of each architect who is responsible for carrying out architectural services for the business at each business location.</p> <p>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 currently prescribe a fee.</p>
<p>SOUTH AUSTRALIA</p>	<p>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.</p> <p>A body corporate is eligible for registration on the register of architectural businesses if the Board is satisfied that at least half the members of the governing body are registered architects.</p> <p>A partnership is eligible for registration on the register of architectural businesses if the Board is satisfied that least half the partners are registered architects or bodies corporate that are registered architectural businesses.</p> <p>The register must include the following for a body corporate:</p> <ol style="list-style-type: none"> 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; 3. information identifying each member of the governing body who is a registered architect; and 4. information prescribed by the Regulations.

	<p>The Regulations do not prescribe additional information to be included on the register for a body corporate or partnership.</p> <p>The Act does not provide for any offences specific to architectural businesses.</p>
TASMANIA	<p>The Act does not provide for registration of partnerships or corporations.</p>
VICTORIA	<p>The Act provides for the approval of partnerships and companies. The names of approved partnerships and companies are to be recorded in the register.</p> <p>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.</p> <p>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.</p> <p>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 in relation to the Act or the Regulations.</p> <p>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.</p> <p>The Act and Regulations prescribe the information that the register is to contain for approved partnerships and approved companies.</p>
WESTERN AUSTRALIA	<p>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).</p> <p>The register may have divisions that are prescribed by the Regulations relating to different categories of licenced corporations. No divisions of licenced corporations have been prescribed.</p> <p>The licensing requirements for corporations are:</p> <ol style="list-style-type: none"> 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. <p>The following information is to be entered in the register:</p> <ol style="list-style-type: none"> 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; and 6. other information that is prescribed by the Regulations. <p>No other information is prescribed by the Regulations.</p>

6. RENEWAL OF REGISTRATION



<p>AUSTRALIAN CAPITAL TERRITORY</p>	<p>The legislation does not differentiate between initial registration and renewal of registration.</p> <p>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.</p>
<p>NEW SOUTH WALES</p>	<p>The legislation does not differentiate between initial registration and renewal of registration.</p> <p>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.</p>
<p>NORTHERN TERRITORY</p>	<p>The legislation does not differentiate between initial registration and renewal of registration.</p> <p>The renewal of registration period is from 1 January to 31 December. The renewal fee falls due on 1 February.</p>
<p>QUEENSLAND</p> <p>SOUTH AUSTRALIA</p>	<p>The legislation differentiates between initial registration and renewal of registration.</p> <p>When deciding whether to renew an applicant's registration, the Board must have regard to:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>The period of registration is a financial year. To be considered for renewal an architect must submit their renewal application and pay the prescribed fee by 31 May each year.</p> <p>The legislation differentiates between initial registration and renewal of registration.</p> <p>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.</p> <p>The Act provides for the renewal date to be fixed by the Board. The Board has set the renewal fee to be due by 1 July of each year.</p>
<p>TASMANIA</p>	<p>The legislation does not differentiate between initial registration and renewal of registration.</p> <p>The renewal of registration period is from 1 January to 31 December. The renewal fee must be paid on or before 31 January.</p>
<p>VICTORIA</p>	<p>The legislation does not differentiate between initial registration and renewal of registration.</p> <p>Annual fees must be paid to the Board by 1 July in each year.</p>
<p>WESTERN AUSTRALIA</p>	<p>The legislation does not differentiate between initial registration and renewal of registration.</p> <p>Annual fees must be paid to the Board by 1 July in each year.</p>

8. PROFESSIONAL INDEMNITY INSURANCE



AUSTRALIAN CAPITAL TERRITORY	<p>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.</p>
NEW SOUTH WALES	<p>The Code of Professional Conduct states that an architect must maintain a policy of professional indemnity insurance appropriate for the architectural services being provided by the architect, and must provide each client of the architect with information relating to the insurance maintained by the architect. Some exemptions apply, including for non-practising architects.</p>
NORTHERN TERRITORY	<p>There is no requirement for an architect to hold professional indemnity insurance.</p>
QUEENSLAND	<p>The Act and Regulations do not contain professional indemnity insurance provisions. However, the Board's Code of Practice states that an architect (or his or her employer) must hold professional indemnity insurance appropriate for the architectural services being provided. If requested by the client, the architect must provide information to the client relating to the insurance held. However, if insurance is unavailable or economically unviable, the architect can advise the client that he or she does not maintain professional indemnity insurance, providing this occurs before entry into an agreement with the client.</p>
SOUTH AUSTRALIA	<p>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.</p> <p>An architect must satisfy the Board that insurance is in effect at each licence renewal. 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 details of the policy (provider, extent of cover, expiry date) at the time of renewal of registration.</p>
TASMANIA	<p>There is no requirement for an architect to hold professional indemnity insurance. Architects who are licensed under occupational licensing provisions for the building industry as well as the Architects Act are required to hold insurance under those provisions.</p>
VICTORIA	<p>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.</p> <p>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 re-instatement, is required.</p>
WESTERN AUSTRALIA	<p>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.</p> <p>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.</p>

9. 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	<p>The Board's Professional 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.</p> <p>The Board requires architects to report on their continuing professional development (CPD) activities at the time of annual renewal of registration. The Board website states that 20 hours of activities (of which at least 10 hours are formal) should be the minimum amount of activity undertaken by an architect in each year.</p> <p>Non-practising architects are not required to comply with these CPD requirements.</p>
NORTHERN TERRITORY	The Act and Regulations do not require an architect to maintain his or her skills and knowledge.
QUEENSLAND	<p>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.</p> <p>The Board requires practicing architects to report on their CPD activities at the time of annual renewal of registration. The Board's CPD Policy states that 20 hours per annum of CPD should be undertaken, of which at least 10 hours should be formal learning activities. Non-practising architects are not required to comply with these CPD requirements. Annual CPD Audits are undertaken by the Board.</p>
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. The Board's website states that 20 hours per annum of CPD should be undertaken, of which at least 10 hours should be formal learning activities. Architects are however not required to report on their CPD activities. As of May 2018 the Board has gained approval for an amendment to the Act to require Architects to undertake CPD each year and report to the Board. Drafting is currently underway.
TASMANIA	The Act and Regulations do not require an architect to maintain his or her skills and knowledge. However, the Board website states that architects are expected to undertake a minimum 20 hours CPD per annum, and are required to provide a statutory declaration relating to CPD undertaken in the past twelve months. The register indicates whether architects are compliant with this requirement.
VICTORIA	The Board recommends that that 20 hours per annum of CPD should be undertaken, of which at least 10 hours should be formal learning activities. This is deemed to satisfy the Code of Conduct requirement to maintain a thorough knowledge of the architectural services (Clause 2(1)(b)).
WESTERN AUSTRALIA	<p>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.</p> <p>The Board requires architects to report on their CPD activities at the time of annual renewal of registration. The Board's CPD Framework states that 20 hours per annum of CPD should be undertaken, of which at least 10 hours should be formal learning activities.</p> <p>Non-practising architects are not required to comply with these CPD requirements.</p>

10. FITNESS TO PRACTICE



AUSTRALIAN CAPITAL TERRITORY	<p>The Act provides for the Board to refuse to register a person if:</p> <ol style="list-style-type: none">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; or4. 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	<p>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:</p> <ol style="list-style-type: none">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; or4. 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	<p>The Act provides for the Board to remove the name of a person from the register:</p> <ol style="list-style-type: none">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; or3. who is found by the Board to have been guilty of:<ol style="list-style-type: none">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;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	<p>In deciding whether an applicant is fit to practise as an architect, the Board may have regard to the following:</p> <ol style="list-style-type: none">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;

	<ol style="list-style-type: none"> 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 does not provide guidance on what constitutes a fit and proper person. The application for registration requires details of any offences or prior professional disciplinary proceedings to be provided.
TASMANIA	<p>The Act states that no person shall be entitled to be registered as an architect unless he (she) satisfied the Board that he (she) is of good fame and character. The Act further states that 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, fixtures or appliances to be used in or in connection with such building.</p> <p>In addition, a judge in chambers may, upon application by the Board and an affidavit showing a prima facie case that an architect is professionally incompetent, order that architect to show cause before the Supreme Court why his (her) name should not be removed from the register. If on the return of an order under subsection it appears to the Supreme Court that the respondent is professionally incompetent, it may order the Board to remove his (her) name from the register and the Board shall comply.</p>
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.

11. 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 ACT Civil and Administrative Tribunal (ACAT) for occupational discipline.

The ACAT may make one or more of the following orders:

- (a) reprimand the person;
- (b) require the person to give a written undertaking;
- (c) require the person to complete a stated course of training to the satisfaction of the board or another stated person;
- (d) give the person a direction to take specified action;
- (e) cancel or suspend the person's registration;
- (f) disqualify the person from applying for registration for a stated period or until a stated thing happens;
- (g) direct the board to put a condition on the person's registration; or remove or amend a condition put on the person's registration;
- (h) require the person to pay to the Territory or someone else a stated amount; and/or
- (i) if the person gained financial advantage from the action that is the ground for occupational discipline—require the person to pay to the Territory an amount assessed as the amount of financial advantage gained by the person.

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.

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.

The Act also states that the Board may meet separately or jointly with the complainant and architect in an attempt to resolve any issue raised by the complaint if it considers the complaint may be resolved expeditiously by doing so. The Board may be assisted by any person that it considers has relevant expertise in mediation or alternative dispute resolution in any such attempt to resolve a complaint.

If the complaint is not dismissed or mediated, the Board must determine the complaint. If after investigation the Board is satisfied that the architect is guilty of unsatisfactory professional conduct, it may either 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 agrees that the architect is guilty of unsatisfactory professional conduct, the Tribunal may make any one or more of the actions list above, excepting that the fine amount may be up to 200 penalty units.

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

If the Tribunal agrees 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. The architect must be informed of the complaint and be given an opportunity to respond.

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.

A determination by the Board may be appealed to the Minister in the first instance, and subsequently to the Local Court of the NT.

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 or may appoint a third party investigator. 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 Queensland Civil and Administrative Tribunal 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.

	<p>If the Tribunal is considering 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.</p> <p>If the Tribunal decides that a disciplinary ground is established, the Tribunal may:</p> <ol style="list-style-type: none"> 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. <p>If the Tribunal makes an order about an architect, details of the order must be recorded in the register.</p>
<p>SOUTH AUSTRALIA</p>	<p>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 or a registered architectural business (i.e. a body corporate or the partners in a partnership).</p> <p>The Board must inquire into the subject matter of the complaint unless the Board considers that the complaint is frivolous or vexatious. The Board may appoint an investigator to collect information and report to the Board. A complaint is then determined by a three member sub-committee of the board appointed by the Board President.</p> <p>There is proper cause for disciplinary action against a person who is a registered architect if:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>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.</p>

<p>TASMANIA</p>	<p>A person may make a complaint against an architect to the Board, which must be in the form of a statutory declaration.</p> <p>The Board may summon an architect to appear before it where an architect is:</p> <ol style="list-style-type: none"> 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. <p>The Board upon hearing the case, where an architect is guilty of improper conduct in a professional respect, may make the following orders:</p> <ol style="list-style-type: none"> 1. registration be suspended for a term not exceeding 12 months; 2. payment to the Board a fine of not more than \$200; or 3. reprimand by the Board. <p>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 in addition remove his or her name from the register (i.e. cancellation), as well as make any order as listed above.</p> <p>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.</p> <p>The legislation does not require disciplinary action to be published.</p>
<p>VICTORIA</p>	<p>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.</p> <p>The Board may first refer a complaint to mediation if the Board considers it appropriate to do so and the complainant and architect consent to that referral.</p> <p>Each inquiry must be conducted by a three person Tribunal constituted under the Act from a standing panel for the purposes of that inquiry.</p> <p>The Tribunal can make the following findings:</p> <ol style="list-style-type: none"> 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. <p>The Tribunal may make one or more of the following determinations and may also make any determination as to costs that it thinks fit:</p> <ol style="list-style-type: none"> 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. <p>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. Determinations may be appealed to the Victorian Civil and Administrative Tribunal.</p>

WESTERN AUSTRALIA

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 non-payment 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 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; or
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 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. The Board currently specifies 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.

After considering a 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 \$5 000;
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.

Alternatively, the Board may refer to a committee a complaint in respect for a registered 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 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 Tribunal may suspend a corporation's 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.

12. PROTECTION OF THE TITLE "ARCHITECT"

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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 commits an offence if he or she pretends to be registered e.g. using "architect" or "registered architect" on letterhead, entry sign or other advertisement.
2. A corporation commits an offence by offering 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 or partnership commits an offence if it 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.
6. A corporation or partnership commits an offence if it provides, or advertises that it will provide, an architectural service and does not include the name and registration number of the 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 a third party, and 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; or
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 the Act.
5. A corporation or 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
6. a person from using any name, title or description prescribed by the Regulations.

There are no additional titles or descriptions listed in 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 states that the words “architect”, “architectural practitioner”, “architectural consultant” or “architectural designer” are only to 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 holds a qualification that is usually described by using these words 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 prima facie exemptions to paragraphs 1 and 3 for corporations if the corporation has given the Board a notice (“Section 141A Form”) 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.

The Board has issued a policy (non-statutory) that clarifies that an action would not be pursued where it is clear from the context of a title that a person is not holding themselves out to be an architect registered in Queensland, e.g. Victorian Architect, Architectural Assistant, Architectural Graduate, Architectural Draftsperson.

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. 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.

	<ol style="list-style-type: none"> 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 a 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. <p>The Act provides the following exceptions for certain titles and description:</p> <ol style="list-style-type: none"> 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. <p>The Regulations prescribe the following titles or descriptions as exempt from contravening the Act: “architectural engineer”, “golf course architect”, “information technology architect”, “IT architect” or “system architect”.</p>
<p>TASMANIA</p>	<p>The Act defines “architect” to not include naval architect, landscape architect, architectural draughtsman or architectural designer (computer/IT architect is not specified).</p> <p>The Act prescribes the following offences related to protection of the title “architect”.</p> <ol style="list-style-type: none"> 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. 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. 3. A person who is not an architect shall not in respect of building operations, plans, drawings, or specifications thereof, or proceedings under the Building Regulations in relation thereto, take or use to describe himself any title, description, or addition indicating that he has anywhere obtained a professional or legal qualification of an architectural nature.
<p>VICTORIA</p>	<p>The Act prescribes, without limitation, representation as an architect as:</p> <ol style="list-style-type: none"> 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 <p>The Act prescribes the following offences:</p> <ol style="list-style-type: none"> 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 using the title or description of “landscape architect”, “naval architect” or “computer systems architect”;
2. a person 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 representing himself or herself an architect in respect of that person’s employment.

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 within the service provider must inform the client.
10. A person must not falsely represent any person as being the person referred to in a certificate of registration or licence document.

The Act provides the following exemptions:

1. a person designs, or superintends the erection of, a building but does not use a restricted term;
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 [there is currently no such prescription].