

REGULATION OF THE ARCHITECTURAL PROFESSION

A SUMMARY OF AUSTRALIAN STATE AND TERRITORY LEGISLATION

FEB 2023

NOTE:

*Refer to individual architects registration
board websites for full details of all changes.
This document is due to be updated in 2024*



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Note: Only chapter 13 was updated for the February 2023 revision.

1. 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 architects 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 architects 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 Regulation 2017 \(NSW\)](#)
- **Architects Registration Board of Victoria:**
[Architects Act 1991 \(VIC\)](#); [Architects Regulation 2015 \(VIC\)](#)
- **Board of Architects of Queensland:**
[Architects Act 2002 \(QLD\)](#); [Architects Regulation 2019 \(OLD\)](#)
- **The Architectural Practice Board of South Australia:**
[Architectural Practice Act 2009 \(SA\)](#)
- **Architects Board of Western Australia:**
[Architects Act 2004 \(WA\)](#); [Architects Regulations 2005 \(WA\)](#)
- **Australian Capital Territory Architects Board:**
[Architects Act 2004 \(ACT\)](#)
- **Board of Architects of Tasmania:**
[Architects Act 1929 \(TAS\)](#)
- **Northern Territory Architects Board:**
[Architects Act 1963 \(NT\)](#); [Architects Regulations 1965 \(NT\)](#)

An architects registration board will generally have 5-11 members with a mix of expertise, this 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 architects 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 (APE) 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 December 2021. For the full current text of each jurisdiction's Act and Regulations, please refer to the respective on-line legislation databases, the links are provided to the left.

2. SUMMARY OF LEGISLATION

REGULATING ARCHITECTS IN AUSTRALIA

	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	√	√	√	√	√
Industry experience	√	√	in effect	in effect	in effect	√	√	in effect
Practice examination	√	√	in effect	√	in effect	√	√	√
Fit and proper person	√	√	√	Fitness to practice	√	√	√	√
Not bankrupt	√	√	√	√	X	√	in effect	X
No serious convictions	√	√	√	√	in effect	√	in effect	√
No cancellation or suspension of registration in another jurisdiction	√	√	√	√	in effect	√	in effect	√
Provision for imposition of conditions on registration	√	√	√	not at initial registration, imposed as disciplinary measure	only initially for limited registration	√	not at initial registration	√
Conditions determined by	Board	Board	Board	Board	Act and Board	Board	N/A	Act and Board
Types or divisions of individual registration								
Number of types or divisions of registration	1	4	1	2	4	2	2	2
Practising / full	√	√	√	√	√	√	√	√
Non-practising or retired	X	√	X	√	√	√	√	√
Temporary	X	√	X	X	X	X	X	X
Limited	X	√	X	X	√	X	X	X
Provisional	X	X	X	X	√	X	X	X
Registration requirements for partnerships and corporations								
Provision for registration	X	X	√	X	√	√	√	√
Term used for registration	N/A	N/A	registration	N/A	registration	registration	approval	licence
Provision for nominating a responsible architect	√	√	√	√	X	√	√	√
Failure of responsible architect to properly supervise services is an offence or unprofessional conduct	√	√	X	√	X	√	√	X
Responsible architect details to be recorded in the register	√	√	requires regulation	X	board members and partners	√	√	√

Note: The Act or Regulations may refer to a separate document or condition, as noted, that determines the specific requirement.

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Renewal of registration								
Renewal period	unspecified	rolling renewal	1 Jan – 31 Dec	1 Jul – 30 Jun	1 Jul – 30 Jun	1 Jan – 31 Dec	1 Jul – 30 Jun	1 Jul – 30 Jun
Renewal fee due	unspecified	anniversary of registration date	1 Feb	31 May	30 Jun	31 Jan	30 Jun	30 Sep
Code of Conduct								
Provisions for Code in Act and/or Regulations	√	√	X	√	√	√	√	√
Code of Conduct adopted	X	√	X	√	√	Draft prepared	√	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	√	√	√	Registration and licence condition
Evidence of insurance to be provided to client	√	√	N/A	Code of Conduct upon request	X	X	X	X
Evidence of insurance to be provided to Board	X	√	N/A	N/A	√	√	√	√
Minimum amount of cover	X	appropriate level of cover	X	appropriate level of cover	\$ 1 M	\$ 1 M	\$ 1.2 M	\$ 1 M
Maintenance of skills and knowledge								
Maintenance of skills and knowledge required	X	Code of Conduct	X	√	Code of Conduct	√	Code of Conduct	√
Report on CPD to be provided to Board annually	N/A	√	N/A	√	X	√	Declaration on renewal	√
Exemption for non-practising architects	N/A	√	N/A	√	N/A	√	X	√
Fitness to practice								
Fitness to practice requirements specific to renewal of registration	X	X	X	√	X	√	Declaration on renewal	√

Note: The Act or Regulations may refer to a separate document or condition, as noted, that determines the specific requirement.

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Complaints against an architect								
Definition or grounds for unprofessional conduct (or similar terms) provided	√	two classes of conduct	X	√	√	√	√	√
Complaint to be lodged under a statutory declaration	Board discretion	√	X	Board discretion	Board discretion	√	X	√
Board to consider complaint and/or conduct investigation	√	√	√	√	√	√	Tribunal constituted under Act	√
Board to determine complaint	X	unsatisfactory professional conduct only	√	√	√	√	Tribunal constituted under Act	X
Board to refer complaint to external Tribunal for finding	√	professional misconduct / unsatisfactory professional conduct	X	Board discretion	√	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	√
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	√	√	√	limited	√	√	√	√

Note: The Act or Regulations may refer to a separate document or condition, as noted, that determines the specific requirement.

3. REGISTRATION REQUIREMENTS FOR INDIVIDUALS

AUSTRALIAN CAPITAL TERRITORY

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

An individual has relevant expertise if he or she has:

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

An individual has relevant experience if the individual has:

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

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

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

The Act provides for the imposition of conditions on registration and renewal of registration. Conditions are determined by the Board or the ACT Civil and Administrative Tribunal (ACAT).

NEW SOUTH WALES

An individual is entitled to be registered as architect if:

1. the Board is satisfied that the individual is of good fame and character;
2. the individual has the necessary qualifications for registration as an architect (i.e. a qualification prescribed by the Regulations, a course of study accredited by the Board, or an examination approved by the Board, for example, the NSW Portfolio Program of Assessment) – the Regulations prescribe any qualification on the list of qualifications maintained by the AACA;
3. the Board is satisfied that the individual has acquired such practical experience required by the Board as a prerequisite for entry to the architectural practice examination; and
4. the individual has, to the satisfaction of the Board, passed an examination in architectural practice arranged or approved by the Board.

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

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

The Act requires the application of the *Licensing and Registration (Uniform Procedures) Act 2002*.

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

NORTHERN TERRITORY

The qualifications for registration are that the Board is satisfied that the person holds, or is entitled to hold, a certificate from AACA that 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 Exams set by the AACA is accepted.

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

QUEENSLAND

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

An applicant is qualified for registration if the applicant has:

1. a qualification in architecture recognised by the AACA, a qualification in architecture obtained outside Australia and assessed by the AACA to be equivalent to a recognised qualification, or successfully completed AACA's National Program of Assessment (NPrA); and/or
2. successfully completed AACA's Architectural Practice Examination (APE) or another examination arranged or approved by the Board.

AND

the Board considers the applicant is fit to practise as an architect.

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

1. whether the applicant has a conviction, other than a spent conviction, for an indictable offence; an offence against the Act; or another offence, relating to the practice of architecture, against a law applying in the state, the Commonwealth, another State or a foreign country;
2. if the registration of the applicant in Queensland or another State or a foreign country and has been suspended or cancelled, the reasons for the suspension or cancellation;
3. if the applicant has been a member of an association of architects, whether in Australian or foreign country, and the membership was suspended or cancelled, the reason for the suspension or cancellation;
4. any order about the applicant concerning disciplinary action under the Act made by the Tribunal;
5. a proceeding taken against the applicant for a disciplinary matter by another State or a foreign country;
6. whether the applicant is affected by bankruptcy action or is an executive officer of a corporation affected by control action;
7. if the applicant has been required to undergo a health assessment under the Act, whether the applicant complied with the requirement and whether the applicant cooperated with the medical practitioner appointed to preform the assessment;
8. whether a health assessment report for the applicant states that the applicant is unable to competently and safely practise as an architect;
9. whether the Board reasonably believes a materially false or misleading representation or document is included in the application; and /or
10. 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.

Under Section 28-29A of the Act the Board may suspend or cancel an architect's registration if the Board believes that any of the grounds for immediate suspension or cancellation apply. The Act also provides for conditions of registration to be imposed as a result of disciplinary action and/or following a health assessment.

SOUTH AUSTRALIA

A natural person is eligible for registration if the person:

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

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 (APE) or another approved pathway such as the Overseas Architect Assessment [now known as the Overseas Qualifications Assessment].

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. The Act provides that conditions on registration can be imposed in the event of disciplinary action.

TASMANIA

The Act provides that the Board, on receiving an application made by a person under section 12, may register, or refuse to register, the person as an architect.

The Board must register as an architect a person who has made an application under section 12 if the Board is satisfied that:

1. the person is professionally competent under subsection (5) or (6) to be registered as an architect; and
2. the person is a fit and proper person to be registered as an architect; and
3. the registration of the person is not suspended under section 20E(1)(g); and
4. an order made under section 20E(4) that is in force does not prevent the registration of the person at the relevant time; and
5. the person has the sufficient level of professional indemnity insurance, if any, that the person is required by section 16(1) to have.

The Board may refuse to register a person as an architect if the Board is satisfied that the registration of the person as an architect under a law of another state or a territory has been cancelled (or, in effect, cancelled) on grounds on which the registration of the person under this Act could be cancelled under section 20E.

The Board must refuse to register as an architect a person who has made an application under section (12), if the Board may not register the person under subsection (2).

A person is professionally competent to be registered as an architect if the person:

1. holds the architectural qualifications that are prescribed by the regulations; or
2. has successfully completed a course of study that is recognised by the Board as meeting criteria prescribed by the regulations for the purposes of this paragraph; and

the person has:

1. passed an examination or interview, arranged or approved by the Board, to assess the person's competency to practise architecture; and
2. paid any fee, set by the Board, for that examination or interview.

A person is professionally competent to be registered as an architect if the Board is of the opinion that the person, by reason of his or her ability and competence in the field of architecture, is a person whom it is appropriate to register as an architect.

If the Board refuses to register a person as an architect, the Board must give notice of the refusal in writing to the person, setting out the reasons for the refusal.

The Board:

1. may provide for different classes of registration; and
2. may impose conditions on the registration of a person, and such conditions may, but are not required to, relate to the class of registration of the person.

Conditions of registration may relate to:

1. the duration of registration; and
2. the aspects of the practice of architecture in which the person may be engaged; and
3. the extent to which an architect must comply with any continuing professional development requirement; and
4. any other matter that the Board considers to be appropriate.

The registration of an architect expires 3 years after the day on which the registration of the architect is entered on the register or such shorter period, if any, as may be specified in a condition imposed on the architect's registration.

VICTORIA

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

1. is a fit and proper person to be registered having regard to the probity matters set out in section 10A;
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.

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.

A range of qualifications are prescribed for Deakin University, RMIT University, The University of Melbourne, Monash University and Swinburne University. 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 (NPrA) or the APEC Architect Supplementary Assessment.

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

WESTERN AUSTRALIA

The requirements for registration are found in the Regulations and state that the person:

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

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

4. TYPES OR DIVISIONS OF INDIVIDUAL REGISTRATION

AUSTRALIAN CAPITAL TERRITORY

There is only one type or class of registration.

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

NEW SOUTH WALES

There are two types of registration – full registration and temporary registration.

Temporary registration may be granted to a person who has architectural qualifications and practical experience in another country 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.

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

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

NORTHERN TERRITORY

There is only one type or class of registration.

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

QUEENSLAND

There are two types of registration – practising architect and non-practising architect.

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.

The Act provides definitions for 'architect', 'architectural service', 'non-practising architect' and 'practising architect'.

SOUTH AUSTRALIA

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).

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.

The Act provides a definition for the term registered architect.

TASMANIA

There are two types of registration – practising architect and non-practising architect.

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.

The Act provides definitions for the term architect.

VICTORIA

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

Non-practising architects cannot provide architectural services while in this class of registration. Non-practising architects are not required to pay fees or provide proof of professional indemnity insurance.

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

WESTERN AUSTRALIA

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

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

5. REGISTRATION REQUIREMENTS FOR PARTNERSHIPS AND CORPORATIONS

AUSTRALIAN CAPITAL TERRITORY

The Act states that the Board may only register an individual. However, the Act provides for the appointment of one or more nominees for a firm (one of whom must be the principal nominee). The Act defines a firm as a corporation or partnership.

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

A 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.

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

NEW SOUTH WALES

The Act does not provide for registration of partnerships 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.

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

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

NORTHERN TERRITORY

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

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

1. the partnership has a place of business or is carrying on business within the Territory;
2. the partnership carries on business within the Territory under the names of the partners or a name registered under the Business Names Registration Act 2011 (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; and
4. if the partnership includes a company amongst its partners, the company is an architectural company.

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

1. It has a place of business or is carrying on business within the Territory;
2. its constitution is acceptable to the Board and contains provisions that the Board be notified of an intention to amend the constitution and be furnished with a copy of a proposed resolution to give effect to that intention, and a body corporate shall not be eligible to be a director of the company; and
3. at least one of the directors of the company or one of the employees of the company is an architect and will be responsible for managing the architectural practice and supervising the provision of architectural services provided by the company in the Territory.

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

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

QUEENSLAND

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

The Act does, however, effectively require persons (including corporate entities) which are using any of the protected titles or terms prescribed in the Act in their business name or in representing their services to notify the Board of their related activities. The Act achieves this through provisions that exempt 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 under Section 141A of the Act that includes the business' name, address and phone 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.

A notice is taken not to have been given unless the notice includes the prescribed information and is accompanied by the prescribed fee. A prescribed form must be completed. The Regulation does not currently prescribe a fee.

SOUTH AUSTRALIA

The Act requires a register of architectural businesses to be kept. The Act defines an architectural business as a body corporate or each of the partners in a partnership.

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

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

The register must include the following for a body corporate:

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

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

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

TASMANIA

The Act does not provide for registration of partnerships or corporations. However, a corporation or architectural firm applying for registration in this Class is required to have a practising architect provide a statutory declaration confirming that they are the nominated architect in control and willing to take responsibility for all architectural components of projects undertaken by the firm in Tasmania.

VICTORIA

The Act provides for the approval of partnerships and companies. The names of approved partnerships and companies are to be recorded in the register.

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

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

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

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

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

WESTERN AUSTRALIA

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

The register may have divisions that are prescribed by the Regulations relating to different categories of licensed corporations. No divisions of licenced corporations have been prescribed.

The licensing requirements for corporations are:

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

The following information is to be entered in the register:

1. The name of the corporation;
2. the date of the initial grant of licence;
3. the licence number;
4. the address of the corporation;
5. any conditions applying to the licence; and

other information that is prescribed by the Regulations. No other information is prescribed by the Regulations.

6. RENEWAL OF REGISTRATION

AUSTRALIAN CAPITAL TERRITORY

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

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

NEW SOUTH WALES

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

The Act states that an architect must pay to the Board the approved fee for annual registration on or before 31 March; however, registration renewal is now on a rolling basis and the date for registration renewal falls due on the anniversary of the registration date. Architects may nominate a term of duration for the registration of one, three or five years.

NORTHERN TERRITORY

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

The renewal of registration period is from 1 January to 31 December. The renewal fee falls due on 1 February.

QUEENSLAND

The legislation differentiates between initial registration and renewal of registration.

Architects must apply to the Board each year to renew their registration, Applications for renewal must include the approved form, any other documents the Board requires to decide the application, and the annual registration fee which is prescribed in the Regulation.

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

1. whether the Board considers the applicant is fit to practise as an architect; and
2. the extent to which the applicant has satisfied the continuing registration requirements that are established in the Act (including demonstrating they have maintained competency in the practice of architecture).

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

To be considered for renewal, an architect must submit their renewal application and pay the prescribed fee by 31 May each year.

The Act also provides separate provisions for the restoration of registration where applicants have previously been registered by the Board. These provisions allow the Board to be satisfied that applicants who have been unregistered for a period of time have maintained competency in the practise of architecture (e.g., through participating in a formal Architectural Competency Assessment by the Board Examiners), as well as meeting the usual registration and renewal of registration requirements.

The period of registration is a financial year, or part thereof.

SOUTH AUSTRALIA

The legislation differentiates between initial registration and renewal of registration.

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

The Act provides for the renewal date to be fixed by the Board. The Board has set the renewal fee to be due by 30 June of each year.

TASMANIA

The legislation provides for payment of an annual registration fee and the renewal of registration after a 3 year period or such shorter period specified as a condition imposed on the architect's registration.

The renewal of registration period is from 1 January to 31 December. The renewal fee must be paid on or before 31 January.

VICTORIA

The legislation does not differentiate between initial registration and renewal of registration.
Annual fees must be paid to the Board by 30 June of each year.

WESTERN AUSTRALIA

The legislation does not differentiate between initial registration and renewal of registration.
Annual fees must be paid to the Board by 30 September of each year.

7. CODE OF CONDUCT

AUSTRALIAN CAPITAL TERRITORY	<p>The Act provides for a regulation to adopt a professional conduct code. This has not occurred.</p> <p>It also provides for the Minister to direct the Board about the exercise of its functions which may include a proposed professional conduct code.</p>
NEW SOUTH WALES	<p>The Act provides for the establishment of a Code of Professional Conduct setting out guidelines that should be observed by architects in their professional practice. The <i>NSW Architects Code of Professional Conduct</i> is set out in Schedule 2 of the Regulations.</p> <p>The provisions of the <i>NSW Architects Code of Professional Conduct</i> are considered in determining what constitutes proper and ethical conduct by an architect under the Act.</p>
NORTHERN TERRITORY	<p>The Act and Regulations do not provide for a Code of Conduct.</p>
QUEENSLAND	<p>The Act states that the Board must make a Code of Practice to provide guidance to architects as to appropriate professional conduct or practice, which must be reviewed at least once every three years.</p> <p>The Board's Code of Practice is a statutory instrument approved under the <i>Architects Regulation 2019</i>.</p> <p>The objects of the Code are:</p> <ol style="list-style-type: none">1. ensure that architects provide architectural services in a professional and competent way;2. provide guidance to architects as to appropriate standards of professional conduct and practice;3. protect consumers of architectural services and ensure that they can fully inform themselves about the skills or architects and the nature of the architectural services to be performed;4. promote and maintain high standards in the provision of services by architects; and5. promote public confidence in the architectural services provided by architects. <p>Failure to comply with the Code may constitute unprofessional conduct for the purposes of the Act and be grounds for disciplinary action.</p> <p>The approved Code of Practice is admissible as evidence in disciplinary proceedings brought by the Board against an architect, of appropriate professional conduct or practice for an architect.</p>
SOUTH AUSTRALIA	<p>The Act states that one of the functions of the Board is to prepare or endorse, subject to the approval of the Minister, codes of conduct or professional standards for registered architects and architectural businesses.</p> <p>The Board's Code of Conduct may be referred to or incorporated into the Regulations. The current (2012) code has been approved by the Minister and published as required by the Act, but has not been referenced or incorporated into the Regulations.</p> <p>Failure to comply with the code may constitute unprofessional conduct for the purposes of the Act and be grounds for disciplinary action.</p>
TASMANIA	<p>The Act requires architects to comply with all relevant Codes of Practice. The Board may issue or approve a Code of Practice for the purposes of the Act and may vary or revoke a Code of Practice.</p> <p>A draft of the <i>Architect's Model Statutory Code of Professional Standards and Conduct</i> has been prepared.</p>
VICTORIA	<p>The Victorian Architects Code of Professional Conduct is a schedule to the Architects Regulations 2015 (VIC). A Breach of the Code of Conduct may constitute unprofessional conduct by an architect.</p>
WESTERN AUSTRALIA	<p>The Act provides for a regulation to adopt any standards, rules, code or other provisions by some other body with or without amendment or modification. This has not occurred.</p>

8. PROFESSIONAL INDEMNITY INSURANCE

AUSTRALIAN CAPITAL TERRITORY

Before providing an architectural service, an architect is required to provide evidence of the professional indemnity insurance the architect holds. The legislation does not specify the amount of insurance cover required.

NEW SOUTH WALES

The *NSW Architects 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.

The Board requires architects to provide a copy of their professional indemnity insurance Certificate of Currency annually.

NORTHERN TERRITORY

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

QUEENSLAND

The Act and Regulations do not include prescribed professional indemnity insurance provisions.

The Board's Code of Practice does, however, require that an architect must take reasonable steps to procure and maintain a policy of professional indemnity insurance during each year that is appropriate for the architectural services being provided. If requested by the client, the architect must provide the client with information relating to the insurance maintained by the architect for the services to be provided to the client. The architect must also provide the Board with details about insurance maintained by the architect, upon request.

An exception is that, should the insurance be unavailable or economically unviable, the architect can advise the client in writing that the architect does not maintain a policy of professional indemnity insurance for the provision of the services, providing this is done before entry into an agreement with the client for the provision of services.

SOUTH AUSTRALIA

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

An architect must satisfy the board that insurance is in effect 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.

TASMANIA

An architect is required to hold professional indemnity insurance to a level as approved by the Board. The minimum amount of insurance cover is considered to be \$ 1 million. Registration and licence renewal depend on a sufficient level of professional indemnity insurance.

VICTORIA

An architect is required to hold professional indemnity insurance. Proof must be provided when applying for registration. Architects registered in the practising class are also required to supply proof of their coverage when their policy is renewed, or if their circumstances change (e.g. new employer, change in insurer).

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.

WESTERN AUSTRALIA

The Board may impose as a condition of registration or renewal of registration that an architect holds professional indemnity insurance. The Western Australian Board has imposed this requirement for both individuals and corporations. The Regulations state that the minimum amount of insurance cover is \$1 million.

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

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

The *NSW Architects Code of Professional 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'.

Architects should undertake a minimum of 20 hours of Continuing Professional Development (CPD) each year, of which at least 10 hours must be Formal CPD activity. Some exemptions apply, including for non-practising architects.

The Board requires architects to report on their Continuing Professional Development (CPD) activities annually.

NORTHERN TERRITORY

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

QUEENSLAND

The Act requires that the Board must be satisfied that an architect has maintained competency in the practice of architecture in order to meet continuing registration requirements for renewal or restoration of their registration.

The Board's current policy under the Act is to require practising architects to report on their CPD activities during the previous year at the time of annual renewal of registration. The Board's CPD Policy sets a minimum of 20 hours per annum of compliant CPD, 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 Compliance Audits are undertaken by the Board, and disciplinary action may be taken by the Board where architects have not met CPD requirements. The Act also provides for criminal offences and penalties where an architect has knowingly made a false statement or provided a false document to the Board in connection with their application for registration, of which the declaration about CPD activities undertaken is part.

Applicants for restoration of their registration may be required to participate in a formal Architectural Competency Assessment conducted by Board Examiners, in order to demonstrate they have maintained competency in the practice of architecture.

SOUTH AUSTRALIA

The Architectural Practice Act requires that architects undertake professional development each year and report the amount undertaken to the Board. At the time of renewal 20 hours of activity (of which at least 10 hours are formal) must be reported each year. Non-practising architects are exempt from this requirement.

TASMANIA

The Board requires practising architects to undertake a minimum of 20 hours of Continuing Professional Development each calendar year (with at least 10 hours of formal activities) and provide an annual report on their CPD activities as part of the annual renewal. Non-practising architects are exempt from this requirement.

VICTORIA

The Act requires a declaration at renewal that any required continuing professional development requirements have been complied with during the registration year. The Regulations provide that architects must have suitable skills and a thorough knowledge of architectural services.

ARBV recommends that architects follow the National CPD Framework to ensure they comply with the requirements.

WESTERN AUSTRALIA

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

The Board requires architects to report on their CPD activities at the time of annual renewal of registration. The Board's CPD Framework states that 20 CPD Points per annum should be achieved, of which at least 12 should be Core Points.

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

10. FITNESS TO PRACTICE

AUSTRALIAN CAPITAL TERRITORY

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

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

NEW SOUTH WALES

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

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

NORTHERN TERRITORY

The Act provides for the Board to remove the name of a person from the register:

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

The Act requires the Board to consider whether an applicant for registration, renewal of registration or restoration of registration is fit to practice as an architect. Applicants are only eligible for registration if the Board considers they are fit to practice as an architect.

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

1. whether the applicant has a conviction, other than a spent conviction, for an indictable offence; an offence against the Act; or another offence, relating to the practice of architecture, against a law applying in the state, the Commonwealth, another state or a foreign country;
 2. if the registration of the applicant in Queensland or another state or a foreign country has been suspended or cancelled, the reasons for its suspension or cancellation;
 3. if the applicant has been a member of an association of architects, whether in Australian or a foreign country, and the membership was suspended or cancelled, the reason for the suspension or cancellation;
 4. any order about the applicant concerning disciplinary action under the Act made by the Tribunal;
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5. a proceeding taken against the applicant for a disciplinary matter by another state or a foreign country;
 6. whether the applicant is affected by bankruptcy action or is an executive officer of a corporation affected by control action;
 7. if the applicant has been required to undergo a health assessment under the Act, whether the applicant complied with the requirements and whether the applicant cooperated with the medical practitioner appointed to perform the assessment;
 8. whether a health assessment report for the applicant states that the applicant is unable to competently and safely practice as an architect;
 9. whether the Board reasonably believes a materially false or misleading representation or document is included in the application; and/or
 10. any other issue relevant to the applicant's ability to competently practice as an architect, including, for example, the applicant's mental or physical health.
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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

The Act provides for the Board to refuse to register a person or remove the name of a person from the register if:

1. the Board is satisfied that the registration of the person as an architect under a law of another state or territory has been cancelled (or, in effect, cancelled) on grounds on which the registration of the person under this Act could be cancelled under Section 20E;
 2. the Board is of the opinion that the person, by reason of his or her ability and competence in the field of architecture, is a person whom it is appropriate to register as an architect.
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VICTORIA

The Act requires that for a natural person to be eligible for registration, the person must be a fit and proper person.

In determining whether a person is a fit and proper person under section 10(a), the Board must have regard to the following matters:

1. whether in the past 10 years the person has been convicted or found guilty (whether in or outside of Victoria) of any offence involving fraud, dishonesty, drug trafficking or violence that was punishable by imprisonment for 6 months or more;
 2. whether in the past 10 years the person has been convicted or found guilty of an offence under any law regulating architectural services or architects;
 3. whether in the past 10 years the person has had any registration, licence, approval or other authorisation as an architect suspended or cancelled (whether in or outside of Victoria) for any reason other than a failure by the person to renew the registration, licence, approval or other authorisation;
 4. whether in the past 10 years the person has been subject to an order of a court or VCAT (Victorian Civil and Administrative Tribunal) under the following enactments, which has not been complied with within the period required by the court or VCAT:
 - a. this Act or the Regulations;
 - b. the Building Act 1993 or the regulations made under the Act;
 - c. the Domestic Building Contracts Act 1995 or the regulations made under the Act;
 5. whether in the past 10 years any disciplinary action has been taken against the person under the *Building Act 1993*;
 6. whether the person is, or has been within the past 10 years, an insolvent under administration;
 7. whether any other prescribed probity matter applies in relation to the person.
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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 become registered or 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;

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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 must contain particulars of the allegations on which it is founded.

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 the architect concerned 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 New South Wales Civil and Administrative 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 listed 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 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

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 Act defines unsatisfactory professional conduct as including 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.

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 an investigator. The Board/investigator must prepare a written report about the investigation including the findings about the complaint. Upon consideration of the investigation report, 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 on the architect's registration; and/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;
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;
4. the architect has contravened an undertaking entered into by the architect and the Board;
5. the architect has contravened a condition of the architect's registration.

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.

If the Tribunal decides that a disciplinary ground is established, the Tribunal may make an order/s:

1. reprimanding the architect;
2. cancelling the architect's registration;
3. disqualifying, indefinitely or for a stated period, the architect from obtaining registration as an architect;
4. ordering the architect to pay a stated amount.

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

SOUTH AUSTRALIA

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).

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.

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

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

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

In this case, the Board will refer the matter to the South Australian Civil and Administrative Tribunal. If the finding of the Tribunal is in favour of the Board, it may seek any of the following outcomes:

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

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

TASMANIA

Any person (including the Board) may make a complaint against an architect in respect of the architect's conduct as an architect or due to grounds in relation to the architect under Section 20E. A complaint is to be lodged with the Registrar and is to be in writing, must identify the complainant and must contain particulars of the allegations on which it is founded.

The Board may investigate a complaint and determine the complaint by making any one or more of the following orders:

1. an order dismissing the complaint;
2. an order administering a caution or reprimand to the architect;
3. an order requiring the architect to complete a course of training specified by the Board;
4. an order adding a condition to the registration of the architect, or adding to, or altering, the conditions of registration of the architect;
5. an order requiring the architect to ensure the rectification of work, carried out by the architect, that was defective;
6. an order requiring the architect to pay the reasonable costs of the Board related to carrying out the investigation of the complaint;
7. an order suspending the registration of the architect for a period not exceeding the unexpired period of registration or until the architect complies with another order made under this subsection in relation to the architect;
8. an order cancelling the registration of the architect.

The registration of an architect may be suspended if:

1. the registration of the person as an architect under a law of another State or a Territory has been suspended or cancelled on grounds on which the registration of the person under this Act could be suspended or cancelled; or
2. the person has engaged in professional misconduct or unprofessional conduct; or
3. the person has failed to comply with any condition imposed on his or her registration.

The Board may only cancel the registration of an architect if:

1. the grounds on which he or she was taken to be professionally competent to be registered as an architect under section 13(5) no longer exist or never existed; or
 2. the architect has failed to comply with a summons issued to the architect under section 22; or
 3. the architect is convicted in Tasmania of an indictable offence that is punishable by imprisonment for 12 months or more, or is convicted elsewhere than in Tasmania of an indictable offence that, if committed in Tasmania, would be an offence so punishable; or
 4. the architect has been registered by means of any false or fraudulent representation or declaration made either orally or in writing; or
 5. the architect is a mentally incapacitated person; or
 6. the architect has failed to comply with a continuing professional development requirement; or
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7. the architect does not have a sufficient level of professional indemnity insurance, within the meaning of section 16, that the architect is required to have; or
 8. the architect has engaged in unprofessional conduct; or
 9. the architect has failed to comply with an order made under subsection (1).

If an order made under subsection (1) cancelling the registration of a person, the order must specify:

1. that the person must not be registered under this Act during any period; or
2. the period, of not more than 5 years, in which the person must not be registered under this Act.

The Board must, after determining a complaint under subsection (1), give notice in writing of that determination, any orders contained in the determination, the findings of the Board, and the reasons for the determination, to:

1. that person; and
2. all other State, Territory and national registration authorities; and
3. the Administrator, within the meaning of the *Occupational Licensing Act 2005*; and
4. the complainant, unless the complainant is the Board.

A person who has made a complaint, or an architect against whom a complaint is made, may appeal to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court (Administrative Appeals Division) Act 2001* against:

1. the dismissal of the complaint under section 20B; or
2. the determination of the complaint, and the making of any order, under section 20E.

VICTORIA

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.

Each inquiry must be conducted by a three person Tribunal constituted under the Act from a standing panel for the purposes of that inquiry.

The Tribunal can make the following findings:

1. the architect is careless or incompetent in his or her practice;
2. the professional standards of the architect are demonstrably lower than the standards which a competent architect should meet;
3. the architect is guilty of unprofessional conduct;
4. the architect has breached or failed to comply with any provision of the Act;
5. the architect has breached or failed to comply with section 16(4) of the *Building Act 1993*;
6. the architect who is a builder named in a building permit has breached or failed to comply with section 16(4A) of the *Building Act 1993*;
7. the architect has not completed the relevant prescribed continuing professional development requirements (if any);
8. 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
9. the registration of the architect has been obtained by fraud or misrepresentation or concealment of facts.

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

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

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

Individuals may apply to seek review of a determination to the Victorian Civil and Administrative Tribunal (VCAT).

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;
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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 \$5000, 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’

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 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 representation that 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, or a derivative of the title or description ‘architectural designer’ and the term ‘architectural design’ as a description of the services provided.

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

1. An individual must not represent himself or herself to be an architect, and must not allow himself or herself to be represented to be an architect unless he or she is an architect;
2. A person must not represent an individual to be an architect if the person knows, or ought reasonably to know, that the individual is not an architect;
3. A corporation or firm must not represent itself to be an architect, and must not allow itself to be represented to be an architect unless the corporation or firm has at least one nominated architect who is responsible for the provision of architectural services by the corporation or firm;
4. A person must not represent a corporation or firm to be an architect if the person knows, or ought reasonably to know, that any such representation by the corporation or firm itself would constitute a contravention of paragraph 3;
5. An architect 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 architect 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 does not prohibit the following 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 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.
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QUEENSLAND

The Act includes the following offence provisions 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' or another name prescribed in the Regulation (Schedule 1) 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' or other words prescribed in the Regulation (Schedule 1) 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 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' 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.

Penalties under the Act for offences relating to protection of the title 'architect' are significant. The Board can prosecute persons for these offences in the Magistrates Court, or issue Penalty Infringement Notices for lesser offences.

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.
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.

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

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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.

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'.

TASMANIA

The Act provides that 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 or she 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 or she in fact holds.

No architect shall accept any commission or substantial service or favour from any person who has contracted to execute or is engaged in the execution of any work in connection with any building designed or supervised by such architect, or from any person who has offered or agreed to supply any materials, fittings, or appliances to be used in or in connection with such building.

A person who is not an architect shall not, in respect of any practice, trade, or business carried on by him, any office or employment held or exercised by him, or any work done by him or her, take or use to describe himself or herself:

1. the word 'architect';
2. any other word or combination of letters that sounds or looks like the word 'architect'; or
3. 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 – whether alone or in combination with other words or combinations of letters.

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.

The use of the expressions 'engineer', 'structural engineer', 'architectural draughtsman', 'architectural designer', 'master builder', 'builder', or other expression in use before the commencement of this subsection to describe members of the engineering profession or persons in the building industry having qualifications generally understood to be other or lower than those of architects.

A person must not contravene a provision of this section. A penalty applies in the case of:

1. a body corporate, a fine not exceeding 150 penalty units; or
2. an individual, a fine not exceeding 75 penalty units.

If a person is found guilty of an offence against subsection (4) consisting of a breach of subsection (2), the court may direct the Board to remove the name of the person from the register.

Nothing in this section affects:

1. 'naval architects' or 'landscape architects' in respect of their respective professions; or
2. a person practising architecture as an employee of the Crown or the Commonwealth at the commencement of the Architects Act 1970, while continuing so to practise.

Where two or more architects practise architecture in partnership and one of them ceases by death, agreement, or otherwise to be a partner, the remaining partner or partners and any other architects joining in partnership with him or her or them may, subject to any agreement, retain the name of the former partner in the name of their firm.

VICTORIA

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

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
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4. the making or publication of a statement or document that states or implies that the person or body is an architect, practises as an architect or undertakes work as an architect.

The Act prescribes the following offences:

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. A person must not carry out work as an architect unless that person is covered by the required insurance.
9. A person who is not covered by the required insurance, must not represent himself or herself or itself as covered by the required insurance; or allow himself, herself or itself to be represented as being covered by the required insurance.
10. 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.
11. 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.

Working of under exemptions:

1. a person using the title or description of 'landscape architect', 'naval architect' or 'computer systems architect';
2. a person from using any name, title or description prescribed by the Regulations in such circumstances and subject to such restrictions as are 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 as 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
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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

a restricted word is used in circumstances of a kind prescribed by the Regulations [there is currently no such prescription].

13. BOARD COMPOSITION

		ACT	NSW	NT	QLD	SA	TAS	VIC	WA
ARCHITECTURE	Government Architect		1					1	
	AIA (or other representative body)	1	1	1	1		1	1	1
	Academic	1	1		1			1	1
	Elected Registered Architect		2	2	1	3	2	2	4
	Architect (Representing Practising Architects)	1	1			1			
	Regional Architect				1				
CONSUMER	Building Expertise		1		1	1			
	Legal Expertise	1	1		1	1			
	Allied Profession (Building, Planning, Engineering, etc.)					1		1	
	Local Government Expertise		1						
	Consumer/ community interests/ home owners	1	1		1			2	4
	Property Development Expertise		1						
	No Specific Expertise			2			2	2	
Total Members	5	11	5	7	7	5	10	10	
Percentage of Architects	60%	55%	60%	57%	57%	60%	50%	50%	
Chairperson/ president has to be an architect	YES	YES	NO (current pres. is an architect)	NO	YES	NO (current pres. is an architect)	YES	NO (current chair is an architect)	

- Appointed by minister/ governor
- President/ chairperson
- Elected by architects