


Australian Capital Territory

# Architects Act 2004

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**Republication No 18**

**Effective: 16 November 2025 – 22 November 2026**

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## About this republication

### The republished law

This is a republication of the *Architects Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 16 November 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 16 November 2025.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

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### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).




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# Architects Act 2004

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# Architects Act 2004

An Act about the provision of architectural services, and for other purposes



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# Part 1 Preliminary

## 1 Name of Act

This Act is the *Architects Act 2004*.

## 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (***signpost definitions***) to other terms defined elsewhere.

For example, the signpost definition '***architects board***—see section 64.' means that the term 'architects board' is defined in that section.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

## 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.



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## 5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The Criminal Code, ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

*Note 2* *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.



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# Part 2 Objects and important concepts for Act

## 6 Objects

(1) The objects of this Act include the following:

(a) to establish a board to regulate the provision of architectural services by architects;

(b) to ensure that architects provide services to the public professionally and competently;

(c) to provide ways to discipline architects who are found to have acted unprofessionally or incompetently;

(d) to ensure that the public has access to information about the qualifications and competence of architects;

(e) to establish a register of architects to provide that information.

(2) In this section:

***architect*** means a registered person.

## 7 Meaning of *architectural service* for Act

(1) In this Act:

***architectural service*** means a service provided in connection with the design, planning or construction of buildings that is ordinarily provided by architects.

(2) A regulation may prescribe services that are, and are not, architectural services.



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# Part 3 Registration

## Division 3.1 Registration of architects

### 8 Eligibility for registration

(1) An individual is eligible to be registered if the individual has relevant expertise and relevant experience.

(2) An individual has ***relevant expertise*** if the individual—

(a) has—

(i) a qualification declared by the registrar; or

(ii) successfully completed a course of study accredited by the architects board; or

(iii) qualifications gained outside Australia that the board is satisfied are adequate to allow the individual to practise architecture in the ACT; and

(b) has passed an examination arranged or approved by the board to assess the person's competence to practise architecture.

(3) An individual has ***relevant experience*** if—

(a) the individual has at least 2 years practical experience in the practice of architecture, of which—

(i) at least 1 year is postgraduate experience; and

(ii) at least 1 year is in Australia; and

(b) the architects board is satisfied that the period and kind of practise are adequate to allow the individual to competently practise architecture in the ACT.

**Example for par (a)**

a person worked as an undergraduate in architectural services in Brussels for 18 months, then graduated and worked providing architectural services for 1 year in Melbourne



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(4) The registrar may declare a qualification for subsection (2) (a) (i).

(5) Before making a declaration, the registrar must consult the architects board.

(6) The architects board may accredit a course for subsection (2) (a) (ii).

(7) A declaration or accreditation is a notifiable instrument.

*Note* See also s 90A (Notifiable instruments under s 8 and Legislation Act, s 47).

## 9 Decision on registration application

(1) If an individual applies for registration, the architects board must register, or refuse to register, the individual.

(2) The architects board must refuse to register the individual as an architect if—

(a) the board is not satisfied that the applicant is eligible to be registered; or

(b) the individual is disqualified from applying for registration.

*Note* An individual may be disqualified from applying for registration under the *ACT Civil and Administrative Tribunal Act 2008*, s 66 (3).

(3) The architects board may refuse to register the individual if, because of a relevant circumstance in relation to the individual, the board is satisfied that the public interest will or might be endangered if the individual is allowed to practice architecture in the ACT.

(4) Each of the following is a ***relevant circumstance*** in relation to an individual:

(a) the individual is bankrupt or personally insolvent;

(b) the individual has been convicted or found guilty of an offence against this Act;



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(c) 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;

(d) the individual's registration (however described) 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.

*Note* ***Corresponding law***—see dict.

(5) To remove any doubt, the architects board may only register an individual.

(6) Registration may be conditional.

## 10 Registration conditions

(1) The architects board may put a condition on a person's registration—

(a) on registration; or

(b) when the registration is renewed.

*Note* The ACAT may also direct the registrar to place a condition on a person's registration (see *ACT Civil and Administrative Tribunal Act 2008*, s 66 (2) (g) (i)).

(2) A condition on registration may relate to—

(a) the term of the registration; or

(b) the kind of architecture the person is registered to practise; or

(c) anything else relating to the practice of architecture that the architects board considers appropriate.

(3) In considering whether to place a condition on a person's registration, the architects board must take into consideration the following:

(a) any relevant experience;



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(b) any history of complaints about the person's conduct in relation to the provision of architectural services;

(c) any disciplinary action taken in relation to the person under this Act or a corresponding Act of a local jurisdiction;

(d) the need to protect the public from harm, for example, by limiting the public's exposure to a financially insecure provider of architectural services.

### 11 Inclusion of details in register

(1) If the architects board registers a person, the board must include in the register details of the person's registration.

(2) A regulation may prescribe the details required to be included in the register on registration.

### 12 Term of registration

(1) Registration is for 1 year.

(2) However, a condition on a person's registration may provide a shorter registration period.

## Division 3.2 Architects register

### 13 Registrar

(1) The director-general must appoint a public servant as registrar.

*Note 1* For the making of appointments (including acting appointments), see Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

(2) The registrar is responsible for managing the administration of the architects board and maintaining the register.



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(3) The registrar must exercise a function under subsection (2) in accordance with any direction from the architects board.

## 14 Board to keep register

(1) The architects board must keep a register (the ***register***) that allows the public to get information about who is registered to provide architectural services in the ACT.

(2) The register may be kept in any form, including electronically, that the architects board decides.

(3) The register may be kept in 1 or more parts, as the architects board considers appropriate.

(4) The register must be open for free inspection by the public at reasonable times.

**Example**

the register may be available on a website

(5) This section is subject to section 15.

## 15 Exception to public inspection

(1) This section applies to an occupational discipline order in relation to a person.

(2) A matter included in the register in relation to the occupational discipline order may be open for public inspection under section 14 only if—

(a) the time for any appeal of the decision has ended and no application for appeal has been made; or

(b) an application for appeal has been made, the decision has been confirmed on appeal and the time for further appeal has ended.

*Note* An occupational discipline order is a decision of the ACAT that may be appealed under the *ACT Civil and Administrative Tribunal Act 2008*, pt 8.



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(3) If the decision has been reversed or set aside, a matter included in the register in relation to the decision must not be open for public inspection.

(4) If the decision has been changed (for example, by substitution), this section applies to a matter included in the register in relation to the decision as changed.

## 16 Correction of errors

With the approval of the architects board, the registrar may correct a mistake, error or omission in the register.

## 17 Information may be shared

Information on the register, including information that is not available for public inspection, may be given to a local registering authority for use as part of a joint register of architects between local jurisdictions.

*Note* ***Local registering authority***—see dict.

## 18 Notice of intention to remove from register

(1) This section applies if the architects board intends to remove someone's details from the register under section 19 (2) or section 20.

(2) The architects board must not remove the person's details unless the board has—

(a) given the person written notice of the board's intention to take action; and

(b) taken into consideration any response received from the person in accordance with the notice.

(3) A notice under subsection (2) (a) must—

(a) state the action the architects board intends to take; and

(b) tell the person why the board intends to take the action; and



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(c) tell the person that the person may, within 12 business days after the day the person is given the notice, give a written response to the board about the matters in the notice.

## 19 Requirement to remove register information

(1) The architects board must remove from the register details of a person's registration if—

(a) the person dies; or

(b) the person asks for the person's registration to be cancelled; or

(c) the person is no longer registered (for example, if the person fails to renew registration or pay for renewal); or

(d) the person's registration is cancelled.

(2) The architects board must remove from the register details of a person's registration if the board is satisfied that—

(a) the person has become mentally or physically incapacitated and the incapacity affects the person's ability to provide architectural services; or

(b) the person is not eligible to be registered.

(3) However, the architects board must not remove a person's details under subsection (2) until 15 business days after the day the person is given notice of the intention to remove the details under section 18.

## 20 Register information may be removed

(1) The architects board may remove from the register details of a person's registration if—

(a) the person becomes bankrupt or personally insolvent; or

(b) the person is convicted or found guilty of an offence against a Commonwealth, Territory or State law punishable by imprisonment for 1 year or longer.



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(2) However, the architects board must not remove a person's details under subsection (1) until 15 business days after the day the person is given notice of the intention to remove the details under section 18.

## Division 3.3 Nominees

### 21 Meaning of *mandatory requirement* for div 3.3

In this division:

***mandatory requirement***, of a nominee of a firm, means a written requirement by the nominee that the firm do something, or not do something, to comply with this Act.

### 22 Appointment of nominees

(1) A firm may, in writing given to the architects board, appoint an eligible person to be a nominee for the firm.

(2) The appointment must state—

(a) that the person appointed is nominee in relation to all architectural services provided by the firm and is the primary nominee; or

(b) if there is, or is to be, more than 1 nominee for the firm—

(i) the services in relation to which the person appointed is to be nominee; and

(ii) the name of the primary nominee.

(3) The appointment must also include the details of the person's eligibility to be a nominee.

(4) For subsection (1), a person is ***eligible*** to be a nominee for a firm if the person—

(a) is registered; and



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(b) is a director or partner in the firm, or employed by the firm; and

(c) agrees in writing to the appointment.

(5) A firm may change the architectural services for which a nominee is responsible by written notice to the nominee and the architects board.

## 23 Only nominee is primary nominee

If a firm has only 1 nominee, the nominee is the firm's primary nominee.

## 24 Primary nominee in partnership

(1) This section applies if a firm that is a partnership has more than 1 nominee.

(2) If only 1 nominee is a partner in the firm, that nominee is the firm's primary nominee.

(3) If more than 1 nominee is a partner in the firm, the firm must nominate 1 nominee who is a partner to be the firm's primary nominee.

(4) If no nominee is a partner, the firm must nominate a nominee to be the firm's primary nominee.

## 25 Primary nominee in corporation

(1) This section applies if a firm that is a corporation has more than 1 nominee.

(2) If only 1 nominee is a director of the firm, that nominee is the firm's primary nominee.

(3) If more than 1 nominee is a director of the firm, the firm must nominate 1 nominee who is a director to be the firm's primary nominee.

(4) If no nominee is a director, the firm must nominate a nominee to be the firm's primary nominee.



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## 26 Change of primary nominee

A firm may change its primary nominee by written notice to the architects board.

## 27 When person no longer nominee

A nominee of a firm automatically stops being a nominee if the nominee ceases to be eligible to be a nominee.

## 28 Nominee's resignation

(1) A nominee of a firm may resign their appointment only with the architects board's approval.

(2) The architects board may approve the resignation of the nominee only if satisfied that—

(a) the firm has refused to comply with a mandatory requirement of the nominee; or

(b) the nominee cannot exercise their functions because of mental or physical incapacity; or

(c) the nominee, or firm that appointed the nominee, has arranged for another nominee to take over the nominee's functions; or

(d) it is otherwise appropriate to approve the resignation.

## 29 Revocation of nominee's appointment

(1) A firm may revoke a nominee's appointment only with the architects board's approval.

(2) The architects board may approve the revocation of the nominee's appointment only if satisfied that—

(a) the nominee cannot exercise their functions because of mental or physical incapacity; or



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(b) the nominee, or firm that appointed the nominee, has arranged for another nominee to take over the nominee's functions; or

(c) it is otherwise appropriate to approve the resignation.

## 30 Role of nominees

(1) A nominee of a firm has the function of ensuring that the architectural services for which the nominee is responsible (the ***relevant architectural services***) comply with this Act.

(2) The nominee commits an offence if—

(a) the nominee has been given a copy of the nominee's appointment and any change to the appointment; and

(b) the nominee fails to ensure that the relevant architectural services comply with this Act.

Maximum penalty: 50 penalty units.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104).

(3) Subsection (2) does not apply to a failure of a nominee of a firm if—

(a) the nominee had given the nominee's firm a mandatory requirement in relation to the matter that made up the failure; and

(b) the nominee had given the architects board a copy of the mandatory requirement; and

(c) the failure would not have happened if the mandatory requirement had been complied with.

(4) A firm that is a corporation commits an offence if a nominee of the firm fails to ensure that the relevant architectural services comply with this Act.

Maximum penalty: 50 penalty units.



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(5) A partner in a firm that is a partnership commits an offence if a nominee of the firm fails to ensure that the relevant architectural services comply with this Act.

Maximum penalty: 50 penalty units.

(6) It is a defence to a prosecution for an offence for contravening subsection (5) if the partner proves—

(a) that—

(i) the partner did not know about the failure; and

(ii) reasonable precautions were taken and appropriate diligence was exercised to avoid the failure; or

(b) that the partner was not in a position to influence the other partners in relation to the architectural services or their supervision.

(7) An offence against this section is a strict liability offence.

## 31 Legislation Act and nominee appointments

The Legislation Act, part 19.3 (Appointments) does not apply to the appointment of a nominee.

## 32 Firm to tell board about nominee ceasing

(1) This section applies if a nominee of a firm ceases to be the firm's nominee other than because the nominee resigns or the nominee's appointment is revoked.

(2) The firm must tell the architects board in writing about the nominee ceasing within 1 week after the day the nominee ceases to be nominee.

Maximum penalty: 50 penalty units.

(3) An offence against this section is a strict liability offence.



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# Part 4 Complaints

## 33 Meaning of *architect* for pt 4

In this part:

***architect***, in relation to an act or omission, means a registered person or a person who was registered at the time of the act or omission.

## 34 Who may complain?

Anyone who believes a ground for occupational discipline exists in relation to an architect may complain to the architects board.

**Examples of people who may complain**

a board member, a member of the public, the user of a service

*Note* ***Ground for occupational discipline***—see s 42.

## 35 Form of complaint

(1) A complaint must—

(a) be in writing; and

(b) include the name and address of the person making the complaint (the ***complainant***).

(2) However, the architects board may accept a complaint for consideration even if it does not comply with subsection (1).

(3) If the architects board accepts for consideration a complaint that is not in writing, the board must require the complainant to put the complaint in writing unless there is a good reason for not doing so.



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## 36 Withdrawal of complaints

(1) A complainant may withdraw the complaint at any time by written notice to the architects board.

(2) If the complainant withdraws the complaint, the architects board—

(a) need take no further action on the complaint; but

(b) may continue to act on the complaint if the board considers it appropriate to do so; and

(c) need not report to the complainant under section 40 (Action after investigating complaint) on the results of any action on the complaint.

## 37 Further information about complaint etc

(1) The architects board may, at any time, require a complainant to give the board further information about the complaint.

*Note* Giving false or misleading information is an offence against the Criminal Code, s 338.

(2) When making a requirement under this section, the architects board must give the complainant a reasonable period of time to satisfy the requirement and may extend that period, whether before or after it ends.

(3) If the complainant does not comply with a requirement under subsection (1), the architects board need not, but may, take further action in relation to the complaint.

## 38 Investigation of complaint

The architects board must take reasonable steps to investigate each complaint the board accepts for consideration.

*Note* A complaint must be in writing, but the registrar may accept a complaint that is not in writing (see s 35).



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## 39 No further action on complaint

The architects board must not take further action on a complaint if satisfied that—

(a) the complaint lacks substance; or

(b) the complaint is frivolous, vexatious or was not made genuinely; or

(c) the complaint has been adequately dealt with.

*Note* The architects board may also take no further action on a complaint if the complainant has not complied with a requirement made under s 37 (1) (see s 37 (3)).

## 40 Action after investigating complaint

(1) After investigating a complaint against an architect, the architects board must—

(a) if the board is satisfied that a ground for occupational discipline exists in relation to the complaint—

(i) apply to the ACAT for occupational discipline in relation to the architect; and

(ii) tell the complainant in writing that the application has been made; or

(b) if the board is not satisfied that a ground for occupational discipline exists in relation to the complaint—

(i) tell the complainant in writing that the board will take no further action on the complaint; and

(ii) take no further action on the complaint.



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(2) Subsection (1) (b) (ii) does not prevent the architects board from taking further action in relation to a complaint if the board becomes satisfied that a ground for occupational discipline exists in relation to the complaint.

*Note* The registrar need not notify the complainant under s (1) if the complainant has withdrawn the complaint (see s 36).



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# Part 5 Occupational discipline—architects

## 41 Meaning of *architect*—pt 5

In this part:

***architect*** means—

(a) a registered architect; or

(b) a person who was, but is no longer, a registered architect.

## 42 Grounds for occupational discipline

(1) Each of the following is a ***ground for occupational discipline*** in relation to an architect:

(a) the architect has contravened, or is contravening, this Act;

(b) if a code of professional conduct has been approved under section 88 (1)—the architect has contravened, or is contravening, a requirement of the code;

(c) the architect has contravened, or is contravening, a condition of the architect's registration;

(d) the architect has been convicted, or found guilty, of an offence against a corresponding law of a local jurisdiction;

*Note* ***Corresponding law***—see the dictionary.

(e) 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.

(2) A ground for occupational discipline applies to an architect who is no longer registered if the ground applied to the architect while registered.



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## 43 Application to ACAT for occupational discipline

If the architects board believes on reasonable grounds that a ground for occupational discipline exists in relation to an architect, the board may apply to the ACAT for an occupational discipline order in relation to the architect.

*Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 66 sets out occupational discipline orders the ACAT may make.

## 44 Considerations before making occupational discipline orders

(1) This section applies if the ACAT is considering an application for occupational discipline in relation to an architect.

(2) Without limiting the matters the ACAT must consider in relation to the architect, the ACAT must consider the following:

(a) the degree of responsibility of the architect for the act or omission that made up the ground for occupational discipline;

(b) the extent to which it is necessary to discourage the architect and others from doing something, or not doing something, that made up the disciplinary ground;

(c) whether, and the extent to which, it is necessary to protect the public from the architect;

(d) the desirability of making the architect responsible for the consequences of the architect's actions or omissions;

(e) the desirability of maintaining public confidence in the regulatory system set up by this Act.

*Note* The *ACT Civil and Administrative Tribunal Act 2008*, s 65 (3) sets out other considerations that must be taken into account by the ACAT.



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## 45 Giving local registering authorities information about cancelling or suspending registration

(1) This section applies if the ACAT cancels or suspends an architect's registration or disqualifies an architect from applying for registration.

(2) The architects board must give each local registering authority the following information about the architect:

(a) the name and any other identifying details of the architect;

(b) a short description of the ground for occupational discipline on which the occupational discipline order was based;

(c) whether the registration has been cancelled or suspended or the architect disqualified;

(d) if the registration has been suspended—the period of suspension;

(e) if the architect has been disqualified—the period of disqualification.

(3) This section does not limit any other requirement or power, under this Act or another law in force in the ACT, to give information to a local registering authority.



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# Part 6 Offences

## 56 Individual not registered or nominee for pt 6

For this part—

(a) an individual is taken not to be registered if the individual's registration is suspended; and

(b) an individual is taken not to be a nominee if the individual's registration is suspended.

## 57 Individual pretending to be registered

(1) An individual must not pretend to be registered.

Maximum penalty: 100 penalty units.

**Example of pretending to be registered**

using 'architect' or 'registered architect' on letterhead, entry sign or other advertisement

(2) Subsection (1) does not apply to the use of a term prescribed under a regulation.

## 58 Firm offering architectural services without nominee

(1) A corporation must not offer an architectural service unless the corporation has a nominee.

Maximum penalty: 100 penalty units.

(2) Each partner in a partnership commits an offence if—

(a) the partnership offers an architectural service; and

(b) the partnership does not have a nominee.

Maximum penalty: 100 penalty units.



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(3) It is a defence to a prosecution for an offence for contravening subsection (2) if the partner proves—

(a) that—

(i) the partner did not know that the partnership did not have a nominee; and

(ii) reasonable precautions were taken and appropriate diligence was exercised to avoid the contravention; or

(b) that the partner was not in a position to influence the other partners in relation to the appointment of a nominee.

## 59 Unregistered individual advertising

(1) An individual commits an offence if—

(a) the individual advertises that the individual provides, or will provide, an architectural service; and

(b) the individual is not registered.

Maximum penalty: 50 penalty units.

(2) An offence against this section is a strict liability offence.

## 60 Individual advertising without details

(1) An individual commits an offence if—

(a) the individual advertises that the individual provides, or will provide, an architectural service; and

(b) the individual does not include the following in the advertisement:

(i) the individual's name as recorded in the register;



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(ii) the individual's registration number.

Maximum penalty: 50 penalty units.

**Example**

An individual's registered name is D&E Smith Architects. The individual trades under the name ABC Architects. When advertising, the individual must include the registered name in the advertisement to allow the public to check the individual's register entry.

(2) An offence against this section is a strict liability offence.

## 61 Firm advertising without details

(1) A corporation commits an offence if the corporation—

(a) advertises that it provides, or will provide, an architectural service; and

(b) does not include the following in the advertisement:

(i) the name of the corporation's primary nominee, as recorded in the register;

(ii) the primary nominee's registration number.

Maximum penalty: 10 penalty units.

(2) A partner commits an offence if the partnership—

(a) advertises that it provides, or will provide, an architectural service; and

(b) does not include the following in the advertisement:

(i) the name of the partnership's primary nominee as recorded in the register;

(ii) the primary nominee's registration number.

Maximum penalty: 10 penalty units.



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(3) It is a defence to a prosecution for an offence for contravening subsection (2) if the partner proves—

(a) that—

(i) the partner did not know that the partnership had not included the information in the advertisement; and

(ii) reasonable precautions were taken and appropriate diligence was exercised to avoid the contravention; or

(b) that the partner was not in a position to influence the other partners in relation to the advertisement.

(4) An offence against this section is a strict liability offence.

## 62 Firm's business correspondence without required details

(1) A corporation commits an offence if the corporation—

(a) provides, or advertises that it will provide, an architectural service; and

(b) does not include the following in each item of written business correspondence:

(i) the name of the corporation's primary nominee, as recorded in the register;

(ii) the primary nominee's registration number.

Maximum penalty: 10 penalty units.

(2) A partner commits an offence if the partnership—

(a) provides, or advertises that it will provide, an architectural service; and

(b) does not include the following in each item of written business correspondence:

(i) the name of the partnership's primary nominee, as recorded in the register kept under this Act;



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(ii) the primary nominee's registration number.

Maximum penalty: 10 penalty units.

(3) It is a defence to a prosecution for an offence for contravening subsection (2) if the partner proves—

(a) that—

(i) the partner did not know that the information was not included in the business correspondence; and

(ii) reasonable precautions were taken and appropriate diligence was exercised to avoid the contravention; or

(b) that the partner was not in a position to influence the other partners in relation to the business correspondence.

(4) An offence against this section is a strict liability offence.

## 63 Provision of architectural services by third party

A person commits an offence if—

(a) the person offers an architectural service to be provided by someone else; and

(b) the provider of the service is not a registered architect; and

(c) the person is reckless about whether the provider is a registered architect.

Maximum penalty: 100 penalty units.



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# Part 7 Architects board

## Division 7.1 Establishment and functions of board

### 64 Establishment of board

(1) The Australian Capital Territory Architects Board (the ***architects board***) is established.

(2) The board—

(a) is a body corporate; and

(b) must have a seal.

### 65 Board functions

(1) The architects board has the following functions:

(a) to register architects;

(b) to investigate complaints given to the board about registered people and people who have been registered;

(c) to consider whether it is necessary for occupational discipline to be used against registered architects, including former registered architects, and, if it is, to apply to the ACAT for occupational discipline orders;

(d) to consider and report to the Minister about issues referred to the board by the Minister for advice;

(e) to advise the Minister in relation to the practice of architecture, for example, about codes of professional conduct;

(f) to further a common and harmonious approach to the administration of legislation about architects by cooperation with local jurisdictions;

(g) to accredit courses of study in architecture;



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(h) to provide general advice to consumers about the professional conduct and standards of competence expected of registered architects.

**Example for par (f)**

the board chairperson or registrar, or both, becoming a member of an accreditation organisation for architects in local jurisdictions

(2) The architects board may exercise any other function given to the board under this Act or another Territory law.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

## 66 Exercise of board functions

(1) The architects board must exercise its functions independently, impartially and in the public interest.

(2) This section is subject to section 69 (Board to comply with directions under s 68).

## 67 Annual report by board

(1) The architects board must prepare an annual report under the *Annual Reports (Government Agencies) Act 2004*.

(2) A report prepared by the architects board under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include the details prescribed by regulation.

*Note* ***Financial year*** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.



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## 68 Ministerial directions to board

(1) The Minister may give a written direction to the architects board about the exercise of the board's functions if satisfied that it is in the public interest to do so.

**Examples of directions**

1 direct the board to report on a particular issue within a particular time

2 direct the board to follow a policy, standard or other instrument applying to an administrative unit

3 direct the board to give the Minister a proposed code of professional conduct, or an amendment of a code of professional conduct, relating to particular behaviour (see s 88)

(2) However, the Minister must not direct the board about any of the following:

(a) whether to register or refuse to register a person;

(b) whether to renew or refuse to renew a person's registration;

(c) whether or not to cancel someone's registration or take other disciplinary action in relation them.

**Example of direction not prevented by s (2)**

the Minister may have received complaints about a particular architect and may direct the architects board to give the Minister information about any action being taken in relation to the architect

(3) Before giving a direction, the Minister must—

(a) tell the architects board about the proposed direction; and

(b) give the board reasonable opportunity to comment on the proposed direction; and

(c) consider any comment made by the board.

(4) A direction is a notifiable instrument.



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### 69 Board to comply with directions under s 68

The architects board must comply with a direction given under section 68.

### 69A Delegation by board

The architects board may delegate the board's functions under this Act to the registrar.

*Note* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

## Division 7.2 Board members

### 70 Board membership

(1) The Board consists of the following members (the ***board members***):

(a) 1 member nominated in writing by a representative body;

(b) 1 member who is, or has recently been, an academic architect;

(c) 1 member who is registered;

(d) 1 member who is a commercial lawyer;

(e) 1 member to represent community interests who is not registered.

(2) The Minister must appoint the board members.

*Note* For laws about appointments, see the Legislation Act, pt 19.3.

(3) In this section:

***academic architect*** means a person who teaches architecture at an educational institution.



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***commercial lawyer*** means a lawyer with experience in either or both of the following areas:

(a) consumer protection law;

(b) trade practices law.

***representative body*** means an entity that has as a main purpose the promotion of the interests of architects.

*Note* The board can still function with a vacancy in membership (see Legislation Act, s 199 (5)).

## 71 Term of board member appointments

An appointment must be for a term of not longer than 3 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def ***appoint***).

## 72 Board chairperson and deputy chairperson

(1) This section applies if there is no chairperson or no deputy chairperson for the architects board.

(2) The board members must elect a member to be the board chairperson or deputy chairperson.

(3) However, the board members must not elect a member to be the board chairperson or deputy chairperson unless the member is registered.

(4) The board deputy chairperson acts in the position of board chairperson—

(a) during all vacancies in the position; and

(b) during all periods when the board chairperson cannot for any reason exercise the functions of the position.

*Note* The Legislation Act, div 19.3.2, deals with acting appointments



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## 73 Disclosure of interests by board members

(1) A board member who has a relevant interest in an issue being considered by the architects board or about to be considered by the board must, as soon as practicable after the relevant facts have come to the board member's knowledge, disclose the nature of the interest at a board meeting.

(2) The disclosure must be recorded in the board's minutes and, unless the board otherwise decides, the board member must not—

(a) be present when the board considers the issue; or

(b) take part in a decision of the board on the issue.

(3) Any other board member who also has a relevant interest in the issue must not—

(a) be present when the board considers whether to make a decision under subsection (2); or

(b) take part in the decision.

(4) The board chairperson must, within 7 days after the end of each financial year, give the Minister a statement that sets out the details of all disclosures under this section made during the financial year.

(5) The Minister must give the relevant Assembly committee a copy of a statement received under subsection (4) within 14 days after the day the Minister receives the statement.

(6) In this section:

***relevant Assembly committee*** means a standing committee of the Legislative Assembly nominated, in writing, by the Speaker for subsection (5).

***relevant interest***, in an issue, means a direct or indirect financial or other interest in the issue.



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### 74 Ending appointment of board member

(1) The Minister must end the appointment of a board member if the Minister becomes aware that the member—

(a) has failed to comply with section 73 without reasonable excuse; or

(b) has at any time been convicted, in Australia or elsewhere, of an offence punishable by imprisonment for 1 year or longer.

(2) The Minister may end the appointment of a board member—

(a) if the member is absent from 3 consecutive meetings of the board other than on leave approved by the Minister; or

(b) if the Minister is satisfied that the member is no longer qualified to be appointed to the member's position; or

(c) for misbehaviour or physical or mental incapacity, if the incapacity affects the exercise of the member's functions; or

(d) if the member becomes bankrupt or personally insolvent.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

## Division 7.3 Board proceedings

### 75 Calling board meetings

(1) The architects board meets at the times and places the board chairperson decides.

(2) However, the architects board must meet at least 4 times each year.

(3) The board chairperson must ensure that board members have reasonable notice of meetings.



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(4) The board chairperson may decide to hold a meeting using a method of communication, or a combination of methods of communication, that allows a board member taking part to hear what each other member taking part says without the members being in each other's presence.

**Examples**

a phone link, an internet or intranet link

(5) A board member taking part in a meeting conducted under subsection (4) is taken, for all purposes, to be present at the meeting.

## 76 Board procedures

(1) The board chairperson presides at meetings of the architects board.

(2) However, if the chairperson is absent from a meeting, the deputy chairperson presides at the meeting.

(3) Business may be carried on at a board meeting only if—

(a) at least 3 board members are present, including at least 2 architects; and

(b) the board chairperson or deputy chairperson is present.

(4) A question arising at a meeting may be decided by a majority of the votes of members present and voting.

(5) If the votes of the architects board on a question are equally divided, the decision of the member presiding is the decision of the board on the question.

(6) The board may decide its own procedure in relation to anything for which a procedure is not provided under this Act.

(7) The board must keep minutes of its meetings.



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# Division 7.4 Board committees

## 77 Establishment of committees

The architects board may establish committees to help the board in the exercise of its functions.

## 78 Exercise of committee functions

(1) The architects board may decide—

(a) how a committee is to exercise its functions; and

(b) the procedure to be followed for meetings of the committee, including—

(i) the calling of meetings; and

(ii) the number of committee members to be present at meetings (including requirements that particular members be present); and

(iii) the committee member who is to preside at meetings; and

(iv) how questions arising at a meeting are to be decided; and

(v) the keeping of minutes of meetings.

(2) Subject to any decision of the architects board under subsection (1), a committee may decide its own procedures.

## 79 Membership of committees

(1) A committee consists of the people appointed by the architects board.

*Note 1* For the making of appointments (including acting appointments), see Legislation Act, div 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

(2) A committee may consist completely or partly of board members.



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## 80 Reimbursement for committee members

(1) A committee member is not entitled to be paid for the exercise of the member's functions.

(2) However, the Territory must reimburse a committee member for expenses reasonably incurred in the exercise of the member's functions.

(3) This section does not apply to a committee member who is also a board member.



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# Part 8 Protection and information

## 81 Definitions for pt 8

For this part:

***informed person*** means anyone who is, or has been, an official.

***official*** means—

(a) a member of the architects board; or

(b) the registrar; or

(c) anyone acting under the direction or authority of the board.

## 82 Protection of participants and people reporting

(1) This section applies to a person who is or has been a complainant or participant in a proceeding about a complaint.

(2) A proceeding does not lie against a person to whom this section applies in relation to anything done, or omitted to be done, honestly in that capacity.

## 83 Protection of officials

(1) An official does not incur civil or criminal liability for an act or omission done honestly and without negligence for this Act.

(2) A civil liability that would, apart from this section, attach to an official, attaches instead to the Territory.



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## 84 Secrecy

(1) In this section:

***court*** includes any tribunal, authority or person with power to require the production of documents or the answering of questions.

***produce*** includes allow access to.

***protected information*** means information about a person that is disclosed to, or obtained by, an informed person because of the exercise of a function under this Act.

(2) A person commits an offence if—

(a) the person is an informed person; and

(b) the person—

(i) makes a record of protected information; or

(ii) directly or indirectly, divulges or communicates protected information to someone else; and

(c) the record is not made, or the information is not divulged or communicated, in relation to the exercise of a function, as a protected person, under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(3) Subsection (2) does not apply if the informed person makes the record, or divulges or communicates the information, in relation to the exercise of a function, as a protected person, under this Act or another Territory law.



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(4) Subsection (2) does not prevent an informed person from divulging or communicating protected information—

(a) with the consent of the person from whom the information was obtained; or

(b) to a person administering or enforcing a corresponding law of a local jurisdiction; or

(c) to a law enforcement authority.

*Note* ***Corresponding law***—see dict.

(5) An informed person need not divulge or communicate protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another Act.



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# Part 9 Notification and review of decisions

## 85 Meaning of *reviewable decision*—pt 9

In this part:

***reviewable decision*** means a decision mentioned in schedule 1, column 3 under a provision of this Act mentioned in column 2 in relation to the decision.

## 86 Reviewable decision notices

If a person makes a reviewable decision, the person must give a reviewable decision notice to each entity mentioned in schedule 1, column 4 in relation to the decision.

*Note* The person must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

## 86A Applications for review

The following may apply to the ACAT for a review of a reviewable decision:

(a) an entity mentioned in schedule 1, column 4 in relation to the decision;

(b) any other person whose interests are affected by the decision.



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# Part 10 Miscellaneous

## 87 Board examinations

(1) The architects board may—

(a) conduct an examination if it considers it appropriate to do so for this Act; and

(b) if it decides to conduct an examination—appoint an examiner to conduct the examination.

(2) The architects board may determine—

(a) the fees to be paid to examiners; and

(b) the fees to be paid by candidates for examination.

(3) A determination is a notifiable instrument.

## 88 Code of professional conduct

(1) The Minister may approve a code of professional conduct for—

(a) registered architects; or

(b) an architectural service.

(2) An approved code of professional conduct is a disallowable instrument.

(3) An approved code of professional conduct may apply, adopt or incorporate (with or without change or modification)—

(a) a law or an Australian Standard as in force from time to time; or

(b) another instrument as in force from time to time.

(4) The Legislation Act, section 47 (5) and (6) do not apply to an instrument applied, adopted or incorporated under subsection (3).

*Note* An instrument under subsection (3) does not need to be notified under the Legislation Act because s 47 (5) and (6) do not apply (see Legislation Act, s 47 (7)).



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(5) The director-general must ensure that an instrument that is applied, adopted or incorporated under subsection (3) (b) is—

(a) available for inspection by anyone without charge during ordinary business hours at an ACT government office; or

(b) accessible on an ACT government website, or by a link on an ACT government website.

(6) An instrument that is applied, adopted or incorporated under subsection (3) (b) is not enforceable by or against the Territory or anyone else unless it is made accessible in accordance with subsection (5).

## 89 Registered architect to give evidence of insurance

(1) Before providing an architectural service to a person (the ***client***), a registered architect must give the client evidence of what professional indemnity insurance the architect holds in relation to the service to be provided.

(2) The registered architect may ask the client to sign an acknowledgment that the client has been told about the architect's professional indemnity insurance.

(3) The acknowledgment must state the time and date it was given.

(4) If the client signs the acknowledgment, the registered architect must immediately give the client a copy of it.

(5) The architects board may assume that the client was not told about the professional indemnity insurance the registered architect holds if—

(a) a question arises whether the client was told about the architect's insurance; and

(b) an acknowledgment under this section is not produced; and

(c) it is not proved that the architect told the client about the insurance.



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(6) The registered architect is taken to have given evidence of what insurance the architect holds before providing an architectural service to a person if the architect advertised the insurance held at the time of providing the services in a way likely to come to the attention of the client.

**Example of advertising insurance held**

1 including details of insurance in the telephone directory, if the details are correct at the time the service is provided

2 having details of insurance on the vehicle used to provide the service or transport to the location to provide the service, if the details are correct at the time the service is provided

## 90 Evidentiary certificates

(1) The architects board may issue a certificate, signed by the board—

(a) stating that on a date or during a period stated a named person was or was not registered; and

(b) if the person was registered—including details of the person's registration.

(2) The architects board may issue a certificate, signed by the board—

(a) stating that on a date or during a period stated, a named person was or was not a nominee, or the primary nominee, for a firm; and

(b) if the person was a nominee—including details of the person's registration.

(3) A certificate under this section is evidence of the matters stated in it.

(4) Unless the contrary is proved, a document that purports to be a licence or certificate under this section is taken to be such a document.



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## 90A Notifiable instruments under s 8 and Legislation Act, s 47

(1) This section applies in relation to a declaration or accreditation made under section 8 (Eligibility for registration).

(2) A declaration or accreditation may apply, adopt or incorporate a law of another jurisdiction or instrument as in force from time to time.

(3) The Legislation Act, section 47 (5) or (6) does not apply in relation to the law of another jurisdiction or instrument applied, adopted or incorporated under a declaration or accreditation.

*Note* Laws of another jurisdiction and instruments mentioned in s (3) do not need to be notified under the Legislation Act because s 47 (5) and (6) do not apply (see Legislation Act, s 47 (7)).

(4) In this section:

***law of another jurisdiction***—see the Legislation Act, section 47 (10).

## 91 Determination of fees

(1) The Minister may determine fees for this Act.

(2) A determination is a disallowable instrument.

## 92 Approved forms

(1) The architects board may approve forms in relation to registration and nominees for this Act.

(2) If the architects board approves a form for a particular purpose, the approved form must be used for that purpose.

(3) An approved form is a notifiable instrument.

## 93 Regulation-making power

(1) The Executive may make regulations for this Act.

(2) A regulation may make provision in relation to who may be nominated to be a board member and how the person may be nominated.



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# Schedule 1 Reviewable decisions

(see pt 9)

| column 1<br>item | column 2<br>section | column 3<br>decision | column 4<br>entity |
|---|---|---|---|
| 1 | 9 | refuse to register person | applicant for registration |
| 2 | 10 | put condition on registration | applicant for registration or renewal of registration |
| 3 | 19 (2) | remove details of person's registration from register | person whose registration details are removed |
| 4 | 20 | remove details of person's registration from register | person whose registration details are removed |
| 5 | 28 | refuse to approve resignation of nominee of firm | nominee or firm |
| 6 | 29 | refuse to revoke nominee's appointment | nominee or firm |



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# Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- bankrupt or personally insolvent
- director-general (see s 163)
- disallowable instrument (see s 9)
- function
- notifiable instrument (see s 10)
- occupational discipline order
- penalty unit (see s 133)
- public servant
- reviewable decision order
- under.

***architect***—

(a) for part 4 (Complaints)—see section 33.

(b) for part 5 (Occupational discipline—architects)—see section 41.

***architectural service***—see section 7.

***architects board***—see section 64.

***board members***—see section 70 (1).

***corresponding law*** means any law of a local jurisdiction that regulates architects in the jurisdiction.

***firm*** means a corporation or partnership.

***ground for occupational discipline***—see section 42.



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***informed person***, for part 8 (Protection and information)—see section 81.

***local jurisdiction*** means the Commonwealth, a State or New Zealand.

***local registering authority*** means the entity responsible for regulating the architect profession under a corresponding law.

***mandatory requirement***, for division 3.3 (Nominees)—see section 21.

***official***, for part 8 (Protection and information)—see section 81.

***registered*** means a person registered under this Act.

***register*** means the register kept under this Act.

***registrar*** means the registrar appointed under section 13.

***registration number***, for a person, means a unique identifying number given to the person on registration.

***reviewable decision***, for part 9 (Notification and review of decisions)—see section 85.



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# Endnotes

## 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

## 2 Abbreviation key

A = Act
AF = Approved form
am = amended
amdt = amendment
AR = Assembly resolution
ch = chapter
CN = Commencement notice
def = definition
DI = Disallowable instrument
dict = dictionary
disallowed = disallowed by the Legislative Assembly
div = division
exp = expires/expired
Gaz = gazette
hdg = heading
IA = Interpretation Act 1967
ins = inserted/added
LA = Legislation Act 2001
LR = legislation register
LRA = Legislation (Republication) Act 1996
mod = modified/modification
NI = Notifiable instrument
o = order
om = omitted/repealed
ord = ordinance
orig = original
par = paragraph/subparagraph
pres = present
prev = previous
(prev...) = previously
pt = part
r = rule/subrule
reloc = relocated
renum = renumbered
R[X] = Republication No
RI = reissue
s = section/subsection
sch = schedule
sdiv = subdivision
SL = Subordinate law
sub = substituted
underlining = whole or part not commenced or to be expired



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## 3 Legislation history

**Architects Act 2004 A2004-20**
notified LR 7 April 2004
s 1, s 2 commenced 7 April 2004
remainder commenced 1 July 2004 (s 2)

as amended by

**Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.4**
notified LR 12 August 2008
s 1, s 2 commenced 12 August 2008 (LA s 75 (1))
sch 3 pt 3.4 commenced 26 August 2008 (s 2)

**ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 A2008-36 sch 1 pt 1.4**
notified LR 4 September 2008
s 1, s 2 commenced 4 September 2008 (LA s 75 (1))
sch 1 pt 1.4 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

**Statute Law Amendment Act 2009 A2009-20 sch 3 pt 3.4**
notified LR 1 September 2009
s 1, s 2 commenced 1 September 2009 (LA s 75 (1))
sch 3 pt 3.4 commenced 22 September 2009 (s 2)

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.2**
notified LR 26 November 2009
s 1, s 2 commenced 26 November 2009 (LA s 75 (1))
sch 3 pt 3.2 commenced 17 December 2009 (s 2)

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.13**
notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.13 commenced 1 July 2011 (s 2 (1))

**Construction and Energy Efficiency Legislation Amendment Act 2013 A2013-31 pt 2**
notified LR 26 August 2013
s 1, s 2 commenced 26 August 2013 (LA s 75 (1))
pt 2 commenced 1 September 2013 (s 2 (1))



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**Red Tape Reduction Legislation Amendment Act 2016 A2016-18 sch 2 pt 2.1**

notified LR 13 April 2016
s 1, s 2 commenced 13 April 2016 (LA s 75 (1))
sch 2 pt 2.1 commenced 27 April 2016 (s 2)

**Planning, Building and Environment Legislation Amendment Act 2016 (No 2) A2016-24 pt 2**

notified LR 11 May 2016
s 1, s 2 commenced 11 May 2016 (LA s 75 (1))
pt 2 commenced 12 May 2016 (s 2 (1))

**Public Sector Management Amendment Act 2016 A2016-52 sch 1 pt 1.6**

notified LR 25 August 2016
s 1, s 2 commenced 25 August 2016 (LA s 75 (1))
sch 1 pt 1.6 commenced 1 September 2016 (s 2)

**Building and Construction Legislation Amendment Act 2019 A2019-48 pt 2**

notified LR 9 December 2019
s 1, s 2 commenced 9 December 2019 (LA s 75 (1))
pt 2 commenced 10 December 2019 (s 2 (1))

**Legislation (Legislative Assembly Committees) Amendment Act 2022 A2022-4 sch 1 pt 1.3**

notified LR 30 March 2022
s 1, s 2 commenced 30 March 2022 (LA s 75 (1))
sch 1 pt 1.3 commenced 6 April 2022 (s 2)

**Statute Law Amendment Act 2022 A2022-14 sch 3 pt 3.2**

notified LR 10 August 2022
s 1, s 2 commenced 10 August 2022 (LA s 75 (1))
sch 3 pt 3.2 commenced 24 August 2022 (s 2)

**Building and Construction Legislation Amendment Act 2023 A2023-55 pt 2**

notified LR 11 December 2023
s 1, s 2 commenced 11 December 2023 (LA s 75 (1))
pt 2 commenced 12 December 2023 (s 2 (4))



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**Better Regulation Legislation Amendment Act 2025 A2025-13 pt 3**

notified LR 26 May 2025

s 1, s 2 commenced 26 May 2025 (LA s 75 (1))

pt 3 commenced 9 June 2025 (s 2 (1))

**Statute Law Amendment Act 2025 A2025-29 sch 3 pt 3.5, sch 4 pt 4.11**

notified LR 6 November 2025

s 1, s 2 commenced 6 November 2025 (LA s 75 (1))

sch 3 pt 3.5, sch 4 pt 4.11 commenced 16 November 2025 (s 2 (1), (9))



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# 4 Amendment history

**Commencement**
s 2 om LA s 89 (4)

**Meaning of *architectural service* for Act**
s 7 am A2009-20 amdt 3.9

**Registration of architects**
div 3.1 hdg note om A2022-14 amdt 3.3

**Eligibility for registration**
s 8 am A2009-20 amdt 3.10, amdt 3.13; A2013-31 s 4, s 5; A2025-29 amdt 4.11

**Decision on registration application**
s 9 am A2008-28 amdt 3.27; A2008-36 amdt 1.40; A2009-49 amdt 3.4

**Registration conditions**
s 10 am A2008-36 amdt 1.41

**Inclusion of details in register**
s 11 am A2009-20 amdt 3.9

**Registrar**
s 13 am A2011-22 amdt 1.47

**Exception to public inspection**
s 15 am A2008-36 amdt 1.42

**Notice of intention to remove from register**
s 18 am A2022-14 amdt 3.4

**Register information may be removed**
s 20 am A2008-28 amdt 3.28; A2009-49 amdt 3.5

**Nominee's resignation**
s 28 am A2022-14 amdt 3.5

**Revocation of nominee's appointment**
s 29 am A2022-14 amdt 3.5

**Who may complain?**
s 34 am A2008-36 amdt 1.43

**Form of complaint**
s 35 am A2016-18 amdt 2.1

**Further information about complaint etc**
s 37 am A2025-13 s 8

**Action after investigating complaint**
s 40 am A2008-36 amdt 1.44, amdt 1.45



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**Occupational discipline—architects**
pt 5 hdg sub A2008-36 amdt 1.46

**Disciplinary proceedings**
div 5.1 hdg om A2008-36 amdt 1.46

**Disciplinary inquiries**
div 5.2 hdg om A2008-36 amdt 1.46

**Meaning of *architect*—pt 5**
s 41 sub A2008-36 amdt 1.46

**Grounds for occupational discipline**
s 42 sub A2008-36 amdt 1.46
am A2023-55 s 4

**Application to ACAT for occupational discipline**
s 43 sub A2008-36 amdt 1.46

**Considerations before making occupational discipline orders**
s 44 sub A2008-36 amdt 1.46

**Giving local registering authorities information about cancelling or suspending registration**
s 45 sub A2008-36 amdt 1.46

**Disciplinary action**
s 46 om A2008-36 amdt 1.46

**Public notice of disciplinary action**
s 47 om A2008-36 amdt 1.46

**Giving local registering authorities information about certain disciplinary action**
s 48 om A2008-36 amdt 1.46

**Notice of inquiry**
s 49 om A2008-36 amdt 1.46

**Inquiry procedure**
s 50 om A2008-36 amdt 1.46

**Evidence at inquiry**
s 51 om A2008-36 amdt 1.46

**Legal representation at inquiry**
s 52 om A2008-36 amdt 1.46

**Board may require appearance, information or documents**
s 53 om A2008-36 amdt 1.46

**Confidentiality and client communications**
s 54 om A2008-36 amdt 1.46



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**Witness expenses**
s 55 om A2008-36 amdt 1.46

**Individual pretending to be registered**
s 57 am A2009-20 amdt 3.11

**Individual advertising without details**
s 60 am A2022-14 amdt 3.6

**Board functions**
s 65 am A2008-36 amdt 1.47

**Annual report by board**
s 67 am A2009-20 amdt 3.10; A2016-52 amdt 1.28

**Ministerial directions to board**
s 68 am A2023-55 s 5; A2025-29 amdt 4.11

**Delegation by board**
s 69A ins A2016-24 s 5
sub A2019-48 s 4

**Board membership**
s 70 am A2022-4 amdt 1.5

**Disclosure of interests by board members**
s 73 am A2022-4 amdts 1.6-1.8

**Ending appointment of board member**
s 74 am A2008-28 amdt 3.29; A2009-49 amdt 3.6

**Calling board meetings**
s 75 am A2019-48 s 5

**Notification and review of decisions**
pt 9 hdg sub A2008-36 amdt 1.48

**Meaning of *reviewable decision*—pt 9**
s 85 sub A2008-36 amdt 1.48

**Reviewable decision notices**
s 86 sub A2008-36 amdt 1.48
am A2025-29 amdt 4.11

**Applications for review**
s 86A ins A2008-36 amdt 1.48
am A2025-29 amdt 4.11

**Board examinations**
s 87 am A2009-20 amdt 3.13; A2025-29 amdt 4.11



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**Code of professional conduct**
s 88 am A2009-20 amdt 3.9
sub A2023-55 s 6
am A2025-29 amdts 3.5-3.9; pars renum R18 LA

**Registered architect to give evidence of insurance**
s 89 am A2025-29 amdt 4.11

**Notifiable instruments under s 8 and Legislation Act, s 47**
s 90A ins A2013-31 s 6

**Determination of fees**
s 91 am A2009-20 amdt 3.13; A2025-29 amdt 4.11

**Approved forms**
s 92 am A2025-29 amdt 4.11

**Regulation-making power**
s 93 am A2009-20 amdt 3.9; A2025-29 amdt 4.11

**Transitional**
pt 11 hdg exp 30 June 2005 (s 105)

**Meaning of *repealed Act* for pt 11**
s 94 exp 30 June 2005 (s 105)

**Legislation repealed**
s 95 om LA s 89 (3)

**Members of architects board**
s 96 exp 30 June 2005 (s 105)

**Architects registered under repealed Act**
s 97 exp 30 June 2005 (s 105)

**Suspended registration**
s 98 exp 30 June 2005 (s 105)

**Inquiry under repealed Act**
s 99 exp 30 June 2005 (s 105)

**Disciplinary grounds for s 42**
s 100 exp 30 June 2005 (s 105)

**Appeals under repealed Act**
s 101 exp 30 June 2005 (s 105)

**New regulations**
s 102 exp 1 July 2004 (s 102 (5))

**Transitional regulations**
s 103 exp 30 June 2005 (s 105)



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**Building and Construction Industry Training Levy Regulations 2001, regulation 3 (1) (b)**

s 104 om LA s 89 (3)

**Expiry of pt 11**

s 105 exp 30 June 2005 (s 105)

**Reviewable decisions**

sch 1 om R1 LA
ins A2008-36 amdt 1.49

**Dictionary**

dict am A2008-36 amdt 1.50; A2009-49 amdt 3.7; A2011-22 amdt 1.48; A2016-52 amdt 1.29
def ***architect*** am A2008-36 amdt 1.51
def ***daily ACT newspaper*** om A2009-20 amdt 3.12
def ***disciplinary ground*** om A2008-36 amdt 1.52
def ***disciplinary notice*** om A2008-36 amdt 1.52
def ***ground for occupational discipline*** ins A2008-36 amdt 1.53
def ***reviewable decision*** sub A2008-36 amdt 1.54



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## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|---|---|---|---|
| R1<br>1 July 2004 | 1 July 2004–<br>1 July 2004 | not amended | new Act |
| R2<br>2 July 2004 | 2 July 2004–<br>30 June 2005 | not amended | commenced expiry |
| R3<br>1 July 2005 | 1 July 2005–<br>25 Aug 2008 | not amended | commenced expiry |
| R4<br>26 Aug 2008 | 26 Aug 2008–<br>1 Feb 2009 | A2008-28 | amendments by A2008-28 |
| R5<br>2 Feb 2009 | 2 Feb 2009–<br>21 Sept 2009 | A2008-36 | amendments by A2008-36 |
| R6<br>22 Sept 2009 | 22 Sept 2009–<br>16 Dec 2009 | A2009-20 | amendments by A2009-20 |
| R7<br>17 Dec 2009 | 17 Dec 2009–<br>30 June 2011 | A2009-49 | amendments by A2009-49 |
| R8<br>1 July 2011 | 1 July 2011–<br>31 Aug 2013 | A2011-22 | amendments by A2011-22 |
| R9<br>1 Sept 2013 | 1 Sept 2013–<br>26 Apr 2016 | A2013-31 | amendments by A2013-31 |
| R10<br>27 Apr 2016 | 27 Apr 2016–<br>11 May 2016 | A2016-18 | amendments by A2016-18 |
| R11<br>12 May 2016 | 12 May 2016–<br>31 Aug 2016 | A2016-24 | amendments by A2016-24 |
| R12<br>1 Sept 2016 | 1 Sept 2016–<br>9 Dec 2019 | A2016-52 | amendments by A2016-52 |



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## 5 Earlier republications

| Republication No and date | Effective | Last amendment made by | Republication for |
|---|---|---|---|
| R13<br>10 Dec 2019 | 10 Dec 2019–<br>5 Apr 2022 | A2019-48 | amendments by A2019-48 |
| R14<br>6 Apr 2022 | 6 Apr 2022–<br>23 Aug 2022 | A2022-4 | amendments by A2022-4 |
| R15<br>24 Aug 2022 | 24 Aug 2022–<br>11 Dec 2023 | A2022-14 | amendments by A2022-14 |
| R16<br>12 Dec 2023 | 12 Dec 2023–<br>8 June 2025 | A2023-55 | amendments by A2023-55 |
| R17<br>9 June 2025 | 9 June 2025–<br>15 Nov 2025 | A2025-13 | amendments by A2025-13 |

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