

# Architects Board Appointment 2014 (No 2)

## Disallowable Instrument DI2014–223

made under the

**Architects Act 2004, Subsection 70(2)**

## EXPLANATORY STATEMENT

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This disallowable instrument appoints the member who is a commercial lawyer to the Australian Capital Territory Architects Board (the Board) for a period not longer than three years.

Whilst the *Architects Act 2004* (the Act) does not require nomination to be sought in relation to this position, the Registrar of the Architects Board sought nominations from the ACT Law Society. The appointed member meets the eligibility requirements under section (7)3 of the Act.

Section 64 of the Act provides for the establishment of the Board. The principal functions of the Board are:

- to register architects;
- to investigate complaints about registered people and people who have been registered;
- to take disciplinary action where necessary;
- to consider and report to the Minister about issues referred to the Board by the Minister;
- to advise the Minister in relation to the practice of architecture;
- to further common legislative approach through cooperation with other jurisdictions;
- to accredit courses of study in architecture; and
- to provide general advice to consumers about professional conduct and standards of competence expected to registered architects.

Under section 66 the Board must exercise its functions independently, impartially and in the public interest. However the Board is still required to respond to Ministerial directions to the Board.

Section 70 of the Act requires the Minister to appoint five members to the Board and stipulates the requirements for each position:

- one member must be nominated in writing by a representative body;

- one member must be or have recently been an academic architect;
- one member must be a registered architect;
- one member must be a commercial lawyer; and
- one member is to represent community interests, and must not be a registered architect.

Section 70(3) defines commercial lawyer as a lawyer with experience in either consumer protection law or trade practices law. The person being appointed has previously been approved by the Minister as satisfying this requirement.

Under section 71 of the Act the appointments are for a period not longer than three years. None of the appointments to the Board are ACT Public Servants.

In accordance with section 228 of the *Legislation Act 2001* the appointments were referred to the Legislative Assembly Standing Committee on Planning, Environment and Territory and Municipal Services for Comment. The Committee had no comment regarding the appointment.

There are no other appointment criteria other than what is specified by the way of the definition under section 70(3) of the Act and section 228 of the *Legislation Act 2001* which have both been complied with.