



Australian Capital Territory

# **Architects Regulation 2004**

**SL2004-23**

made under the

**Architects Act 2004**

**Republication No 4**

**Effective: 22 September 2009 – 11 December 2011**

Republication date: 22 September 2009

Last amendment made by A2009-20

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Architects Regulation 2004*, made under the *Architects Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 22 September 2009. It also includes any amendment, repeal or expiry affecting the republished law to 22 September 2009.

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

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

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

The status of this republication appears on the bottom of each page.

### 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 does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### 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 *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Architects Regulation 2004

made under the

**Architects Act 2004**

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22/09/09

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Australian Capital Territory

# Architects Regulation 2004

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**Architects Act 2004**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Architects Regulation 2004*.

### 2 Dictionary

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

*Note 1* The dictionary at the end of this regulation defines certain terms used in this Act.

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

### 3 Notes

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

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

## Part 2 Registration

### 4 Prescribed qualifications for registration—Act, s 8 (2)

#### (a) (i)

A qualification mentioned in schedule 1 is prescribed.

### 5 Details in register—Act, s 11 (2)

The following details are prescribed in relation to a registered architect:

- (a) full name;
- (b) business phone and fax number and email address (if any);
- (c) business address;
- (d) if the architect's registration is conditional—each condition on the registration;
- (e) details of any suspension of registration;
- (f) details of any cancellation of registration;
- (g) details of any disqualification from being registered;
- (h) if the architect is, or has been, a nominee—
  - (i) the name of each firm for which the architect is or was a nominee;
  - (ii) whether the architect is or was the primary nominee or not;
  - (iii) the date when the architect became the nominee;
  - (iv) the date (if any) when the architect stopped being the nominee.

**6 Use of terms not pretending registration—s 57 (2)**

The Act, section 57 (1) does not apply to the use of the following terms:

- (a) landscape architect;
- (b) naval architect;
- (c) computer systems architect.

**7 Use of *architectural*—Act, s 57 (2)**

- (1) The Act, section 57 (1) does not apply to 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.
- (2) The Act, section 57 (1) does not apply to the use of the following terms by an employee of a registered architect to describe the employee:
  - (a) architectural assistant;
  - (b) architectural technician;
  - (c) architectural drafter.

**8 Use of *architect* and *registered architect*—Act, s 57 (2)**

- (1) The Act, section 57 (1) does not apply to the use of the terms *architect* and *registered architect* by an interstate architect if—
  - (a) the use of the term is accompanied by something that indicates the local jurisdiction where the architect is registered; and
  - (b) before the use, the architect told the architects board in writing that the architect would be using the term in the ACT.



- (2) In this section:

*interstate architect* means an architect who—

- (a) is registered (however described) in a local jurisdiction; and
- (b) is normally resident in that jurisdiction.

**9 Use of term describing architectural qualification—Act, s 57 (2)**

The Act, section 57 (1) does not apply to the use by a person of a term describing an architectural qualification held by the person.

**10 Nominations for architects board member**

- (1) Within the prescribed period for the appointment of an architects board member, the registrar must publish a notice in a daily newspaper—
  - (a) asking for registered people to nominate themselves for appointment as an architects board member (a *new member*); and
  - (b) stating that only registered people may nominate; and
  - (c) stating the date for close of nominations (the *close date*);
  - (d) stating the information required for nomination.
- (2) The date stated for close of nominations must be not less than 2 weeks after the day the notice is published.
- (3) A nomination must—
  - (a) be in writing, signed by the nominee; and
  - (b) include the following:
    - (i) the nominee's contact details;
    - (ii) the nominee's registration number;

- (iii) a brief description of the nominee's experience as a registered architect in the ACT.
- (4) The registrar must tell each nominee whether his or her nomination was received before the close date as soon as practicable after receiving the nomination.
- (5) The Minister must tell each nominee whose nomination was received before the close date in writing about the appointment of the new member.
- (6) In this section:  
*prescribed period*, for the appointment of an architects board member, means the period starting 7 months before the day the term of the architects board member's appointment ends and ending 6 months before that day.

## Part 3 Miscellaneous

### 11 Definitions for pt 3

In this part:

***architect***—

- (a) means a person registered under the Act; and
- (b) includes—
  - (i) for a complaint—a person who was registered when the thing complained of happened; and
  - (ii) for occupational discipline—a person who was registered when the contravention happened.

***contravention***, for occupational discipline against an architect, means what the architect did that caused occupational discipline to be taken.

### 12 Information in annual report—Act, s 67

- (1) The architects board's annual report for a financial year must include the following information about complaints:
  - (a) the total number of complaints made in the year;
  - (b) the number of complaints made about architects;
  - (c) the number of complaints made about architects who are not registered;
  - (d) a description of the kinds of complaints made about architects.
- (2) The architects board's annual report for a financial year must include the following information about occupational discipline:
  - (a) the name of each architect against whom occupational discipline was taken during the financial year;

- (b) for each person mentioned in paragraph (a)—
  - (i) the contravention; and
  - (ii) the occupational discipline taken; and
  - (iii) the result of any review of the decision to take occupational discipline.
- (3) The architects board annual report for a financial year must report about other activities undertaken by the architects board.

**Example of board activity**

general advice given to consumers by the architects board

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

## Schedule 1 Prescribed qualifications

(see s 4)

column 1 item	column 2 issuing institution	column 3 name of higher education award
1	University of Canberra	Bachelor of Architecture
2	University of Sydney	Bachelor of Architecture
3	University of New South Wales	Bachelor of Architecture
4	University of Technology, Sydney	Bachelor of Architecture Diploma of Technology (Architecture)
5	University of Newcastle	Bachelor of Architecture
6	Queensland University	Bachelor of Architecture Master of Architectural Studies
7	Queensland University of Technology General Practice Stream	Bachelor of Architecture Graduate Diploma of Architecture Diploma of Architecture
8	University of Adelaide	Bachelor of Architecture
9	University of South Australia	Bachelor of Architecture Diploma of Technology (Architecture)

**Schedule 1**

## Prescribed qualifications

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<b>column 1 item</b>	<b>column 2 issuing institution</b>	<b>column 3 name of higher education award</b>
10	University of Tasmania	Bachelor of Architecture Graduate Diploma of Architecture Diploma of Architecture
11	University of Melbourne	Bachelor of Architecture Master of Architecture (Coursework) - Option C
12	Royal Melbourne Institute of Technology	Bachelor of Architecture Associate Diploma in Architecture Fellowship Diploma in Architecture
13	Deakin University	Bachelor of Architecture Master of Architecture (Practice)
14	University of Western Australia	Bachelor of Architecture
15	Curtin University of Technology or West Australian Institute of Technology	Bachelor of Architecture Associate in Architecture

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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:

- ACT
- daily newspaper
- in relation to
- month
- under.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Architects Act 2004* (see Legislation Act, s 148). For example, the following terms are defined in the *Architects Act 2004*, dict:

- local jurisdiction
- registered.

***architects board member*** means a board member mentioned in the Act, section 70 (1) (c).

## Endnotes

1 About the endnotes

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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 and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

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

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



### 3 Legislation history

This regulation was made as part of the *Architects Act 2004* (see A2004-20, s 102 and sch 1).

This regulation was originally the *Architects Regulations 2004*. It was renamed under the *Legislation Act 2001*.

#### **Architects Regulation 2004 SL2004-23**

taken to have been notified LR 7 April 2004 (A2004-20, s 102 (3) (a))

s 1 taken to have commenced 7 April 2004 (LA s 75 (1))

remainder commenced 1 July 2004 (A2004-20, s 102 (3) (b))

as amended by

#### **ACT Civil and Administrative Tribunal Legislation Amendment**

##### **Act 2008 A2008-36 sch 1 pt 1.5**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.5 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 3.5**

notified LR 1 September 2009

s 1, s 2 commenced 1 September 2009 (LA s 75 (1))

sch 3 pt 3.5 commenced 22 September 2009 (s 2)

### 4 Amendment history

#### **Name of regulation**

s 1 am R2 LA

#### **Nominations for architects board member**

s 10 am A2009-20 amdt 3.14

#### **Definitions for pt 3**

s 11 def **architect** am A2008-36 amdt 1.55

def **contravention** sub A2008-36 amdt 1.56

#### **Information in annual report—Act, s 67**

s 12 am A2008-36 amdt 1.57

#### **Dictionary**

dict am A2009-20 amdt 3.15, amdt 3.16

## Endnotes

### 5 Earlier republishings

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#### 5 Earlier republishings

Some earlier republishings 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 republishings have also been published in printed format. These republishings 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 1 July 2004	1 July 2004– 2 Nov 2004	not amended	new regulation
R2 3 Nov 2004	3 Nov 2004– 1 Feb 2009	not amended	includes editorial amendments under Legislation Act
R3 2 Feb 2009	2 Feb 2009– 21 Sept 2009	A2008-36	amendments by A2008-36

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