

Australian Capital Territory

Architects Regulation 2004

SL2004-23

made under the

Architects Act 2004

Republication No 8

Effective: 24 August 2022 – 22 November 2026

Republication date: 24 August 2022

Last amendment made by A2022-14

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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 24 August 2022. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 24 August 2022.

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):

- 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 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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Contents

		Page
Part 1	**Preliminary**	
1	Name of regulation	2
2	Dictionary	2
3	Notes	2
Part 2	**Registration**	
5	Details in register—Act, s 11 (2)	3
6	Use of terms not pretending registration—s 57 (2)	3
7	Use of *architectural*—Act, s 57 (2)	4
8	Use of *architect* and *registered architect*—Act, s 57 (2)	4
9	Use of term describing architectural qualification—Act, s 57 (2)	4
10	Nominations for architects board member	5

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Page

Part 3 Miscellaneous

11 Definitions for pt 3 7
12 Information in annual report—Act, s 67 7

Dictionary 9

Endnotes

1 About the endnotes 10
2 Abbreviation key 10
3 Legislation history 11
4 Amendment history 13
5 Earlier republications 14

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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 regulation.

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.

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Part 2 Registration

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.

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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.

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10 Nominations for architects board member

(1) Within the prescribed period for the appointment of an architects board member, the registrar must give public notice—

(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.

Note ***Public notice*** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see Legislation Act, dict, pt 1).

(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 their 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.

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(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.

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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;

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(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

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Dictionary

(see s 3)

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

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

- ACT
- 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.

architect, for part 3 (Miscellaneous)—see section 11.

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

contravention, for part 3 (Miscellaneous)—see section 11.

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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

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)

Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.5

notified LR 28 November 2011
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))
sch 3 pt 3.5 commenced 12 December 2011 (s 2)

Construction and Energy Efficiency Legislation Amendment Act 2013 A2013-31 pt 3

notified LR 26 August 2013
s 1, s 2 commenced 26 August 2013 (LA s 75 (1))
pt 3 commenced 1 September 2013 (s 2 (1))

Red Tape Reduction Legislation Amendment Act 2015 A2015-33 sch 1 pt 1.7

notified LR 30 September 2015
s 1, s 2 commenced 30 September 2015 (LA s 75 (1))
sch 1 pt 1.7 commenced 14 October 2015 (s 2)

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Statute Law Amendment Act 2022 A2022-14 sch 3 pt 3.3
notified LR 10 August 2022
s 1, s 2 commenced 10 August 2022 (LA s 75 (1))
sch 3 pt 3.3 commenced 24 August 2022 (s 2)

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4 Amendment history

Name of regulation
s 1 am R2 LA

Dictionary
s 2 am A2011-52 amdt 3.10

Prescribed qualifications for registration—Act, s 8 (2) (a) (i)
s 4 om A2013-31 s 7

Nominations for architects board member
s 10 am A2009-20 amdt 3.14; A2015-33 amdt 1.17, amdt 1.18; A2022-14 amdt 3.7

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

Prescribed qualifications
sch 1 om A2013-31 s 8

Dictionary
dict am A2009-20 amdt 3.15, amdt 3.16; A2011-52 amdt 3.11; A2015-33 amdt 1.19
def ***architect*** ins A2011-52 amdt 3.12
def ***contravention*** ins A2011-52 amdt 3.12

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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 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
R4 22 Sept 2009	22 Sept 2009– 11 Dec 2011	A2009-20	amendments by A2009-20
R5 12 Dec 2011	12 Dec 2011– 31 Aug 2013	A2011-52	amendments by A2011-52
R6 1 Sept 2015	1 Sept 2013– 13 Oct 2015	A2013-31	amendments by A2013-31
R7 14 Oct 2015	14 Oct 2015– 23 Aug 2022	A2015-33	amendments by A2015-33

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