27 August 2018

Matt Kean MP
Minister for Innovation and Better Regulation
office@kean.minister.nsw.gov.au

Dear Minister,

Re: Easy and Transparent Trading – Empowering Consumers and Small Business

I write to lend the support of the NSW Architects Registration Board (‘Board’) to your ambition for Automatic Mutual Recognition (‘AMR’) for architects.

Architects Registration Boards across Australia have a proud and documented record of voluntary harmonisation over the past 46 years, combined with close collaboration and joint work with the dominant industry peak body, the Australian Institute of Architects. That harmonisation has resulted in a regulatory system that is substantially aligned across states and territories; and comprises university course accreditation, registration examinations and professional practice standards.

AMR is now only possible because of the sustained commitment to harmonization which has resulted in a nationally-consistent framework of policies and procedures applied across jurisdictions which is given effect by the;

- National Standard of Competency for Architects,
- Architecture Program Accreditation Procedure in Australia and New Zealand
- Architectural Practice Examination
- AACA/RAlA Joint Policy on Continuing Professional Development (CPD)

In supporting your leadership on AMR for architects, I also caution that, should NSW choose to make a change to either the licencing duration or arrangements for CPD, it is likely to put at risk the very consistency that makes AMR a realistic and timely goal.

The Board has been moved by your message to reward the effort of those who use their abilities to improve the lives of others. Consequently, I asked our team to review what further steps could be taken to remove barriers for small business. The Board commends the following three reforms for your consideration:

- Remove age limits from the Act.
- Align the date for registration to the Financial Year
- Remove the prohibition on making an application online

Should you, or your staff require more advice or clarification on the enclosed submission, I invite you to speak with the Board’s Registrar.

Your sincerely,

Dr Deborah Dearing
President

cc: policyfinance.nsw.gov.au
Encl: NSW Architects Registration Board submission
2 Executive Summary

4 A summary of the architectural profession in NSW

6 Extending licence durations

8 Automatic Mutual Recognition

12 Streamlined financial reporting

14 Review of Continuing Professional Development (CPD) requirements

17 Further opportunities for reform
Executive Summary

The NSW Architects Registration Board (‘Board’) welcomes the opportunity to provide a submission in response to the Easy and Transparent Trading - Empowering Consumers and Small Business Consultation Paper – July 2018 (‘Paper’).

The Board’s primary interest lies in the opportunity identified in the Paper to make possible a more seamless transition for registered architects between their home jurisdiction and other states and territories in Australia. While Mutual Recognition between jurisdictions is available today, the Board regards Automatic Mutual Recognition (AMR) as a natural and necessary next step.

The Board agrees that architecture is a profession suited to Automatic Mutual Recognition. The Board has worked hard to seek support for a more streamlined means of recognising the registration status of architects in other jurisdictions and supports renewed efforts by this government to encourage automatic mutual recognition.

In the Board’s view, the architectural sector is a rare example of close collaboration between industry, education providers and regulators – making Automatic Mutual Recognition a shared interest. The pattern of efforts – shared by Boards and industry peak bodies over almost fifty years is a rare exemplar of voluntary harmonization and genuine collaboration in the development of national standards that have been adopted across architectural education and practice.

Principally this is found in the National Standard of Competency for Architects (‘National Standard’) – which comprises the knowledge domains, units of competency and performance criteria acknowledged across Australia. The National Standard establishes a nationally-consistent framework that provides the overarching rubric for the accreditation of degrees in architecture, the design of the architectural practice examination, and annual reporting of continuing professional development undertaken by practising architects.

Finally, it is the view of the Board that the current level of regulation relating to architects can be characterised by the phrase “as much as necessary, as little as possible”. It is functioning well. Research conducted by the Board for the 2014-2015 financial year reveals that architects record substantially fewer complaints than lawyers or medical practitioners.

<table>
<thead>
<tr>
<th>Legal practitioners</th>
<th>Health professionals</th>
<th>Architects</th>
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<tbody>
<tr>
<td>Total No. (NSW) - 27,000</td>
<td>Registered health professionals - 185,247</td>
<td>(Practising) architects - 3,930</td>
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<td>No. of calls to OLS - 7,328</td>
<td>No. of calls to AHPRA (NSW) - 10,390</td>
<td>No. of calls to ARB - 49</td>
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<td>No. of complaints - 2,611</td>
<td>No. of complaints - 5,266</td>
<td>No. of complaints - 13</td>
</tr>
<tr>
<td>Complaints ratio - 9.6%</td>
<td>Complaints ratio - 2.8%</td>
<td>Complaints ratio - 0.33%</td>
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The Board’s position may be summarised as follows:

1. Architects Registration Boards across Australia have a proud and documented record of voluntary harmonisation over the past 46 years, combined with close collaboration and joint work with the dominant industry peak body, the Australian Institute of Architects (‘AIA’). See Annexure 1

2. That harmonisation has resulted in a regulatory system that is substantially aligned across states and territories; and comprises university course accreditation, registration examinations and professional practice standards.
3. AMR is now only possible because of the sustained commitment to harmonization which has resulted in a nationally-consistent framework of policies and procedures applied across jurisdictions which is given effect by the:
   a. National Standard of Competency for Architects,
   b. Architecture Program Accreditation Procedure in Australia and New Zealand
   c. Architectural Practice Examination
   d. AACA/RAIA Joint Policy on Continuing Professional Development (CPD)
4. Should NSW choose to make a change to either the licencing duration or arrangement for CPD, it is likely to put at risk the very consistency that makes AMR a realistic and timely goal.

So why has AMR not progressed to date?
The Board believes there are two primary reasons why AMR, national registration or national recognition has not been further progressed.
   • Industry has not lobbied for it. For example, no letter or submission by a peak body or collective of architects is known to exist. It does not seem to be a priority of industry.
   • Current arrangements for Mutual Recognition function well. A formal application can be assessed in less than 72 hours. A fee of $250 (for practising architects) and $50 (for non-practising architects) applies.

The Board provides a summary of the close alignment in legislation, policies and procedures across all states and territory Architect Registration Boards. See Annexure 2.

The Board's submission is limited to the following:
   Section 1 - A summary of the architectural profession in NSW
   Section 2 - Extending licence durations
   Section 3 - Automatic Mutual Recognition
   Section 4 - Streamlined financial reporting
   Section 5 - Review of Continuing Professional Development Requirements
   Section 6 - Further opportunities for reform

A summary of Annexures enclosed with this submission includes:
   Annexure 1 - Institutionalising National Standards: A History of the Incorporation of the Architects Accreditation Council of Australia (AACA) and the National Competency Standards in Architecture (NCSA)
   Annexure 2 - Regulation of the Architectural Profession: a summary of Australian state and territory legislation
   Annexure 3 - National Standard of Competency for Architects
   Annexure 4 - Form O2, Application for registration in NSW under the Mutual Recognition Act, TTMRA and Overseas Mutual Recognition Arrangements
   Annexure 5 - AIA/AACA Joint Policy on CPD
SECTION 1 - A summary of the architectural profession in NSW

How many architects are registered in NSW (home jurisdiction shown in brackets)?

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<thead>
<tr>
<th></th>
<th>NSW</th>
<th>(ACT)</th>
<th>(NT)</th>
<th>(QLD)</th>
<th>(SA)</th>
<th>(TAS)</th>
<th>(VIC)</th>
<th>(WA)</th>
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<th>F</th>
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<th>M</th>
<th>F</th>
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<td>7</td>
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<td>7</td>
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<td>80 to 89</td>
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<td>14</td>
<td>209</td>
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<td>4</td>
<td>209</td>
<td>251</td>
<td>21</td>
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<td>60 to 69</td>
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<td>748</td>
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<td>54</td>
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<td>3</td>
<td>5</td>
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<td></td>
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<tr>
<td>Total</td>
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<td>1150</td>
<td>4118</td>
<td>671</td>
<td>195</td>
<td>866</td>
<td></td>
</tr>
</tbody>
</table>

Total Number of architects Registered in 2017-2018: 4984
Corporations and Firms in NSW: 1427
Number of active Corp/Firms as at 16.10.2017

Registration as an Architect in NSW

Section 16 of the Act prescribes the Qualifications for registration as an architect in NSW as follows;

(1) For the purposes of this Act, an individual has the necessary qualifications for registration as an architect if:
   (a) the individual has such architectural qualifications as may be prescribed by the regulations, or
   (b) the individual has successfully completed a course of study that is accredited by the Board as meeting criteria prescribed by the regulations for the purposes of this paragraph, or
   (c) the individual has passed an examination arranged or approved by the Board to assess the person’s competency to practise architecture.

There are several pathways to register as an Architect in NSW. The most common pathway is the Architectural Practice Examination (‘APE’). This is a nationally consistent 3-part examination developed by the Architects Accreditation Council of Australia (‘AACA’), in conjunction with Architects Registration Boards in each state and territory. Eligibility to undertake the APE requires applicants to demonstrate the following:

- An approved university qualification in architecture, usually a Masters in Architecture; and
- The equivalent of two-years or 3300 hours of experience across the prescribed Elements of Competency (contained in the National Standard of Competency for Architects).

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3 NSW Architects Registration Board, Annual Report 2017-2018
If applicants are assessed to be eligible, they are required to undertake the National Examination Paper, which examines knowledge and application of the National Standard of Competency for Architects. If applicants are successful in this examination, they are then required to undertake an examination by interview with two examiners. To be successful, applicants must demonstrate adequate knowledge and experience of the National Standard of Competency for Architects. If applicants are successful in this third part, they are invited to apply for registration as an architect in NSW.

Section 17 of the Act outlines the requirements to be granted full registration as an Architect in NSW, as follows:
(1) An individual is entitled to be registered as an architect if:
   (a) the Board is satisfied that the individual is of good fame and character, and
   (b) the individual has the necessary qualifications for registration as an architect, and
   (c) the Board is satisfied that the individual has acquired such practical experience required by the Board as a prerequisite for entry to the examination referred to in paragraph (d), and
   (d) the individual has, to the satisfaction of the Board, passed an examination in architectural practice arranged or approved by the Board.

Responsibilities of a registered architect
In addition to the requirements outlined within the Act, section 7 of the Act provides for the creation of a Code of Professional Conduct. This section is as follows:
(1) The regulations may establish a code of professional conduct setting out guidelines that should be observed by architects in their professional practice.
(2) The Minister may direct the Board to provide for the Minister's consideration advice or proposed guidelines relating to any conduct of architects that the Minister considers should be the subject of a code of professional conduct.
(3) The Board is to comply with any direction of the Minister under this section.

Schedule 2 to the Architects Regulation 2017 (NSW) contains the NSW Architects Code of Professional Conduct ('Code'). The effect of this code is prescribed in section 8 of the Act, as follows:

The provisions of a code of professional conduct are a relevant consideration in determining for the purposes of this Act what constitutes proper and ethical conduct by an architect.

The definition of unsatisfactory professional conduct is outlined in section 32 of the Act. This definition states that unsatisfactory professional conduct can mean:
(b) A failure by the architect to comply with a provision of any code of professional conduct established by the regulations and in effect under section 7.
SECTION 2 - Extending licence durations

Existing provisions
Annexure 2 (page 4) illustrates the statutory provisions contained in legislation relating to the renewal of registration in all states and territories of Australia. The summary shows that all states, and the Northern Territory, require renewal of registration on an annual basis. The ACT also requires annual registration, pursuant to s12 of the Architects Act 2004 (ACT).

Section 28 of the Architects Act NSW (‘Act’) requires architects in NSW to re-register on an annual basis. Provisions also allow for the restoration of an architect to the Register of Architects in the event that the architect inadvertently fails to re-register, but intends to remain practising.

ARCHITECTS ACT 2003 (NSW) - SECT 28
28 Annual registration fees

(1) An architect must, on or before 31 March of each year following the year in which the architect was first registered, pay to the Board the approved fee for annual registration.
(2) The Board must cause an architect’s name to be removed from the Register if the architect has failed to pay the approved fee for annual registration by the due date.
(3) A person whose name has been removed from the Register for failure to pay the approved fee for annual registration is entitled to re-registration if the person pays to the Board any unpaid annual registration fee or fees together with any approved fee for late payment.
(4) The entitlement to re-registration is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person’s registration immediately before the removal of the person’s name from the Register.
(5) A person registered pursuant to an entitlement to re-registration under this section is taken to have been so registered on and from the day the person’s name was removed from the Register or on and from such later day as the Board determines and notifies to the person. However, nothing in this subsection affects any proceedings for an offence instituted against the person before the person was entitled to be re-registered.
(6) Nothing in this section requires the Board to re-register a person if the Board is satisfied that the person would not be entitled to be registered as an architect but for this section.
(7) An entitlement to re-registration under this section does not override any other provision of this Act pursuant to which a person’s name is authorised or required to be removed from the Register.
(8) The regulations may exclude or modify the provisions of this section in their application to temporary registration.

Similar provisions for the annual registration of architects are found in every state and territory. For example, Section 15 of the Architects Act 1991 (VIC) provides that:

ARCHITECTS ACT 1991 - SECT 15
Annual fees
S. 15(1) amended by No. 35/2004 s. 12(1).
(1) Every architect, approved partnership and approved company must pay the relevant prescribed annual fees to the Board by 1 July in each year.
(2) If an architect fails to pay the relevant annual fees without reasonable excuse, the Board may suspend the registration of the architect. S. 15(3) amended by No. 35/2004 s. 12(2).
(3) If an approved partnership or approved company fails to pay the relevant annual fees without reasonable excuse, the Board may suspend the approval of the partnership or company.
(4) The Board may revoke a suspension under subsection (2) or (3) if the person or body concerned gives a satisfactory explanation of the failure and pays the relevant annual fees together with any prescribed additional fee.

The requirement for an architect to re-register on an annual basis is reflected in the requirement for an architect to report on the undertaking of 20 hours of CPD (10 of which is formal) each year. This is discussed further in Section 5 - Review of Continuing Professional Development Requirements.

What option should be pursued?
Licencing provisions are consistent across all states and the Northern Territory. The Board supports current provisions as a means of supporting AMR.

Are there any factors that should be taken into account when making legislative change on this issue?
The Board regards any change to the duration or nature of licencing for architect in NSW would likely act as a barrier to Automatic Mutual Recognition.
Section 3 - Automatic Mutual Recognition

The following is an excerpt taken from Prof Kirsten Orr's Institutionalising National Standards: A History of the Incorporation of the Architects Accreditation Council of Australia (AACA) and the National Competency Standards in Architecture (NCSA) - Refer Annexure 1

The history of voluntary harmonisation

Architect Registration Boards across Australia have a proud heritage of voluntarily harmonizing policies, procedures and processes by which architectural regulation is given effect.

The establishment of mutual recognition procedures in the late 1960s and 1970s was a global phenomenon. In 1966 the Commonwealth Board of Architectural Education (CBAE) was established by the Commonwealth Association of Architects (CAA) and immediately attempted to list qualifications of equal standard to those recognized by the Royal Institute of British Architects (RIBA) as a guide to member countries in making reciprocal/unilateral arrangements.

In 1967 the RAIA was approached by the RIBA for reciprocal recognition of architectural practice examinations, and in 1970 meetings were held between the RAIA, the American National Council of Architectural Registration Boards (NCARB), the Architects Registration Council of the United Kingdom (ARCUK), and national representatives from Canada, Ireland, and South Africa, with a preliminary agreement reached between the RAIA and the NCARB.

In 1971 the RAIA adopted the CAA list of approved qualifications but this covered academic qualifications only and not the practical experience component or other requirements. Despite all of this, there was reluctance within the RAIA to wholeheartedly embrace mutual recognition and no firm agreements that included reciprocity of registration could be reached. Finally, in 1972 the National Council passed the buck to the yet-to-be-established AACA.

Thoughts also turned to consolidating the RAIA's national presence as a federal organisation and establishing a system of national certification of architects that would allow those registered in one state or territory to also practice elsewhere in Australia. Until the end of 1972, architects were required to sit two examinations: the first was set by the architect registration board in their state or territory and led to registration; the second was set by the RAIA and was required for full membership. The NSW Chapter Council set a precedent in 1971 by conducting the RAIA examination jointly with the Board of Architects of NSW.

Meanwhile, an ongoing national review of the content and format of the RAIA Architectural Practice Examination resulted in the first national RAIA Architectural Practice Examination for membership of the Institute being held in February 1972, followed in 1973 by the first National Architectural Practice Examination for registration and RAIA membership. It was hoped that this examination would be replaced from 1975 by a new examination conducted by the AACA.

The establishment of the Architects Accreditation Council of Australia (AACA) was motivated by the desire for a single body to oversee matters of national professional concern arising from the profession's increasing involvement in international architectural affairs; its interest in developing mutual recognition procedures for Australian and overseas qualifications; the RAIA's ambition to become a significant, federally-represented organisation with a strong national
presence; and architecture’s desire to secure its status as one of the pre-eminent Australian professions. A “Small Committee” of representatives from the RAIA and the architect’s registration boards was formed in July 1970 to look into the feasibility of an accreditation council and to gather information on overseas precedents. It reported back to the National Council meeting in October 1971 that the establishment of an “Australian Architects’ Accreditation Council” was an immediate necessity. The accreditation council should be composed of representatives from all the state and territory architects registration boards, assisted by a secretary and with a committee appointed to conduct the day-to-day work and act as a committee of review. It would have two primary functions: the assessment and recognition of overseas qualifications, with which the RAIA and architects registration boards had “had the utmost difficulty,” and the implementation of procedures to assist national recognition of architectural qualifications, including a new national examination leading to an “Accreditation Council Certificate” for registration.

The AACA was officially established at a meeting of the RAIA and representatives of all the architects registration boards (except the Northern Territory) held in Canberra from 29-30 June 1972. The rules of accreditation and standards for national certification were debated at the meeting and then formally resolved by a flying minute on 28 September 1972, the boards agreeing to become constituent bodies of the AACA. Although originally an offshoot of the RAIA, the AACA since 1974 has become an entirely independent entity.

In 2018 it is a not-for-profit company limited by guarantee that remains responsible for co-ordinating and advocating national standards for architects in Australia and for establishing and maintaining mutual recognition agreements with overseas authorities. It also provides an important forum for discussion and exchange of information between state / territory bodies and, as the peak professional body, plays a significant advisory and facilitatory role, liaising with federal government and other international organisations on issues relating to migration, international agreements and skills shortages in architecture.

Current status of moves towards Automatic Mutual Recognition
At the national meeting of Boards and the AACA in October 2017, the following motion was put by NSW:

*That the Boards of States and Territories support the principle of Automatic Mutual Recognition as proposed by Minister Craig Laundy, subject to the appropriate review of all relevant regulatory, policy and practices in each State and Territory.*

*Proposed: Deborah Dearing
Seconded: David Sainsbury*

*The motion was carried, with abstentions noted from ACT and Queensland.*

At the meeting, South Australia and NSW agreed to commence a pilot to better understand the implications of AMR to the updating and maintaining of the Register, and associated obligations such as CPD. However, at the annual meeting of Registrar’s in Canberra on 23 February 2018, South Australia advised that its Board declined to support the pilot.

At a meeting of the Board in March 2018, the Board endorsed the following motion:
That the Board support continued work towards Automatic Mutual Recognition, and request the Registrar to prepare an options paper to advise on risks, and opportunities in possible models to be presented at the May meeting.

The Board believes it is reasonable for the question to be asked as to why Boards have not sought to develop a workable model of Automatic Mutual Recognition. The failure is shared across the sector. Industry has not identified it as a priority. And, for Boards, it is never the most pressing of priorities. However, the Board is of the view that architects seek a more ‘joined up’ approach from Registration Boards, and consumers will increasingly expect that regulators pro-actively remove barriers and misalignments between jurisdictions.

Which other licence categories administered by Fair Trading or SafeWork would AMR be of most value?
The Board has no view on this question, but seeks to affirm its support for the preferred option outlined in the Paper to introduce AMR for architects.

CASE STUDY
A conceptual model for AMR
How would AMR work? An architect from interstate would confirm intent to seek registration in NSW under the Mutual Recognition Act by completing an online application, similar to the Board’s current Form 02. Refer Annexure 4 - Form 02, Application for registration in NSW under the Mutual Recognition Act, TTMRA and Overseas Mutual Recognition Arrangements

The architect would receive an automated message, comprising:
- Confirmation that the application has been received and accepted – pending formal recognition by the Board at its next meeting.
- Checklist of relevant statutory obligations in NSW (eg: Code of Professional Conduct, CPD, PII and the like)
- A reminder that s29 of the Act requires an architect to notify of change of particulars in 14 days – including should any changes occur in the home jurisdiction

What are the risks and implications for the Board?
Financial
A total of 535 practising architects, and 105 non-practising architects are currently listed on the Register of Architects via the provisions of the Mutual Recognition Act.

<table>
<thead>
<tr>
<th>Home State/Territory</th>
<th>Practising</th>
<th>Non-Practising</th>
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<td>WA</td>
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If the Board chose to remove fees for mutual recognition for these architects, the total revenue reduction for annual renewal of $139,000. As a guide – and only if the Board chose to balance this lost revenue with additional charges - an additional
$33-35/practising architect would 'make up' for this loss of revenue. This would equate to an annual re-registration fee of $285.00 for practising architects.

Infrastructure
The Board’s Register currently has architects registered via Mutual Recognition (onshore only). These architects have been given a Registration Number and are found on a public search. No change is required to the manner of registering an architect who is currently registered under Mutual Recognition. However, the Board’s web developer (‘Byteback’) has been asked to advise on any work required to cover the eventuality of a 'stamped' (the unlikely scenario of 9,000 architects seeking to join the NSW Register of Architects). Byteback advises that costs associated with augmentation of the existing database is well within the financial means of the Board.

What is the assumed take-up on the AMR?
- Why will an architect take up registration in a new state? Presumably to be eligible for work (for example to be resident for the purposes of pre-qualification tender panels and the like). Once registered, that architect would commit to completing CPD, and carrying PI.
- There is no evidence that price, or existing Mutual Recognition arrangements are the barrier to architects being registered in multiple states/territories. So it is unlikely that automatic mutual recognition will prompt a 'stamped'.
- It is likely that a similar number of architects as now will take up AMR. It is also likely that a higher number of directors of large practices, with offices in a number of states will view as ‘better to have’ and ‘nothing to lose’.

How would complaints work?
- As now, architects would comply with the requirement in each jurisdiction where they hold registration.
- As now, complaints would be heard where the incident or breach has occurred.
- The greatest risk to the Board is likely to be the administrative costs associated with ‘database management’. For example, ensuring that architects are notifying of change in particulars, and advising when they are removed/retire from the Register in their home jurisdiction.
SECTION 4 - Streamlined financial reporting

The nature of risk in architectural practice means that record-keeping requirements extend beyond those that may be financial in nature. Sketches, drawings and instructions received from clients, or advice issued by the architect are considered important records to retain. Site meeting minutes and photographs taken during construction can also form an important record of how a building was built. These records may be relevant years later in the event of water leakage, cracks or building failure of some sort. This is particularly relevant as an architect’s liability is not simply to the original owners, but to subsequent purchasers. Further, the scope of Section 10 of the NSW Architects Code of Professional Conduct (‘Code’) extends far beyond the Paper’s understanding of the purpose of record keeping.

Section 10 of the NSW Architects Code of Professional Conduct states:
(1) An architect must keep the following records concerning architectural services provided to a client:
(a) correspondence sent and received,
(b) financial transactions,
(c) client instructions and meetings held with the client,
(d) drawings, photographs of works in progress, project journals and diaries created in connection with providing the architectural services.
(2) The records may be maintained in hard copy or electronic form.
(3) If the records are maintained in electronic form, the architect must maintain adequate electronic copies of the records to enable the records to be restored if one electronic copy is destroyed or damaged.
(4) The records must be kept for at least 6 years after the completion of the architectural services concerned.

Industry practice notes published by the Australian Institute of Architects (Acumen) reflect a much broader definition of records than the scope of the changes proposed in the Paper. It is not just financial reporting to which records relate, but to the broader responsibility for a professional to maintain records in relation to advice issued and received. Industry practice notes advise architects on the following:

It is a legal requirement for companies, as per the Corporations Act, that financial records that sufficiently explain the transactions of the company to be retained for seven years, and it may be prudent to retain them for longer.²

And

It is also recommended that architects retain adequate documentation and records to enable them to defend possible legal action, or to assist related parties involved in legal action associated with a project. Throughout this content, keep in mind that ‘documents’ can include anything stored electronically which can be viewed in legible form, including emails and CAD drawings.³

And

Generally, this can be summarised as follows:

- **retain practice financial and non-project business records for at least seven years**
- **retain project records that relate to what was built (drawings, instructions, variations, specifications, etc), why things were done the way they were (briefs, minutes of meetings, site inspection reports, memos etc) and how things were done (site meeting records, resolution of details with the contractor, etc) for at least ten years**
- **wherever possible retain originals – if only a copy is available, ensure it is the best copy obtainable and that it is durable (if there is an unmarked original and an annotated copy, bear in mind that the best evidence in court is original documents) or professionally digitally archived**

Relevantly, the Board is also aware of written advice issued by industry insurers recommending that architects retain records for up to ten years.

The Board envisages that any messages associated with a change to the statutory requirement to retain records that are financial in nature could create confusion in the industry whereby the changes may only be intended to relate to financial records, while the scope of record-keeping defined by the Code, and by an architect’s practice is far broader.

The industry practice notes are again instructive, advising:

> ...the damage arises when it first manifests. This may be 15 years into the life of a building. So actions to recover pure financial loss may commence well outside the normal period within which an action could commence. Therefore keeping records of design, construction and structural advice for a longer period than the statutory six years would be wise. Note that in Victoria, liability in a building action is limited to manifestation of damage within 10 years of issue of a Certificate of Occupancy.

Are any of the reporting and record keeping requirements set out above still necessary? If yes, why?

The Paper is not entirely accurate in defining the nature of an architect’s liability for which records are required. The section is titled ‘Streamlining financial reporting requirements’. However, the Paper does correctly identify that records provided to a client extends beyond financial records and may include; correspondence sent and received, financial transactions (invoices, payment schedules and the like), and client instructions and meetings held with the client.

While the Board recognises the common industry practice of retaining records, irrespective of statutory requirements, the Board does not view the removal of the requirement for retaining records to be a nett positive.

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SECTION 5 – Review of Continuing Professional Development (CPD) requirements

Schedule 2 of the Architects Regulations 2017, the NSW Architects Code of Professional Conduct requires that architects must take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of the architectural services that the architect normally provides. Each year, the Board requires architects to demonstrate how they have done so at the time of annual renewal of registration, by completing at least 20 Hours of CPD, 10 of which must be Formal activity.

A nationally-consistent framework for CPD was agreed in 2006, and may be found in the AIA/AACA Joint Policy on CPD (See Annexure 5 - AIA/AACA Joint Policy on CPD). The Joint Policy establishes the framework for CPD which is found in the National Standard of Competency for Architects (‘National Standard’). The National Standard comprises four units of competency:

- Design
- Documentation
- Project delivery
- Practice management

CPD is currently required in the following jurisdictions:

- New South Wales
- Victoria
- Queensland
- Western Australia
- Tasmania

The Board regards CPD for architects as a model, with a high rate of compliance evident in reporting at annual re-registration.

Out of 4,273 practising architects currently on the NSW Register of Architects, the following did not comply:

- 67 failed to show evidence of CPD undertaken in accordance with the Regulations
- 45 were granted special consideration due to extenuating circumstances
- 22 are subject to possible disciplinary action

Accounting for architects with special consideration, the compliance rate for undertaking CPD is around 99.5%.

Exemptions
To comply with the Code, architects should undertake 20 hours total CPD - 10 hours of which should be formal activities. Architects who work part-time are not exempt from this requirement.

Where an architect has not met the minimum hours required, the Board may take into account the individual circumstances of an architect when considering whether all reasonable steps have been taken to meet their CPD obligations. Matters that may be taken into consideration include:

- Has the architect or his/her immediate family member suffered serious illness or some other misadventure?
• Has the architect been overseas for a considerable part of the year (at least 3 months)?
• Has the architect been on parental leave during the registration year?
• Has the architect been included on the Register part way through the year?
• Other exceptional circumstances.

In these situations, a pro-rate commitment will be expected. For example, if an architect has only been registered for 6 months, the Board expects at least 5 formal hours and 5 informal hours of CPD.

During the renewal or registration, architects in these cases will be required to upload a letter outlining their circumstances.

**Joint Board/Industry taskforce on CPD**
Between November 2017 and May 2018, the Board convened a taskforce to review the effectiveness of CPD programs in NSW. The taskforce comprised membership of the Board, and industry groups including:

• The Association of Consulting Architects
• The Australian Institute of Architects (CPD Committee, NSW)
• The Australian Institute of Architects (Emerging Architects Group Committee, NSW)
• The Australian Institute of Architects (Country Division, NSW)

The taskforce found that NSW ARB policy is highly compatible with the AIA/AACA Joint Policy on CPD, which is encouraging consistency in mutual recognition of registration and standards between States and Territories.

**Industry survey on CPD**
The taskforce prepared an online survey to gauge industry sentiments and experience related to CPD. The survey was sent to all practicing architects registered in NSW, with nearly 800 responses. It revealed that over 50% of architects do most of their CPD in Design, while the majority thought that Project Delivery and Practice Management were the areas that needed the most improvement in the profession. A survey of CPD Providers gathered useful metrics on the cost, range and accessibility of CPD activities – finding that the cost of 1 Hour of Formal CPD ranged from $0-$98, depending on packaged content, and existing membership to professional organisations. On average this equated to a cost of $50 per Formal hour of CPD. While there are considerable CPD courses available online, there was some concern these were not being frequently updated.

**Improving reporting options for architects**
In 2017, the Board launched a smartphone application intended to streamline the logging of CPD undertaken by architects. The ARB OPEN App is a public resource that contains information, links and publications of use to consumers. It also allows architects to login and record CPD hours.
The App is free, and available on iTunes App store, and Googleplay.

**What issues should be considered in the proposed review of CPD arrangements?**
In the Board’s view, CPD represents a valuable strategic tool for regulators to monitor the interests and focus of industry alongside datasets that measure the interests of the consumer.
The Board's functions include a role to accredit university courses in architecture. CPD represents a measure of industry activity in ongoing learning. Complaints data represents a measure of consumer interest and concern. By evaluating data derived from consumer complaints, with data derived from CPD activity across the profession, the Board can develop a form of 'regulatory intelligence' that can provide a basis for engaging with university educators, CPD providers or industry itself.

For example, the Board has documented an increase in consumer complaints related to escalating project budgets. By monitoring university courses related to appropriate methods of establishing a project budget, and CPD related to the same subject matter, the Board should be able to identify if shortfalls in education, or in CPD content may be a factor in the rise.

The Board commends all regulators to work with industry to better understand what CPD is being offered, and being undertaken, and to evaluate the CPD being undertaken against data derived from complaints or the like, to better understand if CPD is meeting the needs of industry, and the consumers that regulation is designed to protect.

The Board regards CPD as a valuable strategic tool, and sees no evidence of CPD being regarded as an undue burden on architects.
SECTION 6 - Further opportunities for reform

The Board supports the removal of unnecessary or burdensome regulation and commends the following for possible reform:

- Remove age limits from the Act.
- Align the date for registration to the Financial Year
- Remove the prohibition on making an application online

Remove age limits from the Act
Section 22 of the Act requires that a person making an application to the Board for registration as an architect in NSW should be at least 21 years of age.

$(3)$ For the purposes of applying Part 3 of the applied Act to full registration and temporary registration under this Act:
(a) an application for the granting of registration may only be made by an individual who is at least 21 years of age, and

Approved degrees in architecture comprise at least ten semesters of study generally viewed as a 5-year period of study. Following graduation, an architect must undertake a period of practical experience - comprising no less than 12 months post-graduation. A 17-year old entering a course in architecture is likely to be 22 years of age by the time of graduation, and 23 years of age by the time that practical experience has been gained.

However, it is not unheard of for a gifted student to enter university earlier, and to complete studies in an accelerated program. So while it is likely that an applicant for registration will always be older than 21 years of age, the Board does not see the value added by placing limits on the age of an applicant especially where the regulatory barrier, if applied, would likely disadvantage a gifted person who could achieve the requisite knowledge and skills required to be an architect at an age that is younger than 21 years of age.

Align the date for application to the Financial Year
The Architects Act currently states that an architect should re-register each year. Section 22 (3)(c) currently states that:
(c) the requirement of section 54 of that Act for a registration administration fee to be paid to the relevant registration authority within 14 days after each anniversary of the date on which the relevant certificate of registration was issued is to be read as a requirement for the approved fee for annual registration to be so paid on or before 31 March in each year.

Automatic Mutual Recognition is benefited by the alignment of re-registration dates across jurisdictions. The renewal dates in all states and territories are as follows:
- ACT - 1 year from application/registration
- NSW - 30 June (adopted by policy)
- NT - 1 February
- QLD - 30 June
- SA - 30 June
- Tasmania - 31 January
- VIC - 30 June
- WA - 30 June
The Board has subsequently adopted a policy on the renewal period being 30 June, however the Board recommends the Act be amended to bring NSW in to alignment with Queensland, Victoria, South Australia and Western Australia.

Remove the prohibition on making an application online
In 2016, the Board adopted a digital strategy to encourage a 'digital-first' approach in its operations. The strategy is intended to streamline all contact with the Board, and to make data available to consumers, architects, researchers and the like.

Section 22 of the Architects Act 2003 currently prevents electronic applications by reference to

Application to registration of Licensing and Registration (Uniform Procedures) Act 2002
(1) For the purposes of this Act, the Board may grant:
   (a) full registration under section 17, or
   (b) temporary registration under section 18.
(2) Part 3 of the Licensing and Registration (Uniform Procedures) Act 2002 (the applied Act) applies to and in respect of both full registration and temporary registration under this Act, subject to the modifications and limitations prescribed by this Act or the regulations.
Note. See clause 3 of Schedule 3, which temporarily suspends the provisions of the applied Act in relation to the making of applications by way of electronic communication.
(3) For the purposes of applying Part 3 of the applied Act to full registration and temporary registration under this Act:
   (a) an application for the granting of registration may only be made by an individual who is at least 21 years of age, and
   (b) registration may be amended under that Act, and
   (c) the requirement of section 54 of that Act for a registration administration fee to be paid to the relevant registration authority within 14 days after each anniversary of the date on which the relevant certificate of registration was issued is to be read as a requirement for the approved fee for annual registration to be so paid on or before 31 March in each year.
(4) Subject to this Act, the regulations may make provision for or with respect to such matters concerning full registration and temporary registration under this Act as are relevant to the operation of Part 3 of the applied Act.

Under Part 3 of the Licensing and Registration (Uniform Procedures) Act 2002, Section 41 outlines the procedure for making applications. This is as follows:

41 Procedure for making applications
(1) An application may be made in writing or by means of electronic communication.
(2) An application with respect to a partnership or other association may be made on its behalf by any duly authorised member or employee.
(3) An application with respect to a corporation may be made on its behalf by any director or by any duly authorised employee.
(4) If made in writing, an application:
   (a) must contain such information as is required by the relevant application form or as is otherwise required by or under the relevant registration legislation, and
   (b) must be signed:
(i) by the applicant, and
(ii) in the case of an application for the transfer of registration, by the proposed transferee, and
(c) must be lodged with, or sent to, the relevant registration authority.
(5) If made by means of electronic communication, an application:
(a) must contain such information as is required by the relevant application form or as is otherwise required by or under the relevant registration legislation, and
(b) must be authenticated, as required by the relevant registration authority:
(i) by the applicant, and
(ii) in the case of an application for the transfer of registration, by the proposed transferee, and
(c) must be lodged with the relevant registration authority in accordance with that authority’s information technology requirements for the receipt of electronic communications.
(6) A single application may be made to the same registration authority in relation to more than one form of registration.

Notably, section 41(1) provides that an application may be made in writing or via electronic communication, the procedures for which are included in s 41(5). However, Schedule 3, clause 3 Architects Act 2003 has restricted this section’s applicability to applications for registration as an architect.

Schedule 3, clause 3 of the Architects Act 2003 states the following:

3 Electronic applications for registration
(1) Despite Part 3 of the Licensing and Registration (Uniform Procedures) Act 2002 (as applied by section 22 of this Act), an application referred to in section 41 of that Act may not be made by means of electronic communication.
(2) Subclause (1) does not limit the effect of the Electronic Transactions Act 2000.
(3) This clause ceases to have effect on a day to be appointed by proclamation published on the NSW legislation website.

The effect of this clause is that applications for registration made under the Architects Act 2003 may not be made by means of electronic communication.
Annexure 1
Institutionalising National Standards: A History of the Incorporation of the Architects Accreditation Council of Australia (AACA) and the National Competency Standards in Architecture (NCSA)
Institutionalising National Standards:
A History of the Incorporation of the Architects Accreditation Council of Australia (AACA) and the National Competency Standards in Architecture (NCSA)

Associate Professor Kirsten Orr
University of Technology Sydney

Abstract
Significant changes and transformation in the institutional organisation of the Australian architecture profession occurred in 2014. There were attempts in some states to deregulate the profession, the Architects Accreditation Council of Australia (AACA) continued to push for a system of national registration, and a major review of the National Competency Standards in Architecture (NCSA) was completed. It is therefore timely to consider the history of the incorporation of the AACA in 1974 and its role in the development and evolution of the NCSA.

The AACA’s formation was motivated by the desire for a single body to oversee matters of national professional concern and was initiated by the Royal Australian Institute of Architects and received the co-operation of the state and territory architects registration boards. Its primary objects were to promote, recognise and accredit Australian higher education architecture programs, to define acceptable standards of professional experience, to provide for the examination of those seeking registration as an architect, and to define acceptable criteria for the practice of architecture. The criteria were published in NCSA 01 (1993) under a federal program for the development of national competency standards for the Australian professions generally – a microeconomic reform strategy for a multicultural Australia.

Since 1993, the NCSA has evolved and its authority has expanded. In addition to defining the skill sets expected of a competent architect entering the profession, it is now embedded in accreditation procedures for Australia and New Zealand architecture programs, informing higher education curricula and directly shaping the architects of the future.

Archival material held by the Institute of Architects and AACA has been examined with financial support from the NSW Architects Registration Board (2012). This history of the AACA’s role in the institutional realm of the Australian architecture profession provides a foundation for identifying and understanding the profession’s possible futures.

Abbreviations

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AACA</td>
<td>Architects Accreditation Council of Australia</td>
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<td>Institute</td>
<td>Australian Institute of Architects</td>
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<td>ARCUK</td>
<td>Architects Registration Council of the United Kingdom</td>
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<td>ANZAPAP</td>
<td>Australian and New Zealand Architecture Program Accreditation Procedure</td>
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<td>CAA</td>
<td>Commonwealth Association of Architects</td>
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<td>CBAE</td>
<td>Commonwealth Board of Architectural Education</td>
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<td>CHASA</td>
<td>Committee of Heads of Architecture Schools in Australia</td>
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<td>COPQ</td>
<td>Committee on Overseas Professional Qualifications</td>
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<td>DEET</td>
<td>Department of Employment, Education and Training</td>
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<td>NACSR</td>
<td>National Advisory Committee on Skills Recognition</td>
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<td>NCARB</td>
<td>American National Council of Architectural Registration Boards</td>
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<td>NCSA</td>
<td>National Competency Standards in Architecture</td>
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<td>NOOSR</td>
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<td>NSCA (2015)</td>
<td>National Standard of Competency for Architects</td>
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<td>NTB</td>
<td>National Training Board</td>
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<td>RAIA</td>
<td>Royal Australian Institute of Architects</td>
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<td>RIBA</td>
<td>Royal Institute of British Architects</td>
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<tr>
<td>UIA</td>
<td>Union Internationale des Architectes</td>
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Institutionalising National Standards:  
A History of the Incorporation of the Architects Accreditation Council of Australia (AACA)  
and the National Competency Standards in Architecture (NCSA)

Associate Professor Kirsten Orr
University of Technology Sydney

It is timely to consider the history of the incorporation of the Architects Accreditation Council of Australia (AACA) in 1974 and its role in the development and evolution of the National Competency Standards in Architecture (NCSA) in light of the significant changes that are taking place in the Australian architecture profession. In 2014, there were attempts in some states to deregulate the profession, the AACA pushed for a system of national registration, and a major review of the NCSA was completed. This history of the AACA’s role in the institutional realm of the Australian architecture profession is intended to provide a foundation for identifying and understanding possible futures for the Australian architecture profession. Archival material held by the Australian Institute of Architects (Institute) and NSW Architects Registration Board (NSW ARB) has been examined with financial support from the NSW ARB.¹

Globalisation of the architectural profession and the establishment of the Architects Accreditation Council of Australia (AACA)

Enormous political, economic, and societal changes occurred both internationally and in Australia in the late 1960s and 1970s. Internationally, it was the dawn of a post-war globalisation nurtured by new technologies, industrial capitalism and the politics of modern nation-states who sought to defend and expand their influence in an increasingly interdependent world.² In Europe, for example, the 1957 Treaty Establishing the European Economic Community provided for the free movement of professions within Europe. In Australia, the post World-War II migration of over 170,000 people under the federal government “Displaced Persons” program was followed by further waves of migrants. Australian attitudes began to shift and the Whitlam Government introduced a policy of multiculturalism, arguing for the “benefits of cultural diversity and the importance of social harmony and tolerance.”³ The ties with the United Kingdom were loosened and Australia came into closer contact with Asia. It was against this backdrop of multiculturalism and other internationalising influences that the Australian professions sought to develop mutual recognition procedures and the machinery for accrediting overseas qualifications.

The establishment of mutual recognition procedures in the late 1960s and 1970s was a global phenomenon. In 1966 the Commonwealth Board of Architectural Education (CBAE) was established by the Commonwealth Association of Architects (CAA) and immediately attempted to list qualifications of equal standard to those recognised by the Royal Institute of British Architects (RIBA) as a guide to member countries in making reciprocal / unilateral arrangements.⁴ At the CAA

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¹ Kirsten Orr was the recipient in 2012 (with Dr Jason Prior and Melonie Bayl-Smith) of a NSW ARB Research Grant for a project titled “Harnessing the Architect’s Potential for Expanded Agency within Contemporary Collaborative Design and Development Practices.”
⁴ This work was ambitious and years passed before the data was published, the introduction acknowledging “this survey is now out of date … since change inevitably continues on after survey data is collected.” Peter Johnson and Susan Clarke, Architectural Education in the Commonwealth: A Survey of Schools (University
A History of the Incorporation of the AACA & the NCSA

Kirsten Orr, University of Technology Sydney

conference held in New Delhi in March the following year, the representatives of the Royal Australian Institute of Architects (RAIA) were interested in implementing mutual recognition processes and recognised their role in advising "governments on national needs for architectural manpower." They realised that Australia was now the only major country not yet a member of the Union Internationale des Architectes (UIA), and the RAIA National Council resolved to "apply for admission … forthwith" and to extend its associations with South-East Asian countries. It was expected that Malaysia and Singapore would shortly seek reciprocal arrangements with the RAIA, and the possibility was discussed of Asian graduates of Australian architecture programs who had returned to practice in Singapore, Hong Kong and Kuala Lumpur being able to sit the RAIA Professional Practice Examination to become members of the RAIA. In 1967 the RAIA was approached by the RIBA for reciprocal recognition of architectural practice examinations, and in 1970 meetings were held between the RAIA, the American National Council of Architectural Registration Boards (NCARB), the Architects Registration Council of the United Kingdom (ARCUK), and national representatives from Canada, Ireland, and South Africa, with a preliminary agreement reached between the RAIA and the NCARB. In 1971 the RAIA adopted the CAA list of approved qualifications but this covered academic qualifications only and not the practical experience component or other requirements. Despite all of this, there was reluctance within the RAIA to whole-heartedly embrace mutual recognition and no firm agreements that included reciprocity of registration could be reached. Finally in 1972 the National Council passed the buck to the yet-to-be-established AACA.

Thoughts also turned to consolidating the RAIA’s national presence as a federal organisation and establishing a system of national certification of architects that would allow those registered in one state or territory to also practice elsewhere in Australia. Until the end of 1972, architects were required to sit two examinations: the first was set by the architect registration board in their state or territory and led to registration; the second was set by the RAIA and was required for full membership. The NSW Chapter Council set a precedent in 1971 by conducting the RAIA examination jointly with the Board of Architects of NSW. Meanwhile, an ongoing national review of the content and format of the RAIA Architectural Practice Examination resulted in the first national RAIA Architectural Practice Examination for membership of the Institute being held in February 1972, followed in 1973 by the first National Architectural Practice Examination for registration and RAIA membership. It was hoped that this examination would be replaced from 1975 by a new examination conducted by the AACA.
New federal legislation enabling architects to register throughout Australia was required if there was to be national certification of architects. The NSW Chapter made a submission to the NSW Government proposing a national Act, which received support from the RAIA National Council at its meetings in May and November 1972. The RAIA made a successful submission to have the Commonwealth registration of architects included on the agenda for the first meeting of the 1973 federal government Constitutional Convention. However, in 2014, some forty years later, the national registration of Australian architects is still to be achieved and is one of the AACA’s “current projects.”

Securing architecture’s status as one of the pre-eminent Australian professions was a continuing concern of the RAIA. The architecture profession had been omitted from Sir Leslie Martin’s 1965 report, Tertiary Education in Australia: Report of the Committee on the Future of Tertiary Education in Australia and the oversight was thought to reflect a disregard for the profession and to place it at a disadvantage. However it appeared to have regained the lost ground when the RAIA National President, Mervyn Parry, was appointed to lead the 1967 federally-funded and organised Australian Professional Consultants Mission to South-east Asia and the Middle East. While little or nothing actually came from the architectural opportunities presented by the mission, it was followed in 1971 by the proposal to form an Australian Council of Professions. The RAIA immediately joined and by May 1972 was enthusiastically pursuing the chance to conduct a two-stage competition for the design of a purpose-built building to house the new Council and other professional organisations in Canberra.

The establishment of the Architects Accreditation Council of Australia (AACA) was motivated by the desire for a single body to oversee matters of national professional concern arising from the profession’s increasing involvement in international architectural affairs; its interest in developing mutual recognition procedures for Australian and overseas qualifications; the RAIA’s ambition to become a significant, federally-represented organisation with a strong national presence; and architecture’s desire to secure its status as one of the pre-eminent Australian professions.

A “Small Committee” of representatives from the RAIA and the architects registration boards was formed in July 1970 to look into the feasibility of an accreditation council and to gather information on overseas precedents. It reported back to the National Council meeting in October 1971 that the establishment of an “Australian Architects’ Accreditation Council” was an immediate necessity. The accreditation council should be composed of representatives from all the state and territory architects registration boards, assisted by a secretary and with a committee appointed to conduct the day-to-day work and act as a committee of review. It would have two primary functions: the assessment and recognition of overseas qualifications, with which the RAIA and architects registration boards had “had the utmost difficulty,” and the implementation of procedures to assist national recognition of architectural qualifications, including a new national examination leading to an “Accreditation Council Certificate” for registration.

Meanwhile, the RAIA and the architects registration boards had attended several meetings with the federal government Committee on Overseas Professional Qualifications (COPQ) on the subject of facilitating the interchange of registration between states and territories, reciprocity of recognition between Australia and overseas countries, and the accreditation of overseas professional qualifications and assessment of their equivalency with Australian architectural qualifications. The RAIA offered to take on an advisory role with the COPQ and sought its financial assistance for the establishment of the proposed accreditation council. In October 1971, the COPQ wrote to the RAIA offering to set up and fund an “expert panel” in architecture and to provide the secretarial and research assistance necessary to assist with finalising the accreditation council’s establishment. The RAIA accepted the offer and the first meeting of the expert panel was held in November 1972.

A pivotal player at this time was the RAIA Director, John Scollay. Seeing where things were headed, he arranged to attend the First World Conference on Reciprocity in Amsterdam from 1-2 October 1971. There he joined representatives from the NCARB, ARCUK and a number of other countries “as a step towards the achievement of formal, overseas, ‘block’ or ‘network’ reciprocity agreements.” In particular, he sought information on how the NCARB and ARCUK assessed overseas practical experience and whether their requirements for practical experience and their postgraduate architectural practice examinations were mutually acceptable to the RAIA.

The AACA was officially established at a meeting of the RAIA and representatives of all the architects registration boards (except the Northern Territory) held in Canberra from 29-30 June 1972. The rules of accreditation and standards for national certification were debated at the meeting and then formally resolved by a flying minute on 28 September 1972, the boards agreeing to become constituent bodies of the AACA. The new RAIA Director, Ronald Gilling, immediately departed Australia to represent the AACA at the Second World Conference on Reciprocity held in Dubrovnik from 5-7 October 1972 and, while there, presented a draft reciprocity agreement to the NCARB. By November the AACA had its Provisional Executive in place and the “Preliminary Draft Constitution and Rules” had been circulated to all constituent bodies for comment and ratification. The Provisional Executive was immediately authorised to negotiate reciprocal arrangements with the NCARB Board of Directors, which extended to the establishment of a Joint Committee and provision for joint accreditation visits of schools of architecture in Australia and the United States. The AACA “Revised Preliminary Draft Constitution and Rules,” with some minor

22 The COPQ was established in 1969 within the federal Department of Immigration to resolve issues with the assessment and recognition of overseas professional training for migrants seeking work in Australia.
24 “Agenda,” May 1971, 44.
amendments, were adopted on 26 July 1973 for the interim period until incorporation was achieved, and all of the Australian architects registration boards agreed to accept the new AACA Certificate for the registration of architects, which was intended to enable architects to register anywhere in Australia and the United States.32

The AACA was incorporated in the Australian Capital Territory on 7 March 1974 and on 17 April 1974 Scollay was appointed the AACA Public Officer and Don Bailey its Honorary Secretary. The AACA comprised two representatives from each of the nominating bodies – the President / Chairman or his deputy, and the Registrar / Secretary / Director. The Executive of the Council was given the power to act on the Council’s behalf and comprised President of the AACA, elected for a maximum two-year term, and Vice-President, Honorary Secretary and Honorary Treasurer. The primary objects of the AACA were to promote, recognise and accredit Australian architecture programs, define acceptable standards of professional experience, provide for examination of those seeking registration as an architect, and define acceptable criteria for the practice of architecture.33

Although originally an offshoot of the RAIA, the AACA since 1974 has become an entirely independent entity. In 2015 it is a not-for-profit company limited by guarantee that remains responsible for co-ordinating and advocating national standards for architects in Australia and for establishing and maintaining mutual recognition agreements with overseas authorities. It also provides an important forum for discussion and exchange of information between state / territory bodies and, as the peak professional body, plays a significant advisory and facilitatory role, liaising with federal government and other international organisations on issues relating to migration, international agreements and skills shortages in architecture.34

Defining the identity and agency of a competent architect: the National Competency Standards in Architecture (NCSA)

Criteria for the practice of architecture were finally articulated by the AACA in 1993 in the National Competency Standards in Architecture – NCSA 01.35 The development of national competency standards for the Australian professions was one of the key features of the Hawke Government’s approach to microeconomic reform and its agenda for a multicultural Australia in the late 1980s to early 1990s.36 The 1989 National Agenda for Multicultural Australia37 included a commitment to make better use of imported skills and provided a series of policy initiatives, such as the “Migrant Skills Reform Strategy” and “National Training Reform Agenda.”38

33 “Australian Capital Territory Associations Incorporation Ordinance 1953-1966: Notice of Intention to Apply for the Incorporation of an Association,” 2. Held in the AIA National Archives, Canberra: Manilla folder marked “AA/2.3 Incorporation in the ACT,” in Box 000053 1540700 (in biro 5501210813).
36 The other professions developing competency standards in this period were dentistry, dietetics, engineering, medicine, nursing, occupational therapy, optometry, physiotherapy, psychology, social work and welfare work, teaching and veterinary science. National Advisory Committee on Skills Recognition (NACSR), Migrant Skills Reform Strategy Progress Report June 1991 (Canberra: Australian Government Publishing Service, 1991), 41-43.
37 Commonwealth of Australia, National Agenda for a Multicultural Australia ... Sharing Our Future (Canberra: AGPS Press, 1989).
Assessing the growing numbers of immigrants for employment purposes was an ongoing challenge for successive federal governments. In 1981 the Fraser Government appointed a Committee of Inquiry into the Recognition of Overseas Qualifications in Australia. Architecture was not specifically mentioned in the report even though the profession had made a submission. 39

In July 1989 the Hawke Government replaced the COPQ, with a new National Office of Overseas Skills Recognition (NOOSR) within the Department of Employment, Education and Training (DEET). 40 NOOSR was responsible for co-ordinating a national program for the development of competency standards, especially in regulated professions such as architecture. In December 1990 it published two papers that discussed different ways of conceptualising and identifying competencies and of setting standards and that provided advice on suitable methods of assessment. 41 For architecture it was suggested that candidates might be assessed on their performance of practical tasks in simulated or real situations, possibly being “required to produce a plan, a model or a design.” 42

The work of NOOSR was complemented by a number of other bodies. The National Advisory Committee on Skills Recognition (NACSR) sought, among other things, to promote international mutual skills recognition agreements, such as the agreement already in place between Australia and New Zealand for architecture, engineering, pharmacy and quantity surveying. 43 The National Training Board (NTB) produced national competency standards for vocational education and training and sought linkages between higher education and the professions. 44 The Trade Practices Commission reviewed regulation and competition in the Australian professions and in 1992 found that the AACA accepted overseas architects from only nine countries, with a heavy bias in favour of recognising architectural qualifications from other Commonwealth and English-speaking countries. 45

The idea behind national competency standards for the Australian professions was that they would increase competition, increase mobility by removing state and territory barriers, open occupations to skilled migrants, promote Australian participation in international trade in services, and protect the public and the professions by maintaining professional standards. 46 These are the reasons why, in late 1990, NOOSR engaged the AACA as a consultant representing the architectural profession.

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40 Commonwealth of Australia, National Agenda for a Multicultural Australia, 34, 36.


42 Masters and McCurry, Competency-Based Assessment in the Professions, 53.


to develop the first edition of the national competency standards in architecture, published in 1993.47

The Steering Group for this work included representatives of the AACA, RAIA National Education Committee, the NOOSR Panel in Architecture, the Committee of Heads of Architecture Schools in Australia (CHASA) and the Practising Architects Group, Queensland.48 Professor Neville Quarry convened a Research Team with Lynn Crawford and Helen Fisher to develop the draft standards based on an investigation of comparative data gathered from the United Kingdom, European Economic Community, United States and Australia.49 The Research Team’s “Stage 1 Report” was completed in early 1992 and was followed by a consultation process involving ten discussion workshops involving a representative cross-section of the profession to consider the key areas of architectural practice. Draft Performance Criteria were produced from the information they generated.50 The criteria may also have been informed by an earlier research project undertaken in 1988 by Crawford and Susan Hutchison for the Board of Architects of NSW, which had rated architectural competencies from most to least important as being those in design, interpretation of a brief, understanding “buildability,” documentation, understanding codes and statutes, detailing, material selection, financial management, specifications, contract administration, marketability, and contracts.51 The draft Competency Standards and Performance Criteria were widely circulated for comment in 1993.52 They attempted to negotiate the difficulties presented by a profession underpinned by “essentially creative” practices, noting that quality in professional performance and achievement “is not an absolute value but ranges across a scale of attributes” and that for this reason the assessment of an architect’s competency would “require exercise of judgement.”53

From the outset it was intended that the new competency standards would be applied to anyone seeking registration as an architect in Australia but that they would not form part of the state and territory Acts controlling the registration of architects.54 Architects worried that the profession would be forced to adopt them in their day-to-day practice; while the universities were concerned about their autonomy in curriculum development being compromised. It was intended that the

47 NOOSR also assisted the development of competency standards in dietetics, engineering, nursing, occupational therapy, optometry, physiotherapy, psychology, social work and welfare work, and veterinary science. Dentistry, medicine and teaching developed their own competency standards without NOOSR’s involvement. NACSR, Migrant Skills Reform Strategy Progress Report June 1991, 43.

48 Representatives were as follows: AACA: Geoffrey Lumsdaine (Chair) & John Combe (succeeded Angus Teece deceased); AACA Architectural Practice Committee: Roger Pegrum; RAIA National Education Committee: Laurie Hegvold & Susan Scott (succeeded Judith Vulker); NOOSR: Jill Vardy; NOOSR Panel in Architecture: John Davison (succeeded Stephen Pikusa); CHASA: Peter Webber; Practising Architects Group Queensland: John Deshon; Research Team: Neville Quarry. Crawford, Fisher and Quarry, “Untitled Report,” 3.


51 Lynn Crawford and Susan Hutchinson, A Study of Means of Maintaining and Developing Professional Competence Throughout a Career as an Architect (Board of Architects of NSW Research Grant, 1988 (1990)), 24. Unpublished report held by NSW ARB. Note that the Board refused to pay the promised research funds for this report, claiming that it did not meet is requirements/expectations.

52 Neville Quarry, “Barometer Practice: Competency Standards – Benign or Pernicious?,” Architecture Australia (March/April 1993), 70.


competency standards would not to be applied to architectural education and the Minister for Higher Education, Peter Baldwin, gave an “unequivocal pledge that Universities would not be required to adopt competency standards in training methods.” Quarry thought they were no threat to the status quo but would provide a “new reference to a foundation level description of competence upon which continuing professional education can be built,” and would help to “define the professional attributes of education with which the schools may wish to engage.”

The publication of NCSA 01 in 1993 coincided with turbulent times for architecture, and the professions generally, which were suffering from a “growing anti-professional bias throughout society.” In the state of Victoria, in New Zealand and in Britain there had been recent attempts to deregister architects and to abolish the statutory registration of the title “architect.” In this alarming context, the RAIA was keen to protect the title “architect” through the authority of the architects registration boards in the registration process. The RAIA National Council meeting in March 1994 resolved that it did not accept “that AACA can, should, or will assume authority for registration via competency standards or otherwise,” and refused to accept the application of NCSA 01 as the principal requirement for registration as an architect in Australia. It also made an interesting claim to joint ownership with the AACA of NCSA 01, apparently without legal basis, thus beginning an extended tension between the Institute and AACA.

Since the publication of NCSA 01, the competency standards have twice been reviewed by AACA, producing an updated version in 2001 and a second edition in 2008. In its original form, NCSA 01 comprises four blocks of connected activities called “Units of Competency” – Design, Documentation, Project Management, and Practice Management – defined as “a collection of Elements of Competency which are sufficiently related to each other to be considered as a single block of connected activities.” The Units are broken down into thirteen “Contexts,” defined as the “imperatives of the professional setting within which the performance is enacted.” The Contexts “locate the units of competence relative to the comprehensive process of producing architecture.” Within these Contexts are thirty nine “Elements of Competency,” defined as “a discrete activity that a competent architect must be able to perform.” These Elements are further defined by 112 “Performance Criteria,” “evaluative statements which specify the required level of performance.” The document adopts the general format and language conventions defined as the “Australian Standards Format” by the NTB and the particular format developed for the professions by NOOSR.

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56 Quarry, “Competency Standards – Benign or Pernicious?,” 68, 70.
58 Robert Cheesman, RAIA National President, “President’s Letter,” Architecture Australia (May/June 1993), 82.
60 The author was the NSW representative on the national panel that reviewed the NCSA from 2006-2008. Panel members were Philip Briggs, Cris Harding (AACA Registrar), Kirsten Orr, Leigh Shutter and Peter Williams (Chair). This content of this article is not based on that experience and has been derived by research and analysis independently undertaken in 2012-2013.
An emerging schism between the *National Competency Standards in Architecture (NCSA)* and the realities of contemporary architectural practice

Subtle changes have been made to the content of the *NCSA* since 1993. A comparative study by the author of the 1993 *NCSA 01* and the 2008 *NCSA* has identified every change to wording, including additions and deletions and re-structuring of statements, and reveals interesting shifts and emerging themes in the evolving definition of a competent Australian architect.64

The 2008 *NCSA* continues the same Units of Competency – Design, Documentation, Project Management, and Practice Management. However, Contexts are reduced to twelve, Elements of Competency increased to forty two and Performance Criteria increased to 149. The most significant change is to the wording, with 75% of Performance Criteria, 67% of Elements of Competency and 58% of Contexts being re-worded to substantially change their original intent, or else being altogether new. These changes are not evenly spread throughout the document, the least change occurring in Unit 2 Documentation, where only 33% of Performance Criteria have changed, compared to an 85% change for Design, 72% for Project Management and 88% for Practice Management. An additional layer of empirical language has been applied, with new words such as “demonstrate,” “exercise,” “judgement,” “interpret,” and “evaluate” establishing the expectation of greater rigour, while quasi-scientific words such as “progressively investigated,” “researched,” “explored,” “tested,” and “refined” establish the expectation of higher diligence. Some changes respond to the increasingly regulated and litigious environment in which architects operate, particularly the expansion of Element 1.1.3 “Comply with the law and regulations governing planning, building design, procurement and the practice of architecture,” and the requirement for architects to work within cost and time constraints and to establish client and architect agreements that address scope of services, responsibilities and entitlements, copyright, mechanisms for dispute resolution, time frame for payment of invoices, etc. Still other changes re-affirm the architect’s role as the designer, the increasing imperative of sustainable design, and the increasing complexity and regulation of the construction industry.

The uneven distribution of the 149 Performance Criteria in the 2008 edition between the Units of Design, Documentation, Project Management and Practice Management are of particular interest because they reflect what differentiates architects from other design and building professionals. Design comprises 44% of the Performance Criteria; Documentation comprises 12%; Project Management comprises 28%; and Practice Management comprises 16%. On the basis of this breakdown, Design is clearly the most highly valued area of architectural competency. In contrast, Documentation, with the smallest number of Performance Criteria, is the least important.

A third, extensive review of the *NCSA* was undertaken by AACA in 2013-2014 and has resulted in substantial changes to the structure, format, and general and detailed content, and the renaming of the document to *The National Standard of Competency for Architects* (*NSCA* 2015). This was adopted by the AACA Board in 2014 for publication in 2015. It is not the purpose of this paper to review the *NSCA* 2015 as at the time of writing it is not publicly available.65

There have been changes to the application of the *NCSA* since 1993. The *NCSA*, in combination with the requirements of Australian architectural registration processes, continues to establish the occupationally relevant standards for professional practice in architecture and, as such, significantly contributes to the definition of what Australian architects are qualified to do and the skill sets they

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64 This was undertaken in 2012 with funding from a NSW ARB Research Grant.
are expected to have. It directly informs the examination of candidates presenting for Part 3 of the Architectural Practice Examination to be admitted to the Register of Architects, as well as the Review of Academic Equivalence assessment process for applicants with overseas academic qualifications seeking a determination on the extent to which their qualification delivers equivalent competencies to those required of Australian architecture courses. The NCSA is also an important document that informs the curricula of Australian schools of architecture who are charged with shaping the architects of the future. Despite assurances in the 1990s that the NCSA would not apply to higher education, since 2012 it has been embedded in the Australian and New Zealand Architecture Program Accreditation Procedure (ANZAPAP) that guides the review and accreditation of Australian and New Zealand Master of Architecture qualifications.

A chorus of voices within the profession suggests that there may be a growing schism between the quantifiable measures of a competent architect, as defined by the NCSA, and the realities of contemporary architectural practice. In 2013 this schism was acknowledged at the national level in the Institute’s submission to the AACA. The Institute wrote that,

Architectural practice, theory and research are continually evolving to meet the challenges posed by societal and climate changes. Changes in technology, infrastructure, materials, and the rise in innovation, means an architect by necessity must be multidisciplinary in both skills and scope. It is imperative that the NCSA reflect this evolution in practice.

To ensure the relevancy of the NCSA to current practice, it is important that the review of the NCSA take into account:
- the increasing diversity in the agency roles assumed by architects;
- changes to the boundaries of the discipline, for example, masterplanning and urban design;
- the growth of international architectural practice;
- the increasing global and trans-cultural context of architecture;
- the increasing imperative of sustainability within the practice of architecture;
- the increasing complexity and array of technology being used in the practice of architecture.

References to a “singular” preferred model of practice should be removed from the NCSA in recognition of the diversity of practice and that competency can be acquired and demonstrated in a variety of modes of architectural practice.

Conclusion

This history of the incorporation of the AACA and the development and evolution of the NCSA demonstrates an intertwined relationship between the Australian architecture profession’s institutional organisation and external political, economic and social forces. There is evidence in the secondary literature that substantial changes in the professional environment are affecting the ways in which architects think about their role in, and influence on, the built environment that may not be well reflected in the NCSA. For example, Paolo Tombesi, Blair Gardiner and Anthony Mussen have recognised the challenges to Australian architects’ understanding of their place within the construction industry, the built environment and broader society, notably those posed by the advent of new digital design tools, construction technologies, building procurement practices, innovative

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67 Letter from Paul Berkemeier, National President, to Andrew Hutson, Chair, Review of NCSA, 19 August 2013, 4.
materials and alternative ways of thinking. 68 Rory Hyde’s blog and recent book speculate about what this might mean for the profession. 69 There is strong evidence that the identity of the Australian architect is evolving responsively to the pressures exerted by external change and innovation and that the profession is adjusting its aspirations, expectations and actions. The NCSA may define what architects are qualified to do and the skill sets they are expected to have, but the secondary literature supports the Institute’s position that the NCSA does not adequately address evolutions in Australian architectural practice. As such, further research is required to explore the relationship between the values, worldviews, practices, behaviours and organisations of contemporary Australian architectural practice and the quantifiable measures of performance that should govern the training and actions of architects into the future.

Annexure 2
Regulation of the Architectural Profession: a summary of Australian state and territory legislation
INTRODUCTION

Australia has a federal system of government and regulation of most professions occurs at the state and territory level. The architecture profession is regulated by eight State and Territory Architect Registration Boards, with each jurisdiction having its own Architects Act (Act) and Architects Regulations [Regulations]. Regulations are delegated legislation, usually made by a Minister under the Act to clarify or expand on particular aspects of regulation.

The key roles of the Architect Registration Boards are to register architects, conduct disciplinary investigations, pursue unregistered use of the term architect, accredit programs of study and inform the public on architectural registration issues. The Boards have a responsibility to the public, users of architectural services, the built environment industry, and Architects who employ graduates.

The eight ARBs (and their respective establishing laws) are:
- **NSW Architects Registration Board** – Architects Act 2003 (NSW)
- **Architects Registration Board of Victoria** – Architects Act 1991 (Vic)
- **Board of Architects of Queensland** – Architects Act 2002 (Qld)
- **The Architectural Practice Board of South Australia** – Architectural Practice Act 2009 (SA)
- **Architects Board of Western Australia** – Architects Act 2004 (WA)
- **Australian Capital Territory Architects Board** – Architects Act 2004 (ACT)
- **Board of Architects of Tasmania** – Architects Act 1929 (Tas)
- **Northern Territory Architects Board** – Architects Act (NT)

An Architect Registration Board will generally have 5-11 members with a mix of expertise, which may include architects in private practice, government practice and academia, as well as government and community nominees. Members may be directly appointed by the relevant Minister, nominated by professional bodies or elected by registered architects. The eight Architect Registration Boards are collectively the owners of the national standard setting body, the Architects Accreditation Council of Australia (AACA).

As a result of the federal system, there are both similarities and differences amongst jurisdictions in the regulation of the architectural profession. For example, all states accept the Architectural Practice Exam set by the AACA as meeting the professional examination component for registration. However, only some states require Continuing Professional Development (CPD) subsequent to registration.

This document identifies how each jurisdiction regulates key aspects of the architectural profession under its respective Act and Regulations. Section 2 is a summary table of the major topics by jurisdiction, including eligibility for registration, classes of registration, registration of companies, disciplinary proceedings and offenses for misuse of the term “architect”. The following sections then present each topic in more detail. This document is provided for general information only and does not constitute legal advice. It is up to date as at May 2018. For the full current text of each jurisdiction’s Act and Regulations please refer to the respective on-line legislation databases.
### SUMMARY OF LEGISLATION REGULATING ARCHITECTS IN AUSTRALIA

<table>
<thead>
<tr>
<th>Registration Requirements for Individuals</th>
<th>ACT</th>
<th>NSW</th>
<th>NT</th>
<th>QLD</th>
<th>SA</th>
<th>TAS</th>
<th>VIC</th>
<th>WA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirements prescribed in Act and/or Regulations</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Qualification from an accredited course</td>
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<td>✓</td>
<td>in effect</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>Overseas qualification</td>
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<td>✓</td>
<td>in effect</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Standard of practice acceptable to Board</td>
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<td>in effect</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td>in effect</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<td>Fit and proper person</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Not bankrupt</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>No serious convictions</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>No cancellation or suspension of registration in another jurisdiction</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Provision for imposition of conditions on registration</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Conditions determined by</td>
<td>Board</td>
<td>Board</td>
<td>Board</td>
<td>n/a</td>
<td>Act and Board</td>
<td>n/a</td>
<td>n/a</td>
<td>Act and Board</td>
</tr>
</tbody>
</table>

### Types or Divisions of Registration

| Number of types or divisions of registration | 1 | 3 | 1 | 2 | 3 | 1 | 2 | 2 |
| practising/full | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| non-practising or retired | X | ✓ | X | ✓ | ✓ | X | ✓ | ✓ |
| Temporary | X | ✓ | X | X | X | X | X | X |
| Limited | X | ✓ | X | X | X | X | X | X |
| provisional | X | X | X | ✓ | ✓ | ✓ | ✓ | X |

### Registration Requirement for Partnerships and Corporations

<p>| Provision for registration | X | X | ✓ | X | ✓ | X | ✓ | ✓ |
| Term used for registration | n/a | n/a | registration | n/a | registration | n/a | approval | licence |
| Provision for nominating a responsible architect | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Failure of responsible architect to properly supervise services is an offence or unprofessional conduct | ✓ | ✓ | X | X | X | X | ✓ | ✓ |
| Responsible architect details to be recorded in the register | ✓ | ✓ | requires Regulation | X | board members and partners | X | ✓ | ✓ |</p>
<table>
<thead>
<tr>
<th></th>
<th>ACT</th>
<th>NSW</th>
<th>NT</th>
<th>QLD</th>
<th>SA</th>
<th>TAS</th>
<th>VIC</th>
<th>WA</th>
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<tbody>
<tr>
<td><strong>Renewal of Registration</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>renewal period</td>
<td>unspecified</td>
<td>1 April – 31 March</td>
<td>1 January – 31 December</td>
<td>1 July – 30 June</td>
<td>1 July – 30 June</td>
<td>1 January – 31 December</td>
<td>1 July – 30 June</td>
<td>1 July – 30 June</td>
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<td>renewal fee due</td>
<td>unspecified</td>
<td>30 June</td>
<td>1 February</td>
<td>30 June</td>
<td>30 June</td>
<td>31 January</td>
<td>30 June</td>
<td>30 Sept</td>
</tr>
<tr>
<td><strong>Code of Conduct</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provision for Code in Act and/or Regulations</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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</tr>
<tr>
<td>Code of conduct adopted</td>
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<td>X</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>X</td>
</tr>
<tr>
<td>Code used in disciplinary proceedings</td>
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<td>n/a</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>n/a</td>
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<tr>
<td><strong>Professional Indemnity Insurance</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insurance cover must be held</td>
<td>✓</td>
<td>Code of Conduct</td>
<td>X</td>
<td>Code of Conduct</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>Licence condition</td>
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<tr>
<td>Evidence of insurance to be provided to client</td>
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<td>✓</td>
<td>n/a</td>
<td>if requested</td>
<td>X</td>
<td>n/a</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Evidence of insurance to be provided to Board</td>
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<td>X</td>
<td>n/a</td>
<td>X</td>
<td>✓</td>
<td>n/a</td>
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<td>✓</td>
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<tr>
<td>Minimum amount of cover</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>$1M</td>
<td>X</td>
<td>$1.2M</td>
<td>$1M</td>
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<tr>
<td><strong>Maintenance of Skills and Knowledge</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance of skills and knowledge required</td>
<td>X</td>
<td>Code of Conduct</td>
<td>X</td>
<td>✓</td>
<td>Code of Conduct</td>
<td>X</td>
<td>Code of Conduct</td>
<td>✓</td>
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<td>Report on CPD to be provided to Board annually</td>
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<td>n/a</td>
<td>✓</td>
<td>X</td>
<td>n/a</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>Exemption for non-practising architects</td>
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<td>✓</td>
<td>n/a</td>
<td>✓</td>
<td>n/a</td>
<td>n/a</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Fitness to Practice</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fitness to practice requirements specific to renewal of registration</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td><strong>Complaints against an Architect</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>definition or grounds for unprofessional conduct (or similar terms) provided</td>
<td>✓</td>
<td>two classes of conduct</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>complaint to be lodged under a statutory declaration</td>
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<td>X</td>
<td>Board discretion</td>
<td>Board discretion</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Board to consider complaint and/or conduct investigation</td>
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<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Tribunal constituted under Act</td>
<td>Tribunal constituted under Act</td>
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<tr>
<td>Board to determine complaint</td>
<td>X</td>
<td>unsatisfactory professional conduct only</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Tribunal constituted under Act</td>
<td>Tribunal constituted under Act</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>ACT</td>
<td>NSW</td>
<td>NT</td>
<td>QLD</td>
<td>SA</td>
<td>TAS</td>
<td>VIC</td>
<td>WA</td>
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</tr>
<tr>
<td>Board to refer complaint to external Tribunal for finding</td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>Board discretion</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>X</td>
<td>Board discretion</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Board discretion</td>
<td></td>
</tr>
<tr>
<td>Board to refer to mediation or conciliation</td>
<td>X</td>
<td>Board discretion</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Board discretion</td>
<td></td>
</tr>
<tr>
<td>Board has disciplinary powers</td>
<td>X</td>
<td>unsatisfactory professional conduct only</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Tribunal constituted under Act</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>✓</td>
<td>✓</td>
<td>X</td>
<td>✓</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>✓</td>
</tr>
<tr>
<td>Disciplinary action to be published</td>
<td>✓</td>
<td>in the register</td>
<td>discretion to publish in register</td>
<td>X</td>
<td>Board discretion</td>
<td>Board discretion</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Protection of the Title “Architect”**

| protected words | ✓     | ✓                         | ✓                           | ✓                         | ✓                           | ✓                           | ✓                           | ✓  |
| representation provisions | ✓     | ✓                         | ✓                           | ✓                         | ✓                           | ✓                           | ✓                           | ✓  |
| exemptions      | ✓     | ✓                         | ✓                           | ✓                         | ✓                           | ✓                           | ✓                           | ✓  |
### 3. REGISTRATION REQUIREMENTS FOR INDIVIDUALS

#### AUSTRALIAN CAPITAL TERRITORY

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

An individual has relevant expertise if he or she has:

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

An individual has relevant experience if the individual has:

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

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

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

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

#### NEW SOUTH WALES

An individual is entitled to be registered as architect if:

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

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

1. the person is bankrupt, has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with his or her creditors, or made an assignment of his or her remuneration for their benefit;
2. the person has been convicted of an offence under the Act;
3. the person has been convicted of any other offence, either in or outside the State, and the Board is of the opinion that the circumstances of the offence are such as to render the person unfit in the public interest to practise architecture; or
4. the person’s registration, licence, accreditation or certification under an architect’s registration law has been cancelled or suspended because of conduct that would if it occurred in New South Wales and the person were an architect under the Act, authorise cancellation or suspension of the person’s registration under the Act.
The Act requires the application of the Licensing and Registration (Uniform Procedures) Act 2002. For the purposes of applying that Act, registration may only be granted to an individual who is at least 21 years of age.

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

| NORTHERN TERRITORY | The qualifications for registration are that the Board is satisfied that the person holds, or is entitled to hold, a certificate from AACA that certifies that the person is suitably qualified to practise architecture and he or she is a fit and proper person. In practice the AACA no longer issues certificates, however completion of the Architectural Practice Exam set by the AACA is accepted.

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

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

An applicant is qualified for registration if the applicant has:
1. a qualification in architecture recognised by the AACA, a qualification in architecture obtained outside Australia and assessed by AACA to be equivalent to a recognised qualification, or successfully completed AACA’s National Program of Assessment; and
2. successfully completed AACA’s Architectural Practice Examination or another examination approved by the Board.

In deciding whether an applicant is fit to practise as an architect, the Board may have regard to the following:
1. whether the applicant has a conviction, other than a spent conviction, for an indictable offence; an offence against the Act; or another offence, relating to the practice of architecture, against a law applying in the State, the Commonwealth, another State or a foreign country;
2. if the registration of the applicant in Queensland or elsewhere has been suspended or cancelled, the reasons for its suspension or cancellation;
3. any order about the applicant concerning disciplinary action under the Act;
4. whether the applicant is affected by bankruptcy action or is an executive officer of a corporation affected by control action;
5. if the applicant has been required to undergo a health assessment under the Act, whether the applicant underwent the assessment or whether the applicant cooperated with the doctor appointed to conduct the assessment; or
6. any other issue relevant to the applicant’s ability to competently practise as an architect, including, for example, the applicant’s mental or physical health.

The Act states that an architect’s registration can be cancelled if he or she has contravened a condition of registration. The Act provides for conditions of registration to be imposed as a result of disciplinary action and following a health assessment. |

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

A qualification recognised by the Board includes any qualification on the AACA list of accredited qualifications. The requirements for registration are completion of the Architectural Practice Examination or another approved pathway such as the Overseas Architect Assessment.

The Board may impose conditions on limited registration only. The Act provides for a number of possible conditions, in addition to any other condition the Board thinks fit.

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

In order to be registered, a person must satisfy the Board that he or she is of good fame and character.

Any person who has met the following is entitled to registration as an architect:

1. passed the examination for the Diploma of Architecture of the Hobart Technical College, or an examination of a university, college, school, or public institution for the training of architects, the passing of which is recognised by the Royal Australian Institute of Architects as conferring an entitlement to apply for admission to corporate membership of the Institute;
2. completion of at least 2 years of practical experience that is approved by the Board and of which at least one year shall be after passing an examination referred to in paragraph 1; and
3. passed an oral and written examination as required by the Board for the purpose of satisfying it that the applicant has acquired a practical knowledge of the architect’s profession.

Without prejudice to the above, any person who is in the opinion of the Board, by reason of his ability and competence in the field of architecture, is entitled to registration as an architect.

The Act does not provide for the imposition of conditions on registration.

### VICTORIA

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

1. is of good character;
2. has been engaged for not less than 2 years on practical architectural work and has attained a standard of professional practice satisfactory to the Board; and
3. either holds a prescribed qualification in architecture, or has passed a prescribed course of study and completed a period of 5 years in gaining professional knowledge in architecture to the satisfaction of the Board.

The Board may require a natural person to undertake a written or oral architectural practice examination conducted by the Board to assess the person’s standard of professional practice.

A range of qualifications are prescribed for Deakin University, RMIT University, The University of Melbourne, Monash University and the Oceania Polytechnic (now defunct). Candidates may also hold any other architecture qualification at degree level which is approved by the Board as being equivalent those qualifications.

Prescribed courses of study are the AACA’s National Program of Assessment or the APEC Architect Supplementary Assessment.

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

### WESTERN AUSTRALIA

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

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

The Act provides for the imposition of conditions on registration and renewal of registration. Conditions are limited to those stated in the Act or imposed under disciplinary proceedings.
### 4. TYPES OR DIVISIONS OF INDIVIDUAL REGISTRATION

<table>
<thead>
<tr>
<th>Australian Capital Territory</th>
<th>There is only one type or class of registration. The Act provides definitions for the terms architect and architectural service.</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>There are two types of registration – full registration and temporary registration. Temporary registration may be granted to a person who has architectural qualifications and practical experience in another country of a kind that demonstrates that the individual would be capable of practising architecture in the State with the same level of competence and skill expected of NSW registered architects. Temporary registration expires at a date determined by the Board. The practising status of an architect is to be recorded in the register i.e. whether the architect is a practising architect or non-practising architect. In order to record that an architect is a non-practising architect the Board has to be satisfied that the architect has retired from the practice of architecture or is not likely to practise as an architect for the foreseeable future. The Act provides definitions for the terms architect, architectural qualification, architectural service, architecture, full registration and temporary registration. Non-practising architect is defined in the Regulations.</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>There is only one type or class of registration. The Act provides definitions for the terms architect, registered architect and practise.</td>
</tr>
<tr>
<td>Queensland</td>
<td>There are two types of registration – practising architect and non-practising architect. In order to register or renew a person’s registration as a non-practising architect the Board must be satisfied that the person will not carry out, or be responsible for the carrying out of, architectural services within the registration period. The Act provides definitions for architect, architectural service, non-practising architect and practising architect.</td>
</tr>
<tr>
<td>South Australia</td>
<td>There are two main types of registration – full registration and limited registration. Limited registration may be granted by the Board if a person does not have the necessary qualifications or experience required for full registration, in order to enable the person to do whatever is necessary to become eligible for full registration, or to teach or undertake research. The Board may impose conditions on limited registration but not full registration except in the case of disciplinary proceedings when conditions can be imposed. A third type of registration, provisional registration, may on occasion be granted by the Registrar if it appears likely that the Board will grant an application for registration. Provisional registration remains in force until the Board determines the application. The Act provides a definition for the term registered architect</td>
</tr>
<tr>
<td>State</td>
<td>Registration Information</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tasmania</td>
<td>There is only one type or class of registration. The Act provides a definition for the term architect.</td>
</tr>
<tr>
<td>Victoria</td>
<td>There are two classes of registration – practising architects and retired or non-practising architects. In order to pay a reduced fee, retired and non-practising architects must make a declaration that they do not intend to practise as an architect for the period to which the annual fee applies. The Act provides a definition for the term architect. The terms practising, non-practising and retired are not defined.</td>
</tr>
<tr>
<td>Western Australia</td>
<td>There are two divisions of the register – division 1 for registered persons who are currently practising architecture, and division 2 for registered persons who are not currently practising architecture. The Act and Regulations do not provide definitions for the terms architect, architecture, practising or non-practising.</td>
</tr>
</tbody>
</table>
### 5. REGISTRATION REQUIREMENTS FOR PARTNERSHIPS AND CORPORATIONS

#### AUSTRALIAN CAPITAL TERRITORY

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

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

A nominee may give a mandatory notice to the firm that specified action is required to be compliant with the Act. In this case, a firm that is a corporation, and a partner in a firm that is a partnership, commits an offence if it fails to undertake the action required to comply with the Act.

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

#### NEW SOUTH WALES

The Act does not provide for registration of partnerships or corporations. However, it states that a corporation or firm that wishes to represent itself to be an architect must ensure that at all times there is at least one architect who is nominated by the corporation or firm to be responsible for the provision of architectural services by the corporation or firm. The Act defines a firm as a partnership or other unincorporated association of persons.

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

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

#### NORTHERN TERRITORY

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

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

1. the partnership has a place of business or is carrying on business within the Territory;
2. the partnership carries on business within the Territory under the names of the partners or a name registered under the Business Names Registration Act 2011 (Cwlth);
3. at least one of the partners of the partnership is an architect and will be responsible for managing the architectural practice and supervising the provision of architectural services provided by the partnership in the Territory; and
4. if the partnership includes a company amongst its partners, the company is an architectural company.

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

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

The Act provides for prescribed particulars in addition to those stated in the Act to be recorded in the register; however, no particulars have been prescribed specific to architectural partnerships or architectural companies.

The Act requires architectural companies and architectural partnerships to submit an annual statement with the following information:

1. the full name and usual address of every person who on 30 June preceding the lodging of the annual statement was a director of the company or member of the partnership;
2. whether each director/member is an architect; and
3. any other matter necessary or convenient to the administration of the Act which is indicated in the form.

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

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

QUEENSLAND

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

The Act exempts corporations from committing a prima facie offence by using the title or name “architect”, “registered architect” (or other prescribed title or names) if the corporation has given the Board a notice that includes the business’s name, business address and telephone number; the name of each place at which the business provides architectural services; and the name and signature of each architect who is responsible for carrying out architectural services for the business at each business location.

A notice is taken not to have been given unless the notice includes the prescribed information and is accompanied by the prescribed fee. The Regulations do not currently prescribe a fee.

SOUTH AUSTRALIA

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

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

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

The register must include the following for a body corporate:

1. the name and registered address of the body corporate;
2. the full name and nominated contact address of each member of the governing body of the body corporate;
3. information identifying each member of the governing body who is a registered architect; and
4. information prescribed by the Regulations.
The Regulations do not prescribe additional information to be included on the register for a body corporate or partnership. The Act does not provide for any offences specific to architectural businesses.

**TASMANIA**

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

**VICTORIA**

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

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

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

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

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

**WESTERN AUSTRALIA**

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

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

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

The following information is to be entered in the register:
1. the name of the corporation;
2. the date of the initial grant of licence;
3. the licence number;
4. the address of the corporation;
5. any conditions applying to the licence; and
6. other information that is prescribed by the Regulations.

No other information is prescribed by the Regulations.
### 6. RENEWAL OF REGISTRATION

<table>
<thead>
<tr>
<th>Australian Capital Territory</th>
<th>The legislation does not differentiate between initial registration and renewal of registration. The Act states that registration is for 1 year. It does not provide dates for the registration period, nor does it specify requirements for the renewal of registration.</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>The legislation does not differentiate between initial registration and renewal of registration. The Act states that an architect must pay to the Board the approved fee for annual registration on or before 31 March; however, the Board’s website states that the due date is now 30 June.</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>The legislation does not differentiate between initial registration and renewal of registration. The renewal of registration period is from 1 January to 31 December. The renewal fee falls due on 1 February.</td>
</tr>
<tr>
<td>Queensland</td>
<td>The legislation differentiates between initial registration and renewal of registration. When deciding whether to renew an applicant’s registration, the Board must have regard to: 1. whether the Board considers the applicant is fit to practise as an architect; and 2. the extent to which the applicant has satisfied the continuing registration requirements i.e. competency in the practice of architecture. In considering whether an applicant is fit to practise as an architect for renewal of registration, the Board may have regard to the same matters it considered when granting initial registration. The period of registration is a financial year.</td>
</tr>
<tr>
<td>South Australia</td>
<td>The legislation differentiates between initial registration and renewal of registration. In order to renew a person’s registration, the person must furnish the Board with a return in a form approved by the Board containing information required by the Board. The Act provides for the renewal date to be fixed by the Board. The Board has set the renewal fee to be due by 1 July of each year.</td>
</tr>
<tr>
<td>Tasmania</td>
<td>The legislation does not differentiate between initial registration and renewal of registration. The renewal of registration period is from 1 January to 31 December. The renewal fee must be paid on or before 31 January.</td>
</tr>
<tr>
<td>Victoria</td>
<td>The legislation does not differentiate between initial registration and renewal of registration. Annual fees must be paid to the Board by 1 July in each year.</td>
</tr>
<tr>
<td>Western Australia</td>
<td>The legislation does not differentiate between initial registration and renewal of registration. Annual fees must be paid to the Board by 1 July in each year.</td>
</tr>
</tbody>
</table>
### 7. CODE OF CONDUCT

| **AUSTRALIAN CAPITAL TERRITORY** | The Act provides for a regulation to adopt a professional conduct code. This has not occurred. It also provides for the Minister to direct the Board about the exercise of its functions which may include a proposed professional conduct code. |
| **NEW SOUTH WALES** | The Act provides for the establishment of a Code of Professional Conduct setting out guidelines that should be observed by architects in their professional practice. The NSW Architects Code of Professional Conduct is set out in Schedule 2 of the Regulations. The provisions of the Code of Professional Conduct are considered in determining what constitutes proper and ethical conduct by an architect. |
| **NORTHERN TERRITORY** | The Act and Regulations do not provide for a code of conduct. |
| **QUEENSLAND** | The Act states that the Board must make a code of practice to provide guidance to architects as to appropriate professional conduct or practice. The Board’s code of practice is a statutory instrument approved under a regulation. The approved code of practice is admissible as evidence in a disciplinary proceeding brought by the Board against an architect. The code may only be used to provide evidence of appropriate professional conduct or practice for an architect. |
| **SOUTH AUSTRALIA** | The Act states that one of the functions of the Board is to prepare or endorse, subject to the approval of the Minister, codes of conduct or professional standards for registered architects and architectural businesses. The Board’s Code of Conduct may be referred to or incorporated into the Regulations. The current (2012) code has been approved by the Minister and published as required by the Act, but has not been referenced or incorporated into the Regulations. Failure to comply with the code may constitute unprofessional conduct for the purposes of the Act and be grounds for disciplinary action. |
| **TASMANIA** | The Act provides for the Board to regard any document declaring the proper conduct of architects in a professional respect, promulgated by the Board with the approval of the Minister, in determining whether an architect is guilty of infamous or improper conduct in a professional respect. The Board website refers to the Architect’s Model Statutory Code of Professional Standards and Conduct, however, it is unclear if this is a document that has been promulgated by the Board with the approval of the Minister as specified by the Act. |
| **VICTORIA** | The Victorian Architects Code of Professional Conduct is a Schedule to the Architects Regulations 2015 (Vic). Contravention of any provision of the Code of Conduct is prima facie constitutes unprofessional conduct by an architect. |
| **WESTERN AUSTRALIA** | The Act provides for a regulation to adopt any standards, rules, code or other provisions by some other body with or without amendment or modification. This has not occurred. |
## 8. PROFESSIONAL INDEMNITY INSURANCE

<table>
<thead>
<tr>
<th>Australian Capital Territory</th>
<th>Before providing an architectural service, an architect is required to provide evidence of the professional indemnity insurance the architect holds. The legislation does not specify the amount of insurance cover required.</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>The Code of Professional Conduct states that an architect must maintain a policy of professional indemnity insurance appropriate for the architectural services being provided by the architect, and must provide each client of the architect with information relating to the insurance maintained by the architect. Some exemptions apply, including for non-practising architects.</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>There is no requirement for an architect to hold professional indemnity insurance.</td>
</tr>
<tr>
<td>Queensland</td>
<td>The Act and Regulations do not contain professional indemnity insurance provisions. However, the Board’s Code of Practice states that an architect (or his or her employer) must hold professional indemnity insurance appropriate for the architectural services being provided. If requested by the client, the architect must provide information to the client relating to the insurance held. However, if insurance is unavailable or economically unviable, the architect can advise the client that he or she does not maintain professional indemnity insurance, providing this occurs before entry into an agreement with the client.</td>
</tr>
<tr>
<td>South Australia</td>
<td>An architect is required to hold professional indemnity insurance. The Act states that an architect must be insured in a manner and to an extent approved by the Board. The South Australian Board considers that the minimum amount of insurance cover is $1 million. An architect must satisfy the Board that insurance is in effect at each licence renewal. The South Australian Board has determined that a copy of the certificate of currency is to be provided to the Board at initial registration and details of the policy (provider, extent of cover, expiry date) at the time of renewal of registration.</td>
</tr>
<tr>
<td>Tasmania</td>
<td>There is no requirement for an architect to hold professional indemnity insurance. Architects who are licensed under occupational licensing provisions for the building industry as well as the Architects Act are required to hold insurance under those provisions.</td>
</tr>
<tr>
<td>Victoria</td>
<td>An architect is required to hold professional indemnity insurance. The architect must provide evidence of insurance cover to the Board at initial registration and by 1 July each year. The Minister may specify the kind and amount of insurance that is required to be held by an architect. The Minister has specified that not less than $1 million plus not less than $200,000 or 20% for defence costs, with one automatic reinstatement, is required.</td>
</tr>
<tr>
<td>Western Australia</td>
<td>The Board may impose as a condition of registration or renewal of registration that an architect holds professional indemnity insurance. The Western Australian Board has imposed this requirement for both individuals and corporations. The Regulations state that the minimum amount of insurance cover is $1 million. An architect must provide evidence to the Board that insurance is in effect (i.e. provide a copy of the certificate of currency) at initial registration, renewal of registration and when the insurer, period of insurance or amount of cover changes.</td>
</tr>
</tbody>
</table>
# 9. MAINTENANCE OF SKILLS AND KNOWLEDGE

<table>
<thead>
<tr>
<th>Territory</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Capital Territory</td>
<td>The Act and Regulations do not require an architect to maintain his or her skills and knowledge.</td>
</tr>
<tr>
<td>New South Wales</td>
<td>The Board’s Professional Code of Conduct requires an architect to take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of the architectural services that the architect normally provides. The Board requires architects to report on their continuing professional development (CPD) activities at the time of annual renewal of registration. The Board website states that 20 hours of activities (of which at least 10 hours are formal) should be the minimum amount of activity undertaken by an architect in each year. Non-practising architects are not required to comply with these CPD requirements.</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>The Act and Regulations do not require an architect to maintain his or her skills and knowledge.</td>
</tr>
<tr>
<td>Queensland</td>
<td>The Act requires that the Board must be satisfied that an architect has maintained competency in the practice of architecture in order to meet continuing registration requirements. Continuing registration requirements must be considered by the Board when deciding to renew or refuse to renew a person’s registration. The Board requires practicing architects to report on their CPD activities at the time of annual renewal of registration. The Board’s CPD Policy states that 20 hours per annum of CPD should be undertaken, of which at least 10 hours should be formal learning activities. Non-practising architects are not required to comply with these CPD requirements.</td>
</tr>
<tr>
<td>South Australia</td>
<td>The Board’s Code of Conduct states that architects are expected to keep their knowledge and skills relevant to professional work up to date. The Board’s website states that 20 hours per annum of CPD should be undertaken, of which at least 10 hours should be formal learning activities. Architects are however not required to report on their CPD activities. As of May 2018 the Board has gained approval for an amendment to the Act to require Architects to undertake CPD each year and report to the Board. Drafting is currently underway.</td>
</tr>
<tr>
<td>Tasmania</td>
<td>The Act and Regulations do not require an architect to maintain his or her skills and knowledge. However, the Board website states that architects are expected to undertake a minimum 20 hours CPD per annum, and are required to provide a statutory declaration relating to CPD undertaken in the past twelve months. The register indicates whether architects are compliant with this requirement.</td>
</tr>
<tr>
<td>Victoria</td>
<td>The Board recommends that that 20 hours per annum of CPD should be undertaken, of which at least 10 hours should be formal learning activities. This is deemed to satisfy the Code of Conduct requirement to maintain a thorough knowledge of the architectural services (Clause 2(1)(b)).</td>
</tr>
<tr>
<td>Western Australia</td>
<td>The Act requires that the Board be satisfied that a person has attained or maintained a level of knowledge, skill and competence that the Board considers is required in order to renew a person’s registration. The Board’s preferred method of demonstrating this requirement is participation in a continuing professional development program; however, this does not preclude a person from providing evidence in some other form to satisfy the Board’s requirements. The Board requires architects to report on their CPD activities at the time of annual renewal of registration. The Board’s CPD Framework states that 20 hours per annum of CPD should be undertaken, of which at least 10 hours should be formal learning activities. Non-practising architects are not required to comply with these CPD requirements.</td>
</tr>
</tbody>
</table>
10. FITNESS TO PRACTICE

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

NEW SOUTH WALES
An individual is entitled to be registered as an architect if the Board is satisfied that the individual is of good fame and character. The Act also provides for the Board to refuse to register a person if:
1. the person is bankrupt, has applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, has compounded with his or her creditors, or made an assignment of his or her remuneration for their benefit;
2. the person has been convicted of an offence under the Act;
3. the person has been convicted of any other offence, either in or outside the State, and the Board is of the opinion that the circumstances of the offence are such as to render the person unfit in the public interest to practise architecture; or
4. the person’s registration, licence, accreditation or certification under an architects registration law has been cancelled or suspended because of conduct that would (if it occurred in New South Wales and the person were an architect under the Act) authorise cancellation or suspension of the person’s registration under the Act.

NORTHERN TERRITORY
The Act provides for the Board to remove the name of a person from the register:
1. who is convicted, whether in the Territory or elsewhere, of an indictable offence or of any other offence which, in the opinion of the Board, renders him unfit to practise;
2. who becomes of unsound mind; or
3. who is found by the Board to have been guilty of:
   a. habitual drunkenness or addiction to a narcotic drug;
   b. accepting a commission or substantial valuable consideration from a person who has offered or agreed to execute, or is engaged in the execution of, any work in connection with a building designed or supervised by the registered architect or from a person who has offered or agreed to supply any material, fittings or appliances to be used in or in connection with a building designed or supervised by the registered architect;
   c. allowing a person, other than a registered architect, to practise in his name as an architect;
   d. directly or indirectly giving or offering or agreeing to give or offer to a person any valuable consideration for securing or attempting to secure for the architect employment or work as an architect.

QUEENSLAND
In deciding whether an applicant is fit to practise as an architect, the Board may have regard to the following:
1. whether the applicant has a conviction, other than a spent conviction, for an indictable offence; an offence against the Act; or another offence, relating to the practice of architecture, against a law applying in the State, the Commonwealth, another State or a foreign country;
2. if the registration of the applicant in Queensland or elsewhere has been suspended or cancelled, the reasons for its suspension or cancellation;
3. any order about the applicant concerning disciplinary action under the Act;
4. whether the applicant is affected by bankruptcy action or is an executive officer of a corporation affected by control action;
5. if the applicant has been required to undergo a health assessment under the Act, whether the applicant underwent the assessment or whether the applicant cooperated with the doctor appointed to conduct the assessment; or
6. any other issue relevant to the applicant’s ability to competently practise as an architect, including, for example, the applicant’s mental or physical health.

| SOUTH AUSTRALIA | The Act does not provide guidance on what constitutes a fit and proper person. The application for registration requires details of any offences or prior professional disciplinary proceedings to be provided. |
| TIFFANYA | The Act states that no person shall be entitled to be registered as an architect unless he (she) satisfies the Board that he (she) is of good fame and character. The Act further states that no architect shall accept any commission or substantial service or favour from any person who has contracted to execute or is engaged in the execution of any work in connection with any building designed or supervised by such architect, or from any person who has offered or agreed to supply any materials, fittings, or appliances to be used in or in connection with such building. In addition, a judge in chambers may, upon application by the Board and an affidavit showing a prima facie case that an architect is professionally incompetent, order that architect to show cause before the Supreme Court why his (her) name should not be removed from the register. If on the return of an order under subsection it appears to the Supreme Court that the respondent is professionally incompetent, it may order the Board to remove his (her) name from the register and the Board shall comply. |
| VICTORIA | The Act requires that a person be of good character in order to be eligible to be registered as an architect. |
| WESTERN AUSTRALIA | The Act and Regulations require that an architect is a fit and proper person and has not been convicted of an offence, in Western Australia or elsewhere, the nature of which renders the person unfit to be a registered person, in order to renew registration. |
### AUSTRALIAN CAPITAL TERRITORY

The Act prescribes the following grounds for occupational discipline:

1. the architect has contravened the Act;
2. the architect contravened a requirement of the professional conduct code (if adopted);
3. the architect has contravened a condition of his or her registration;
4. the architect has been convicted, or found guilty of an offence against a corresponding law of a local jurisdiction (i.e. any law of a local jurisdiction that regulates architects in the jurisdiction); and
5. the architect has been found guilty, in the ACT or elsewhere, of an offence involving fraud, dishonesty or violence that is punishable by imprisonment for 1 year or more.

Anyone may lodge a complaint against an architect to the Board. The complaint must be in writing and signed by the complainant. The Board may require the complainant to verify the complaint by statutory declaration.

The Board must take reasonable steps to investigate the complaint. The Board must not take further action on a complaint if it is satisfied that the complaint lacks substance; the complaint is frivolous, vexatious or was not made genuinely; or the complaint has been adequately dealt with.

If the Board is satisfied that a ground for occupational discipline exists, the Board must apply to ACT Civil and Administrative Tribunal (ACAT) for occupational discipline.

The ACAT may make one or more of the following orders:

- (a) reprimand the person;
- (b) require the person to give a written undertaking;
- (c) require the person to complete a stated course of training to the satisfaction of the board or another stated person;
- (d) give the person a direction to take specified action;
- (e) cancel or suspend the person’s registration;
- (f) disqualify the person from applying for registration for a stated period or until a stated thing happens;
- (g) direct the board to put a condition on the person’s registration; or remove or amend a condition put on the person’s registration;
- (h) require the person to pay to the Territory or someone else a stated amount; and/or
- (i) if the person gained financial advantage from the action that is the ground for occupational discipline—require the person to pay to the Territory an amount assessed as the amount of financial advantage gained by the person.

### NEW SOUTH WALES

The Act defines professional misconduct as meaning unsatisfactory professional conduct of a sufficiently serious nature to justify the suspension of an architect or the cancellation of an architect’s registration, or any other conduct that is declared by the Regulations to be professional misconduct for the purposes of the Act. The Regulations declare professional misconduct to be conduct of an architect that involves a substantial or consistent failure to reach reasonable standards of competence and diligence for an architect.

Unsatisfactory professional conduct means any of the following:

1. any contravention by the architect of the conditions of the architect’s registration;
2. a failure by the architect to comply with a provision of any code of professional conduct established by the Regulations;
3. any failure without reasonable excuse by the architect to comply with a direction, order or requirement of the Board, Tribunal or Supreme Court;
4. any failure without reasonable excuse by the architect to properly supervise the provision of architectural services by an architect corporation or architect firm while the architect is a nominated architect responsible for the provision of those services;
5. any failure by the architect to comply with the applicable requirements of the Licensing and Registration (Uniform Procedures) Act 2002;
6. any contravention by the architect of the Act or the Regulations;
7. any conduct of the architect that demonstrates that the architect is not a fit and proper person to be registered as an architect;
8. any other conduct of the architect that demonstrates incompetence, or a lack of adequate knowledge, skill, judgment or care in the practice of architecture;
9. any other improper or unethical conduct of the architect in the course of the practice of architecture; or
10. any conduct that is declared by the Regulations to be unsatisfactory professional conduct for the purposes of the Act.

Any person may make a complaint against an architect to the Board. The complaint must be in writing and verified by statutory declaration.

The Board must conduct an investigation into a complaint. The Board may dismiss a complaint if it is satisfied that the complaint is frivolous or vexatious or otherwise lacking in merit; has already been dealt with as a complaint; or is trivial in nature.

The Act also states that the Board may meet separately or jointly with the complainant and architect in an attempt to resolve any issue raised by the complaint if it considers the complaint may be resolved expeditiously by doing so. The Board may be assisted by any person that it considers has relevant expertise in mediation or alternative dispute resolution in any such attempt to resolve a complaint.

If the complaint is not dismissed or mediated, the Board must determine the complaint. If after investigation the Board is satisfied that the architect is guilty of unsatisfactory professional conduct, it may either apply to the Tribunal for a disciplinary finding against the architect or it may take any one or more of the following actions:

1. caution or reprimand the architect;
2. order the withholding or refunding of part or all of the payment for the architectural services that are the subject of the complaint;
3. direct that conditions relating to the architect's practice of architecture be imposed on the architect's registration;
4. order that the person complete any educational course or courses specified by the Board;
5. order that the person report on his or her architectural practice at specified times, in a specified manner and to specified persons;
6. order that the person seek and take advice, in relation to the management of his or her architectural practice, from a specified person or persons; or
7. order the architect to pay a fine of an amount not exceeding 15 penalty units.

If the Tribunal agrees that the architect is guilty of unsatisfactory professional conduct, the Tribunal may make any one or more of the actions listed above, excepting that the fine amount may be up to 200 penalty units.

If after the Board has completed an investigation into a complaint against an architect, it is satisfied that the architect is guilty of professional misconduct the Board must apply to the Civil and Administrative Tribunal for a disciplinary finding against an architect.

If the Tribunal agrees that the architect is guilty of professional misconduct, the Tribunal may (in addition to the actions listed above) suspend the architect's registration for a period as the Tribunal thinks fit or order the cancellation of the architect's registration. The Board must publicise disciplinary action taken against an architect.
NORTHERN TERRITORY

A person may make a complaint against an architect to the Board. The complaint must be in writing and signed by the complainant.

The Board must consider the complaint and it may conduct an investigation into the complaint. The architect must be informed of the complaint and be given an opportunity to respond.

On completing its consideration of and investigations into a complaint, the Board must make a determination:

1. that the complaint is of a frivolous, irrelevant or malicious nature, or that the complaint does not set out sufficient grounds on which to base a complaint, and dismiss the complaint;
2. that no further action is warranted;
3. to reprimand the registered architect;
4. to fine the registered architect an amount not exceeding the prescribed amount;
5. to impose conditions on or vary the conditions imposed on the registered architect’s registration;
6. to suspend the registered architect’s registration; or
7. to cancel the registered architect’s registration.

A determination by the Board may be appealed to the Minister in the first instance, and subsequently to the Local Court of the NT.

The legislation does not require disciplinary action to be published; although, the Act provides for the Board to keep a register in such form as it thinks fit.

QUEENSLAND

The Act defines unsatisfactory professional conduct to include the following:

1. conduct that is of a lesser standard than that which might reasonably be expected of the architect by the public or the architect’s professional peers;
2. conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgment or care, in the practice of architecture;
3. misconduct in a professional respect;
4. fraudulent or dishonest behaviour in the practice of architecture; or
5. other improper or unethical conduct.

A person who is aggrieved by an architect’s conduct may make a complaint to the Board. The complaint must be in the approved form and the Board may require the complainant to verify the complaint by statutory declaration.

The Board may decide to reject a complaint if the Board considers the complaint is frivolous, vexatious or trivial.

The Board may conduct an investigation into the architect’s conduct or may appoint a third party investigator. The Board must prepare a written report about the investigation including the Board’s findings about the complaint. The Board must decide one or more of the following:

1. start a disciplinary proceeding against the architect;
2. enter into an undertaking agreed with the architect about a matter relating to the architect carrying out architectural services;
3. caution or reprimand the architect;
4. impose a condition, agreed to by the architect, on the architect’s registration; or
5. take no further action about the matter the subject of the investigation.

If the Board decides to caution or reprimand an architect or impose a condition on an architect’s registration, the particulars of the decision must be recorded in the register and the Board may notify the decision on the Board’s website.

The Board may apply to the Queensland Civil and Administrative Tribunal to conduct a disciplinary proceeding to decide whether a disciplinary ground is established. Each of the following is a ground for disciplining an architect:

1. the architect has behaved in a way that constitutes unsatisfactory professional conduct;
2. the architect has failed to comply with a provision of the Act; or
3. the architect has been convicted of an offence against an Act of the State, the Commonwealth or another State related to the practice of architecture.
If the Tribunal is considering whether the architect has behaved in a way that constitutes unsatisfactory professional conduct or practice, the tribunal must have regard to the approved code of practice.

If the Tribunal decides that a disciplinary ground is established, the Tribunal may:

1. reprimand the architect;
2. cancel the architect’s registration;
3. disqualify, indefinitely or for a stated period, the architect from obtaining registration as an architect;
4. order the architect to pay a stated amount of not more than the equivalent of 200 penalty units; or
5. take no action against the architect.

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

SOUTH AUSTRALIA

A complaint against an architect can be laid before the Board by a person who is aggrieved by conduct of an architect, the Registrar, the Minister or a representative body. The manner in which the complaint must be laid before the Board is to be approved by the Board. A complaint can be laid against a registered architect or a registered architectural business (i.e. a body corporate or the partners in a partnership).

The Board must inquire into the subject matter of the complaint unless the Board considers that the complaint is frivolous or vexatious. The Board may appoint an investigator to collect information and report to the Board. A complaint is then determined by a three member sub-committee of the board appointed by the Board President.

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

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

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

If, after conducting an inquiry, the Board is satisfied that there is proper cause for disciplinary action against the respondent, the Board may order one or more of the following:

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

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

A person may make a complaint against an architect to the Board, which must be in the form of a statutory declaration.

The Board may summon an architect to appear before it where an architect is:
1. convicted of a crime; an offence which if committed in Tasmania would be a crime; or a contravention of the prohibited practices section of the Act; or
2. alleged to be guilty of infamous or improper conduct in a professional respect, or not to possess the qualifications in respect of which he was registered.

The Board upon hearing the case, where an architect is guilty of improper conduct in a professional respect, may make the following orders:
1. registration be suspended for a term not exceeding 12 months;
2. payment to the Board a fine of not more than $200; or
3. reprimand by the Board.

Where an architect has been convicted of a crime, offence or contravention of the prohibited practices section of the Act; is guilty of infamous conduct in a professional respect; or is found not to possess the qualifications in respect of which he is registered, the Board may in addition remove his or her name from the register (i.e. cancellation), as well as make any order as listed above.

In determining whether an architect is guilty of infamous or improper conduct in a professional respect regard may be had to any document promulgated by the Board with the approval of the Minister and declaring the proper conduct of architects in a professional respect.

The legislation does not require disciplinary action to be published.

**VICTORIA**

The Board, on its own initiative or on the complaint of any person, may determine that an inquiry should or should not be held into an architect’s fitness to practise or professional conduct.

The Board may first refer a complaint to mediation if the Board considers it appropriate to do so and the complainant and architect consent to that referral.

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

The Tribunal can make the following findings:
1. the architect is careless or incompetent in his or her practice;
2. the professional standards of the architect are demonstrably lower than the standards which a competent architect should meet;
3. the architect is guilty of unprofessional conduct;
4. the architect has breached or failed to comply with any provision of the Act;
5. the architect has been convicted in Victoria of an indictable offence or has elsewhere been convicted of an offence which if committed in Victoria, would be an indictable offence; or
6. the registration of the architect has been obtained by fraud or misrepresentation or concealment of facts.

The Tribunal may make one or more of the following determinations and may also make any determination as to costs that it thinks fit:
1. to caution the architect;
2. to reprimand the architect;
3. to require the architect to undertake further education;
4. to impose a condition or limitation on the architect’s registration relating to the architect’s practice;
5. to impose a penalty not exceeding 50 penalty units;
6. to suspend the architect’s registration for the period stated in the determination; or
7. to cancel the architect’s registration.

The Registrar must publish a notice of a determination of the Tribunal to cancel or suspend an architect’s registration in a manner determined by the Board. Determinations may be appealed to the Victorian Civil and Administrative Tribunal.
The Act states that proper causes for disciplinary action are any of the following things:

1. that the person has engaged in unprofessional conduct as an architect;
2. that the person has done or omitted to do something, or engaged in conduct (whether in this State or elsewhere) that renders the person unfit to be registered;
3. that the person has contravened or failed to comply with a provision of the Act, a condition imposed under the Act, or a requirement under the Act to give the Board advice or information;
4. that the person has done or omitted to do something in connection with the practice of architecture in a manner or to the extent that falls short of the standard of competence and diligence that a member of the public is entitled to expect of a reasonably competent architect;
5. that the person has engaged in conduct, other than the non-payment of fees, that has caused at any time:
   a. the name of a person to cease to appear in the register of architects or other record kept by a board or authority charged with regulating the registration of architects in a place outside the State; or
   b. the disqualification of a person by such a board or authority from carrying on the practice of architecture.

For the purposes of paragraph 1 above unprofessional conduct as an architect includes, without limiting the general meaning of the term, conduct that is prescribed by the Regulations as constituting unprofessional conduct as an architect.

The Regulations prescribe the following conduct of a person ("person 1") as constituting unprofessional conduct as an architect:

1. holding out or in any way implying that person 1’s name is entered in a particular division of the register if the name is not entered in that division of the register;
2. using, in connection with an architectural service provided by person 1 the name of a registered person who is not a partner or employee of person 1 or the name of a licensed corporation of which person 1 is not an officer, employee or partner;
3. allowing a natural person (person 2) to practise in person 1’s name in connection with an architectural service provided by person 2 if person 2 is not registered or is registered but is not a partner or employee of person 1;
4. allowing a corporation to practise in person 1’s name in connection with an architectural service provided by the corporation if the corporation is not a licensed corporation or the corporation is a licensed corporation but person 1 is not an officer of the corporation;
5. signing an account, statement, report, specification, plan or other document purporting to represent any architectural work as having been done by person 1 in circumstances where the work has not been done under person 1’s direct control or supervision;
6. accepting architectural work on condition or promise that person 1 will give or receive, or because person 1 has given or received, any remuneration, discount, gift or commission directly or indirectly to or from another person, other than remuneration to be received by person 1 from the client;
7. failing to disclose to a client a direct or indirect pecuniary interest (other than an interest in a public company) that person 1 has in any product or service that person 1 specifies or recommends for use in connection with the project in respect of which person 1’s services are engaged, or uses or causes to be used in connection with that project; or
8. using, or causing to be used, in connection with a project in respect of which person 1’s services are engaged, a product or service in which person 1 has an interest of a kind referred to in paragraph 7 without having the client’s written acknowledgment of the disclosure of the interest; and the client’s written consent to the use of the product or service.

The Act provides for the Board to make rules providing for the manner of making a complaint to the Board. In order for a rule to have effect it must be confirmed by the Governor. This has not occurred. The Board currently specifies a complaint to be made in writing and under a statutory declaration.
The Board may carry out an investigation for the purposes of determining whether any cause exists that might be considered by the Board a proper cause for disciplinary action. The Board is not to investigate a complaint that is made more than 3 years after the conduct is alleged to have occurred unless the Board decides that it is just and fair to investigate the complaint having regard to the delay and reasons for the delay, or it is in the public interest to investigate the complaint.

After considering a complaint, the Board may allege to the State Administrative Tribunal that there is proper cause for disciplinary action to be taken against an architect. If the Tribunal is of the opinion that proper cause exists for disciplinary action, the Tribunal may order one or more of the following:

1. that the person be cautioned or reprimanded;
2. that the person pay a penalty not exceeding $5,000;
3. that a condition be imposed on the person relating to the practice of architecture or an aspect of that practice specified in the order;
4. that the person undergo and complete the education, training or professional development or learning relevant to the practice of architecture or an aspect of that practice that is specified in the order;
5. that the person practise under the supervision that is specified in the order for a specified period;
6. that the person obtain and implement, within a specified period, advice from a specified person, in relation to the practice of architecture or an aspect of practice;
7. that the person give an undertaking, either with or without security not exceeding $5,000, for a specified period in relation to the future conduct of the person as an architect or ensuring compliance with another disciplinary action taken in relation to the person;
8. that the registration of the person be suspended for a period, not exceeding 12 months; or
9. that the person’s name be removed from the register and that the person’s registration be cancelled.

Alternatively, the Board may refer to a committee a complaint in respect for a registered person, for conciliation of the matter. The Board may, with the consent of each of the parties to a conciliation, by order give effect to a settlement negotiated under the Act.

The Board may make an allegation to the State Administrative Tribunal that the Tribunal should take action against a particular licensed corporation on the ground that:

1. the constitution or rules governing the internal management of the corporation has or have been amended in an unacceptable manner;
2. the requirements for licensing have not been complied with or have ceased to be complied with in relation to the corporation;
3. the corporation has contravened or failed to comply with a provision of the Act, a condition imposed under the Act, or a requirement under the Act to give the Board advice or information; or
4. the conduct of a natural person is such that the licence of the corporation should be suspended or cancelled in the case where the Tribunal has already determined there is a proper cause for disciplinary action in respect of the person, and the person at the relevant time was an officer or employee of the corporation.

The Tribunal may suspend a corporation’s licence for a period, not exceeding 12 months, or cancel a licence with effect from a specified day.

Unless the Tribunal orders otherwise, the Board may publish, in the manner and to the persons determined by the Board, notice of action taken, or a decision or order made, in relation to a registered person, or a licensed corporation.

Details of any disciplinary action taken, except disciplinary action taken with the consent to each of the parties to a conciliation, is to be recorded in the register.
12. PROTECTION OF THE TITLE “ARCHITECT”

**AUSTRALIAN CAPITAL TERRITORY**

The Act defines architectural service to mean a service provided in connection with the design, planning or construction of buildings that is ordinarily provided by architects.

The Act prescribes the following offences related to the protection of the title architect.

1. An individual commits an offense if he or she pretends to be registered e.g. using “architect” or “registered architect” on letterhead, entry sign or other advertisement.
2. A corporation commits an offense by offering an architectural service unless the corporation has a nominee. Each partner in a partnership commits an offence if the partnership offers an architectural service and the partnership does not have a nominee.
3. An individual commits an offence if the individual advertises that the individual provides an architectural service and the individual is not registered.
4. An individual commits an offence if the individual advertises that the individual provides an architectural service and the individual does not include his or her registered name and registration number.
5. A corporation or partnership commits an offence if it advertises that it provides an architectural service and does not include the name and registration number of the corporation’s primary nominee in the advertisement
6. A corporation or partnership commits an offence if it provides, or advertises that it will provide, an architectural service and does not include the name and registration number of the primary nominee in each item of written business.
7. A person commits an offence if the person offers an architectural service to be provided by a third party, and the provider of the service is not a registered architect, and the person is reckless about whether the provider is a registered architect.

The Regulations provides for the following exemptions:

1. landscape architect, naval architect and computer systems architect;
2. the use of the term “architectural” by a person who carries on a business that supplies goods in relation to architecture to indicate that the person carries on that business;
3. the use of the terms architectural assistant, architectural technician and architectural drafter by an employee of a registered architect; or
4. the use of the terms “architect” and “registered architect” by an interstate architect if the use of the term is accompanied by something that indicates the local jurisdiction where the architect is registered, and the architect has told the architects board in writing that the architect would be using the term in the ACT.

**NEW SOUTH WALES**

The Act provides the following definitions:

1. architectural service means a service provided in connection with the design, planning or construction of buildings that is ordinarily provided by architects; and
2. architecture does not include naval architecture, computer architecture or any other architecture not concerned with buildings.

The Act also prescribes, without limitation, that use of any of the following titles, names or descriptions constitutes representation as an architect:

1. the title or description “architect” or “registered architect”;
2. another title, name or description that indicates, or is capable of being understood to indicate, or is calculated to lead a person to infer, that the person is an architect;
3. any title, name or description prescribed by the Regulations; or
4. a corporation or firm comprises one or more architects in the case of a corporation or firm.

For the purposes of paragraph 3, the Regulations prescribe the title or description “architectural designer” and “architectural design”.

Regulation of the Architectural Profession: A summary of Australian state and territory legislation
The Act prescribes the following offences relating to the practice of architecture.

1. An individual must not represent himself or herself to be an architect, and must not allow himself or herself to be represented to be an architect unless he or she is an architect.

2. A person must not represent an individual to be an architect if the person knows, or ought reasonably to know, that the individual is not an architect.

3. A corporation or firm must not represent itself to be an architect, and must not allow itself to be represented to be an architect unless the corporation or firm has at least one nominated architect who is responsible for the provision of architectural services by the corporation or firm.

4. A person must not represent a corporation or firm to be an architect if the person knows, or ought reasonably to know, that any such representation by the corporation or firm itself would constitute a contravention of the Act.

5. An corporation or firm must ensure that at all times there is at least one nominated architect who is nominated by the corporation or firm and responsible for the provision of architectural services by the corporation or firm.

6. An architectural corporation or architect firm must ensure that any written business correspondence issued by the corporation or firm indicates the name of the nominated architect responsible for the provision of architectural services by the corporation or firm and the name of the nominated architect is prominently displayed at each place of business of the corporation or firm.

7. If a person (other than an architect) provides or offers to provide an architectural service, the person is guilty of an offence if the architectural service is not provided by, or under the supervision of, an architect.

8. A person (other than an architect) who provides, or represents that the person will provide, architectural services to a client must ensure that any correspondence about those services indicates the name of an architect who is responsible for the provision of those architectural services to the client.

The Act provides the following exemptions for certain titles and descriptions:

1. an employee of an architect from using the title or description of “architectural assistant”, “architectural technician” or “architectural drafter”;

2. a person from using the title or description of “landscape architect”, “naval architect” or “computer systems architect”;

3. a person from using the title or description of “architect” or “registered architect” if the person is registered as an architect in a neighbouring jurisdiction, is normally resident in that jurisdiction, the person indicates the jurisdiction in which the person is so registered, and the person has notified the Board of his or her intention to use such a title or description;

4. a person who holds an architectural qualification from describing himself or herself as holding that qualification;

5. a person from using the word “architectural” only as indicating that the person carries on the business of supplying goods in connection with architecture; or

6. a person from using any name, title or description prescribed by the Regulations.

There are no additional titles or descriptions listed in the Regulations.

For the purposes of paragraph 6, a professional association of architects is not prohibited from using the title or description of “architect” or “registered architect” in the name of the association.

**Northern Territory**

The Act states that the words “architect”, “architectural practitioner”, “architectural consultant” or “architectural designer” are only to be used by a registered architect. A name, title, addition or description indicating or implying that the person, partnership or company is a registered architect or carries on the practice of architecture is also restricted.

The Act prescribe the following exemptions:

1. “architecture” or “architectural” in a name, title or description if the person holds a qualification that is usually described by using these words in the name, title or description;

2. architectural draftsman;

3. golf-course architect;

4. landscape architect; or

5. naval architect.
QUEENSLAND

The Act prescribes the following offences related to protection of the title “architect”.

1. A person who is not an architect must not claim, or hold himself or herself out, to be an architect or allow himself or herself to be held out as an architect.
2. A person must not hold out another person as an architect if the person knows or ought reasonably to know the other person is not an architect.
3. A person who is not an architect must not use the title “architect” or “registered architect” that in the context in which the title or name is used suggests that the person is an architect.
4. A person who is not a practising architect must not use any of the words “architectural services”, “architectural design services” or “architectural design” to advertise or otherwise promote services provided by the person unless the services are to be provided using a practising architect.
5. If a person claims, or holds out, that the person provides architectural services at a place using an architect, the person must ensure an architect is at the place while the services are provided and carries out, or is responsible for the carrying out of, the services.
6. If a person who claims, or holds out, that the person will provide architectural services to someone (the other person) using an architect, the person must inform the other person of the name and contact details of the architect responsible for the carrying out of the services.
7. If a person who provides, or intends to provide, architectural services to someone (the other person) using an architect, the person must ensure the name and contact details of the architect who is, or will be, responsible for the carrying out of the services are stated on all correspondence about the services from the person to the other person.

The Act provides for additional titles, names and words to be prescribed in the Regulations in reference to paragraphs 3 and 4; however, this has not occurred.

The Act provides prima facie exemptions to paragraphs 1 and 3 for corporations if the corporation has given the Board a notice (“Section 141A Form”) that includes the business’s name, business address and telephone number; the name of each place at which the business provides the services; and the name and signature of each architect who is responsible for carrying out architectural services for the business at each business location.

The Board has issued a policy (non-statutory) that clarifies that an action would not be pursued where it is clear from the context of a title that a person is not holding themselves out to be an architect registered in Queensland, e.g., Victorian Architect, Architectural Assistant, Architectural Graduate, Architectural Draftsperson.

SOUTH AUSTRALIA

The Act defines prescribed word as meaning architect or any other word prescribed by the Regulations. No additional words have been prescribed by the Regulations.

The Act prescribes the following offences related to protection of the title “architect”.

1. A natural person must not hold himself or herself out as an architect or permit another person to do so unless registered on the register of architects.
2. A person must not hold out a natural person as an architect unless that natural person is registered on the register of architects.
3. A person must not hold out a body corporate as an architect or permit another person to do so unless the body corporate is registered on the register of architects.
4. A person must not hold out a partnership as a partnership of architects or firm of architects or permit another person to do so unless the partnership is registered on the register of architectural businesses.
5. A person whose registration on the register of architects is limited or subject to a condition under the Act must not hold himself or herself out as having a registration that is not limited or not subject to a condition or permit another person to do so.
6. A person must not hold out another whose registration on the register of architects is limited or subject to a condition under the Act as having a registration that is not limited or not subject to a condition.
7. A natural person who is not a registered architect must not use a prescribed word, or its derivatives, to describe himself or herself or a service that he or she personally provides.
8. A body corporate that is not a registered architectural business must not use a prescribed word, or its derivatives, to describe the body corporate or a service that the body corporate provides.

9. A person who is a partner in a partnership that is not a registered architectural business must not use a prescribed word, or its derivatives, to describe the partnership or a service that the partnership provides.

10. A person must not, in the course of advertising or promoting a service that he or she or a partnership in which he or she is a partner use a prescribed word, or its derivatives, to describe a person who is engaged in the provision of the service or the partnership if the person or partnership is not a registered architect or registered architectural business.

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

1. an employee of a registered architect or registered architectural business from using the title or description of “architectural assistant”, “architectural technician” or “architectural drafter”;

2. a person from using the title or description of “landscape architect”, “naval architect” or “computer systems architect”;

3. a person who holds an architectural qualification from describing himself or herself as holding that qualification;

4. a person from using the word “architectural” only as indicating that the person carries on the business of supplying goods in connection with architecture; or

5. a person from using a name, title or description prescribed by the Regulations.

The Regulations prescribe the following titles or descriptions as exempt from contravening the Act: “architectural engineer”, “golf course architect”, “information technology architect”, “IT architect” or “system architect”.

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**TASMANIA**

The Act defines “architect” to not include naval architect, landscape architect, architectural draughtsman or architectural designer (computer/IT architect is not specified).

The Act prescribes the following offences related to protection of the title “architect”.

1. No person shall use or publish in connection with architecture, or the practice of architecture, any title, name, words, or letters which indicate that he is qualified for, or entitled to, registration as an architect other than such title, name, words, or letters as truly indicate a qualification which he holds.

2. A person who is not an architect shall not describe himself using the word “architect”, any other word or combination of letters that sounds or looks like the word “architect” or any other title, description, or addition that indicates or may indicate to the public that he has anywhere obtained a professional or legal qualification of an architectural nature.

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**VICTORIA**

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

1. using the title “architect” or any other title, name or description that indicates, or is capable of being understood to indicate, or is calculated to lead a person to infer, that the person or body is an architect or is registered or approved under the Act;

2. a representation that the person provides the services of an architect;

3. a representation that the body consists of one or more architects, provides the services of an architect or is registered or approved under the Act; or

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

The Act prescribes the following offences:

1. A natural person must not represent himself or herself to be an architect and must not allow himself or herself to be represented to be an architect unless he or she is registered as an architect under the Act.
2. A person must not represent a natural person to be an architect if the person knows or ought reasonably to know that the natural person is not registered as an architect under the Act.

3. A body (other than a body corporate) must not represent itself to be an architect and must not allow itself to be represented to be an architect unless it is an approved partnership.

4. A person must not represent a body (other than a body corporate) to be an architect if the person knows or ought reasonably to know that the body is not an approved partnership.

5. A body corporate must not represent itself to be an architect and must not allow itself to be represented to be an architect unless it is an approved company.

6. A person must not represent a body corporate to be an architect if the person knows or ought reasonably to know that the body corporate is not an approved company.

7. A person or body (other than a person who is registered as an architect or an approved partnership or an approved company) must not use any of the terms “architectural services”, “architectural design services” or “architectural design” in relation to the design of buildings or parts of buildings by that person or body; or the preparation of plans, drawings or specifications for buildings or parts of buildings by that person or body.

8. An approved company must not provide architectural services unless a director of the company who is registered as an architect is responsible for the carrying out of the services and the services are carried out by or under the supervision of a person who is registered as an architect.

9. An approved partnership must not provide architectural services unless a member of the partnership who is registered as an architect is responsible for the carrying out of the services and the services are carried out by or under the supervision of a person who is registered as an architect.

The Act provides for the following exemptions:

1. a person using the title or description of “landscape architect”, “naval architect” or “computer systems architect”;

2. a person using any name, title or description prescribed by the Regulations; or

3. any person employed in providing architectural services as an officer or employee of the public service of Victoria or of the Commonwealth or as an officer or employee of any public statutory authority representing himself or herself an architect in respect of that person’s employment.

The Regulations do not prescribe any names or titles in relation to paragraph 2.

WESTERN AUSTRALIA

The Act provides the definition of restricted word as “architect”, “architects”, “architectural” or “architecture”, and any abbreviation or derivative of those words or any other word or combination of letters that sounds or looks like those words.

The Act prescribes the following offences related to protection of the title “architect”.

1. A natural person, other than a registered person, must not use a restricted word as part of the person’s title or description; hold himself or herself out as being an architect, a person who practises architecture or a person who is qualified to practise architecture; or in any way imply that the person is an architect, a person who practises architecture or a person who is qualified to practise architecture.

2. A body corporate, other than a licensed corporation, must not use a restricted word as part of its title or description, hold itself out as being an architect or in any way imply that it is an architect.

3. A person must not use a restricted word as part of the title or description of a firm, hold out a firm as comprising one or more architects or in any way imply that a firm comprises one or more architects unless at least one of the members of the firm is a registered person or a licensed corporation.

4. A registered person or a licensed corporation must not carry on the practice of architecture under any name other than the name of the person or corporation as recorded in the register unless the person or corporation has the written consent of the Board to do so and complies with each condition imposed by the Board in relation to the name of the practice.

5. A licensed corporation must not use, in connection with an architectural service provided by the corporation, the name of a registered person who is not an officer, employee or partner of the licensed corporation; or another licensed corporation which is not a partner of the first mentioned licensed corporation.
6. A person must not make or publish, or permit the making or publishing of, a statement or document that states or implies that that person or another person, who is not registered or licensed, is an architect, practises as an architect or undertakes or is willing to undertake work as an architect.

7. A person must not use a restricted word in relation to services offered by a service provider unless there is a reasonable likelihood that the work to be done by or on behalf of the service provider will be controlled and supervised by a registered person.

8. A person must not state or imply that work to be done by or on behalf of a service provider will be done or controlled and supervised by an architect, unless there is a reasonable likelihood that the work will be controlled and supervised by a registered person.

9. If a restricted word is used in relation to services offered by a service provider or it is stated or implied by the service provider that the work will be done or controlled and supervised by an architect, and the service provider becomes aware of a reasonable likelihood that the work to be done will not be controlled or supervised by an architect, the responsible person within the service provider must inform the client.

10. A person must not falsely represent any person as being the person referred to in a certificate of registration or licence document.

The Act provides the following exemptions:

1. a person designs, or superintends the erection of, a building but does not use a restricted term;
2. a natural person describes himself or herself as an architect registered in a specified place other than Western Australia, if that person is registered as an architect in that place, is in Western Australia temporarily and does not design, or superintend the erection of, any building whilst in Western Australia;
3. a naval architect, landscape architect or golf course architect is described as such, or that person’s work is described as naval architecture, landscape architecture, or golf course architecture respectively;
4. an architectural drafter is described as such or that person’s work is described as architectural drafting;
5. a person who provides technical or other support services to an architect is described as an architectural technician or assistant or the person’s work is otherwise described in terms of providing a support service to an architect;
6. a restricted word is used in relation to the manufacture, supply or naming of products or materials for use in the practice of architecture or the construction of buildings;
7. a restricted word is used in the title or description of an educational institution in relation to the provision of education in architecture;
8. a restricted word is used in circumstances where the word is clearly not connected with the design and construction of buildings; or
9. a restricted word is used in circumstances of a kind prescribed by the Regulations [there is currently no such prescription].
Annexure 3
National Standard of Competency for Architects
National Standard of Competency for Architects

A summary of the National Standard prepared by the NSW Architects Registration Board  2017
The NSW Architects Registration Board (ARB) administers the Architects Act 2003, the legislation regulating architects in NSW.

The objects of this Act are:
(a) to ensure that architects provide services to the public in a professional and competent manner, and
(b) to provide mechanisms to discipline architects who are found to have acted unprofessionally or incompetently, and
(c) to ensure that the public is appropriately informed about the qualifications and competence of individuals or organisations holding themselves out as architects, and
(d) to promote a better understanding of architectural issues in the community.

Reading this online? You can download a summary of the provisions of the Act HERE

The NSW Architects Registration Board is located at:
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E. mail@architects.nsw.gov.au
@ArchInsights
#NSWARB
The National Standard of Competency for Architects

The National Standard of Competency for Architects establishes the Standard for architectural education and assessment of professional competency prior to registration as an Architect in Australia.

The Standard identifies the primary activities that are fundamental to the practice of architecture and in relation to which an architect is expected to demonstrate competence in the delivery of professional services.

Competency standards are occupational functions (expressed as Performance Criteria) that a candidate should be able to perform effectively in an ordinary work environment. The National Standard of Competency for Architects (NSCA) sets out functions important to the profession of architecture, rather than simply measuring knowledge in isolation from skills, or time spent in formal education.

The Standard applies to the accreditation of Australian university programs, Overseas Qualifications Assessment, the National Program of Assessment, the Architectural Practice Examination and the Assessment of Overseas Architects. It consists of 4 Units of Competency covering Design, Documentation, Project Delivery and Practice Management, which contain 70 Individual Performance Criteria and 5 Knowledge Domains which underpin all performance criteria.

The Architects Accreditation Council of Australia (AACA) has maintained the NSCA since 1990, in collaboration with the architectural sector and Australian state and territory Architects registration boards. For an Interactive tool, head to: competencystandardforarchitects.aaca.org.au

Knowledge Domains

Knowledge Domains are the core areas of knowledge that underpin architectural practice, and are relevant in demonstrating competency across all performance criteria. One or more of each of the Knowledge Domains has specific application to each performance criterion in each AACA program, and so is labelled as a ‘critical’ (as opposed to ‘necessary’) in the Standard.

Architects provide services that require knowledge, judgement and the execution of skill in response to contexts and questions that are disciplinary, regulatory, social and ethical, and environmental in scope. The Knowledge Domains identified in the Standard provide the broad framework within which the everyday practice as well as the overarching professional context of architecture can be taught, understood and evaluated.

Regulatory Domain
Knowledge of the regulations, standards and codes, relevant to all aspects of architectural practice, project design and delivery.

Social & Ethical Domain
Knowledge of the social, ethical and cultural values relevant to architectural practice and the impacts on project users and broader communities.

Sustainable Environment Domain
Understanding of the responsibility of architects to minimise the impact on natural resources and design for longevity.

Disciplinary Domain
Knowledge of histories and theories relevant to architecture, practice, building and technologies.

Communication Domain
Knowledge of appropriate verbal, written and visual means to communicate relevant aspects of architecture.
Units of Competency

The activities involved in the practice of architecture are broadly categorised by the National Standard of Competency for Architects into the following four units.

Design
An activity involving iterative explorations and appraisals of a range of ideas and concepts, leading towards the development of coherent proposals for a project.

The design process extends from the evaluation of project viability to the conceptual and schematic resolution of a project in response to client, user and public requirements. The design process for a project is informed by appropriate social and environmental considerations of the architect. Although separately listed for convenience, the sequence of design phases indicated through the Elements of Competency and Performance Criteria is not necessarily linear but often comprises overlap, repetition and reiteration.

Documentation
The process of resolving, detailing and communicating an architectural project through all project stages. The modes of documentation include modelling, drawings, specifications and schedules that can be used in the construction, contract management and handover of the project.

Documentation material must be consistent with design objectives and budgetary constraints, and must conform to relevant codes and industry standards. Where supplied by consultants, documentation compliance must be verified.

Project Delivery
The proficient, timely and cost-effective completion of an architectural project through all design and construction phases. Project Delivery must take into account the range of contractual obligations carried by architects, clients, consultants and contractors.

Project Delivery involves the evaluation and implementation of procurement systems as well as appropriate contractual administration systems. The establishment and operation of project teams as well as formalising of project agreements (such as with client, team/s and contractor) is critical to competent project delivery.

Practice Management
The holistic understanding and organisation of the business and profession of architecture in relation to delivering projects. It involves the knowledge and execution of the processes involved in providing architectural services; the knowledge and implementation of appropriate systems to establish and maintain an architectural practice; and the knowledge and enactment of the broad range of ethical and legal obligations required of a Professional Practitioner.

The 70 performance criteria

The National Standard of Competency for Architects provides a framework from which the Standard of Competency for an Architect can be assessed. Each of 70 occupational functions is set out in a Performance Criterion (e.g. “Establishment, analysis and evaluation of client project requirements and objectives”) and these are grouped into nine key Elements describing major practice areas, and then into four broad Units of Competency. Cross cutting all the Performance Criteria, Elements and Units of Competency are five core Knowledge Domains constituting the broad base of understanding that underpins the complex profession of architecture.

The Standard describes the skill and knowledge to be demonstrated in the various assessment programs conducted by the AACA. The level of competency reflects community and professional expectations for an Architect.

Assessment is generally to the level of a Complex Project which would typically be one of medium scale or larger, that requires the skill and knowledge to deliver the integration and resolution of complicated aspects including (but not limited to): siting, planning, structure, services, materials, composition and configuration. Not all architectural projects follow this format, or even result in a built outcome, but it is this level of competency required by an Architect that is tested in the AACA programs.
1. **Design: Project Briefing**

1.1 Preparation & endorsement of an agreement between client and Architect. This agreement will clearly communicate terms, services to be provided, and fees appropriate for the scale and type of project.

1.2 Establishment, analysis and evaluation of client project requirements and objectives.

1.3 Assessment of project budget and timeframe against project requirements and objectives.

1.4 Identification of factors that may impact on client project requirements and objectives.

1.5 Knowledge of different procurement processes available and evaluation of the impact these have on the project.

1.6 Selection and presentation to clients and relevant stakeholders of procurement method for the project.

1.7 Preparation of project brief for approval by client and relevant stakeholders.

2. **Design: Pre Design**

2.1 Identification, analysis and integration of information relevant to siting of project.

2.2 Application of principles controlling planning, development and design for the project site.

2.3 Evaluation of factors influencing and impacting on project cost.

2.4 Analysis of project brief in relation to clients objective budget and timeframe.

2.5 Attainment of approval from client of project budget and timeframe.

2.6 Preparation and analysis of project development options in response to project brief.

3. **Design: Conceptual Design**

3.1 Design response integrates the objectives of brief, user intent and built purpose.

3.2 Application of creative imagination, aesthetic judgement and critical evaluation in formulating design options.

3.3 Design response incorporates assessment of the physical location and relevant wider regional, contextual and environmental issues.

3.4 Design response incorporates assessment of relevant legislation, codes and industry standards.

3.5 Exploration and application of ordering, sequencing and modelling of three-dimensional form and spatial content.

3.6 Assessment of the economic impact on the project of design strategies and options.

3.7 Assessment and integration of construction systems and materials consistent with project brief.

3.8 Application of manual and digital graphic techniques and modelling to describe three-dimensional form and spatial relationships.

4. **Design: Schematic Design**

4.1 Evaluation of design options in relation to project requirements.

4.2 Evaluation of design options against values of physical, environmental and cultural contexts.

4.3 Application of creative imagination aesthetic judgement to produce coherent design.

4.4 Inclusion of expertise of relevant specialists and consultants in developing the project design.

4.5 Investigation and integration of appropriate structural, construction, service and transport systems in the project design.

4.6 Investigation and integration of appropriate material selection for the project design.

4.7 Coordination and integration of appropriate environmental systems, including for thermal comfort, lighting and acoustics.

4.8 Analysis of schematic design in regard to cost planning and timeframe to comply with client and project requirements.

4.9 Obtain approval for the design from client and and/or relevant stakeholders.
5. **Documentation: Detailed Design**

5.1 Application of creative imagination and aesthetic judgement in producing a resolved project design in regard to site planning, physical composition and spatial planning as appropriate to the project brief.

5.2 Resolution of project design addressing all building occupancy and functional aspects including spatial requirements and relationships and circulation aspects.

5.3 Evaluation and integration of regulatory requirements.

5.4 Integration of structural and construction systems in resolved project design.

5.5 Integration of materials and components based upon an understanding of their physical properties.

5.6 Integration of relevant technical services, environmental and transportation systems.

5.7 Resolution of project design to address budget and time constraints.

5.8 Presentation of detailed design to facilitate relevant client and stakeholder approvals.

6. **Documentation: Documentation**

6.1 Identification and adoption of a strategy, program and process of documentation integrated through all project stages to enable project delivery.

6.2 Continuing coordination and integration of information and project material from relevant consultants, specialists and suppliers.

6.3 Incorporation of the project requirements and objectives in accordance with Project Brief and approved Detailed Design.

6.4 Timely completion and communication of accurate and comprehensible documents that will include, as required, drawings, models, specifications, schedules and other relevant modes of information.

6.5 Nomination of quality and performance standards with regard to selected materials, finishes, fittings components and systems.

6.6 Identification and description within the project documentation of the type and scope of separate project trades and sub-contractors as required.

6.7 Establishment of quality assurance systems to ensure consistency and completeness of project documentation in accordance with the requirement for the project brief, project timeframe and project budget.

6.8 Project documentation is in accordance with, and appropriate to, the project contract and project procurement procedure.

7. **Project Delivery: Procurement**

7.1 Identification of available procurement methods and assessment of relevance and application to the project.

7.2 Selection of procurement method incorporates assessment of the impact on all phases of project including design, documentation and project delivery.

7.3 Selection of procurement method incorporates assessment of the impact on contractual arrangements between all project stakeholders.

7.4 Selection of procurement method incorporates assessment of the impact on selection, contracting and scope of work of consultants and specialist service providers.

7.5 Preparation of report and recommendations to enable client to make approval of procurement method and all associated contracts.

7.6 Knowledge and application of all administration and principles for the selected procurement method and associated contracts.

8. **Project Delivery: Construction Stage**

8.1 Selection process for appropriately qualified contractors is in accordance with procurement method and project contract.

8.2 Recommendation regarding contractor selection and specifics of project contract are made to the client for their approval.

8.3 Identification and application of the process and administration systems needed to fulfil all obligations under project contract.

8.4 Construction progress and quality is systematically reviewed and monitored as required under the contract provisions.

8.5 Identification and application of all relevant processes required for certification of monetary claims, project variations, extensions of time, project instructions or other administrative responsibilities under the contract provisions.

8.6 Monitoring project requirements and objectives as described in project documents are met.

8.7 Identification and application of appropriate and consistent systems for record keeping and maintenance of document revisions.

8.8 Ensure that warranties, schedules, as built documentation, certificates, approvals and other project information are completed and handed to the client and relevant authorities as required under the contract.

8.9 Undertake post occupancy evaluation if required under the scope of the project agreement.
9. Practice Management

9.1 Knowledge and implementation of appropriate practice model to ensure efficient, effective and ethical professional service.

9.2 Knowledge and application of practice resources required to ensure efficient and effective professional service.

9.3 Identification and application of practice systems and quality management systems to facilitate efficient and timely delivery of architectural services in accordance with project objectives.

9.4 Establishment of project team and practice structures required to deliver the professional services in a timely manner.

9.5 Knowledge of the legal and ethical obligations relating to copyright and intellectual property requirements.

9.6 Knowledge and application of professional ethics and ethical practices in respect to practice management and provision of professional service.

9.7 Knowledge of legal and regulatory requirements and obligations in regard to architectural practice, practice management and registration as an architect.

9.8 Clear and consistent communication with client and relevant stakeholders throughout project.

9.9 Provision of independent and objective advice through all phases of professional practice.

Understanding the Standard

Standard of Competency
The ability to perform activities within the profession of architecture to the standard expected for registration.

Unit
The four Units of Competency: Design, Documentation, Project Delivery and Practice Management. Each Unit comprises Elements which are sufficiently related to each other to be considered as a block of connected activities. Elements

Discrete activities that collectively describe the Standard of Competency for an architect.

Performance Criteria
Evaluative statements which specify the performance required to demonstrate a Standard of Competency through the Elements.

Knowledge Domains
The range of knowledge and skills considered in assessing whether Performance Criteria have been met. All Knowledge Domains are relevant to achieving the Standard of Competency and should be seen as the background required to engage in Architectural practice.

Professional Architectural Practitioner
One who can demonstrate the standard of skill, care and diligence widely accepted in Australia for competent professional architectural practice.

Complex Project
Typically a project of medium scale or larger, that requires the skill and knowledge to deliver the resolution and integration of complicated aspects including but not limited to: siting, planning, structure, services, materials, composition and configuration.

The National Standard of Competency for Architects establishes the Standard for architectural education and assessment of professional competency prior to registration as an Architect in Australia.

To find out more, contact the Architects Accreditation Council of Australia at aaca.org.au
Annexure 4
Form 02, Application for registration in NSW under the Mutual Recognition Act, TTMRA and Overseas Mutual Recognition Arrangements
Application for registration in NSW under the Mutual Recognition Act, TTMRA and Overseas Mutual Recognition Arrangements

Australian Mutual Recognition Act 1992
Under Section 20 of the Mutual Recognition Act 1992 of the Commonwealth, a person is entitled to be registered as an architect in NSW if they are currently registered in another State or Territory for an equivalent occupation. Architects registered in another jurisdiction can automatically apply for registration in NSW using this form and submit the completed Form O2A and prescribed fee.

Trans-Tasman Mutual Recognition Act (TTMRA)
Under the Trans-Tasman Mutual Recognition Agreement (TTMRA) the same law as above applies to a person registered in New Zealand. Applicants from New Zealand must submit to the NSW ARB this form together with Form O2B confirming the currency of registration, and the prescribed fee.

Mutual Recognition Arrangements (USA/Australia/NZ)
Mutual Recognition Arrangements (MRA) between architectural licensing authorities of the United States of America, Australia and New Zealand enable architects from jurisdictions that have agreed thus far to these arrangements to register in New South Wales after obtaining a certification from the Architects Accreditation Council of Australia of their current status as an architect.

Privacy laws and use of this information
Information collected from this form is for the purposes of maintaining a Register of Architects in NSW. Section 26 of the Architects Act requires the Board to publish a Register in printed or electronic formats. The Register is available to the public.

NSW Registration fees
$250 (GST exempt) for Australian and New Zealand Practising Architects
$400 (GST Exempt) for American Mutual Recognition Arrangements

Annual renewal of registration fee
$250 is the annual renewal fee payable by 30 June each year. NSWARB Renewal Policy applies.

Changes to contact details
Inform the Board of changes in your contact details within 7 days.

Payment methods
- Visa or MasterCard (use enclosed credit card authorisation attached to this form)
- Credit/debit card payments incur a merchant fee

Contact the NSWARB if further information is required

Updated May 2018
Application for registration in NSW under the Australian Mutual Recognition Act, TTMRA and American Mutual Recognition Arrangements

Form 02 Architects Act 2003 s16, 17, 20

Personal details

family name

given names

date of birth

gender

male ☐ female ☐

Primary current registration as an architect

primary registration jurisdiction

date of registration

registration number

If you are also registered in other States or Territories in Australia and/or in other countries, list below with your corresponding registration number and jurisdiction

Submit evidence of your registration as an architect. Certification must not be more than one month from the date of issue.

Complete Form 02A (Australian Registration Boards) or Form 02B (NZ Registration Board). For US MRA, submit a certification issued by the Architects Accreditation Council of Australia (AACA).

Contact details in Australia

name of business (if applicable)

address for registration

post code

is this address a business ☐ a residence ☐

telephone

Mobile

email

Contact details overseas

name of business (if applicable)

address

post (zip) code

is this address a business ☐ a residence ☐

Telephone/mobile

email
Continuing professional development

NSW Practising architects should maintain and improve the skills necessary for the architectural services they normally provide.

Each year when you renew your registration you will be required to certify that you are taking reasonable steps to maintain and improve your skills in the practice of architecture and certify that you have acquired a minimum of 20 hours CPD, of which 10 hours is formal CPD. Pro rata hours apply.

Annual random audit of CPD is conducted on 5% of all registrants.

Professional indemnity insurance

NSW practising architects should maintain professional indemnity insurance appropriate to the architectural services they provide.

Exemptions apply to
- architects providing services as an employee of an architect corporation or firm
- architects who have commenced an architectural practice recently
- on application to the Board the PI requirement may be waived for extenuating circumstances.

☐ I have appropriate PI cover (submit a copy of your Certificate of Currency)
☐ I am providing architectural services as an employee of an architectural firm
☐ I have commenced an architectural practice recently (please provide documentary evidence, eg - business registration or corp firm registration and ABN)
☐ I am applying for exemption from this provision (please provide documentary evidence of your grounds for seeking exemption – eg – illness or financial hardship. PI should be presented within one year of registration)

Declaration

I, _______________________________, declare that:
(a) I am not bankrupt,
(b) I have not applied to take the benefit of any law for the relief of bankrupt or insolvent debtors,
(c) I have not compounded with my creditors or made an assignment of my remuneration for their benefit,
(d) I have not been convicted of an offence under Part 2 of the Architects Act 2003,
(e) I have not been convicted of any other offence, either in or outside the State,
(f) my registration, licence, accreditation or certification under an architects’ registration law has not been cancelled or suspended because of conduct that would (if it occurred in New South Wales and I was an architect under the Architects Act 2003) authorise cancellation or suspension of my registration under the Architects Act 2003,

I declare that details given in this application are true and correct in every particular.

__________________________
signed

__________________________
at

__________________________
on

Checklist

☐ Have you completed and signed the form? Failure to do so may result in delayed or refused registration.
☐ Have you attached a certified copy of evidence of your registration as an architect issued by the Registrar of the State Board or Authority where you are currently registered?
☐ Form 02A for MRA Australia
☐ Form 02B for TTMRA (New Zealand)
☐ AACA Certification of American Mutual Recognition Arrangements
☐ If you wish to apply for exemption from the professional indemnity insurance provision have you attached documentary evidence to support your application?
☐ Have you enclosed the fee of $250 for Australian/New Zealand practising architects registration?
☐ Are you applying as a non-practising architect from another Australian jurisdiction? If so, have you enclosed the fee of $50?
☐ Have you enclosed the fee of $400 for US MRA qualified architects?

Send completed application by email to mail@architects.nsw.gov.au
**NSWARB POLICY ON REGISTRATION**

<table>
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<tr>
<th>MUTUAL RECOGNITION</th>
<th>APPLICANTS REGISTERED FROM ANOTHER STATE AND TERRITORY IN AUSTRALIA AND FROM NEW ZEALAND</th>
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| **FORM 02**        | Applicants who, for the first time, apply for registration in the Practising Category under the MUTREC ACT/TTMRA must comply with the requirements listed in Form 2.  
Submit NSWARB Form 02A completed by the Registrar of the State/Territory Board confirming the current registration.  
**or**  
Submit Form 02B completed by the Registrar of the NZ Registration authority confirming registration in New Zealand.  
$250 |
| **FORM 02**        | Applicants who are in the Non-Practising Category from another State/Territory/NZ can apply for registration only in the Non-Practising category in NSW. Complete Form 02 and submit it with the applicable Mutual Recognition certificates.  
(Non-Practising status can only be upgraded to Practising status anytime after registration is approved. The fee will be the difference in costs and the applicant will be subject to CPD Audit at the next renewal period.)  
$50 $200 |
| **FORM 02**        | Applicants who apply for registration in the Practising Category under the US Mutual Recognition Arrangements  
$400 |
AUTHORISATION
FOR CREDIT CARD PAYMENT*

I authorise the NSW Architects Registration Board to debit my credit card the amount of
- $250 for Application for Registration in NSW by Interstate and New Zealand Practising Architects
- $400 for US MRA Architects
- $50 for Australian/New Zealand Non-Practising Architects

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| VISA CARD □               |
| MASTERCARD □              |

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*Note: Credit card payments incur a minimal merchant fee calculated upon payment
Annexure 5
AIA/AACA Joint Policy on CPD
AACA/RAIA Joint Policy on Continuing Professional Development (CPD)

THE ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA

THE ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS
AACA / RAIA Joint Policy on Continuing Professional Development (CPD)

1.0 Introduction

This document presents a unified approach to CPD supported by the Architects Accreditation Council of Australia (AACA) and the Royal Australian Institute of Architects (RAIA). The intention of this document is to provide a model that can be adopted by relevant jurisdictions and professional bodies to promote national consistency in the definition, recognition and recording of CPD activities.

2.0 The case for compulsory and nationally uniform CPD

The AACA and RAIA agree that there is undeniable benefit to the consumers and practitioners of architecture in Australia if all registered practicing architects undertake CPD. To maintain national consistency these activities must be defined and accredited in a uniform manner throughout all the states in Australia in accordance with the current tenet of mutual recognition of architects’ registration.

The RAIA and AACA agree that to achieve uniform national consistency CPD must be a compulsory requirement for continued registration as a practicing architect.

3.0 Framework for CPD

3.1 Acceptable CPD Activities

Acceptance of CPD activities shall be subject to the following principles:

CPD must:
- Relate to practice as an architect
- Be additional to activities already undertaken in the normal course of an architect’s practice or employment.

3.2 Type of Activity

An effective CPD regime shall have as its basis the National Competency Standards in Architecture NCSA 01 (revised 2001) which prescribes standards in four units:

A  Design
B  Documentation
C  Project management
D  Practice management

Each of these units is further divided into a detailed set of specific contexts, elements and performance criteria. Any accepted CPD activity must be contained within one or more of these units and address the relevant context, element and performance criteria.

3.3 Informal and formal CPD activity

Accepted CPD activity may comprise either:
- Formal CPD
  A learning activity with stated learning outcomes that is formally assessed or has significant interaction between presenter and learner.
- Informal CPD
  A learning activity with stated learning outcomes that involves no formal assessment process or significant interaction between presenter and learner.
AACA / RAIA Joint Policy on Continuing Professional Development (CPD)

4.0 Amount of Acceptable CPD

The accepted minimum commitment for CPD from registered practicing architects shall be effectively 20 points per annum

4.1 Relationship of points to category of activity

Points shall be allocated to specific activities through the process of accreditation. Points shall be accrued in a minimum of two competency units, as listed above in 3.2, per annum. The allocated points loading shall be made clear to those wishing to participate in an acceptable activity

- Formal and Informal CPD Activity: One point for every hour of involvement.
- Specific activities shall be allocated a discrete number of points, as appropriate.

A minimum of 10 points must be for Formal CPD activities.

4.2 Declaration of Compliance

Where required for continued registration the architect must provide to the relevant authority an annual declaration of compliance of completion of the requisite CPD.

4.3 Recording CPD

A nationally consistent format of recording an architect’s involvement and completion of acceptable CDP/CE activities shall be required. The form of record shall be common across all jurisdictions that are engaged in mutual recognition of registration status.

A sample record form is attached.

4.4 Auditing of CPD Activity

Compliance with any requirement for CPD shall be verified by a periodic audit of architect’s records undertaken by the responsible authority at intervals of not more than five years.

An audit is also required when a registered architect is the subject of a formal complaint to, or disciplinary action by, a registration authority.

5.0 Exemptions

Architects may be exempt from completion of the CPD requirement in an annual registration period under the following circumstances:

- Architects resident and practicing overseas
- Architects within any non-practicing architect category defined under relevant jurisdictions
- Architects who can demonstrate special circumstances e.g. illness, maternity leave.

6.0 Accreditation

Where CPD activities are a requirement for continued registration or membership under a responsible authority, accreditation of these activities is required.

The accreditation process shall be determined by the responsible authorities in relevant jurisdictions.