

**Authorised Version No. 034**

**Architects Act 1991**

**No. 13 of 1991**

Authorised Version incorporating amendments as at  
24 April 2012

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**The Parliament of Victoria enacts as follows:**

**PART 1—PRELIMINARY**

**1 Purposes**

The main purposes of the Act are:

- (a) to provide for the registration of architects;
- (b) to provide for the approval of partnerships and companies providing architectural services;
- (c) to regulate the professional conduct of architects;
- (d) to provide a procedure for handling complaints against architects;
- (e) to regulate the use of the terms "architect", "architectural services", "architectural design services" and "architectural design";
- (f) to establish the Architects Registration Board of Victoria.

S. 1(b)  
substituted by  
No. 35/2004  
s. 4(1).

S. 1(e)  
substituted by  
No. 35/2004  
s. 4(2).

**2 Commencement**

This Act comes into operation on a day or days to be proclaimed.

s. 3

### 3 Definitions

(1) In this Act—

*approved* means approved by the Board;

S. 3  
amended by  
No. 72/2001  
s. 3(Sch.  
item 1.2) (ILA  
s. 39B(1)).

*approved company* means a company that is  
approved under section 14;

S. 3(1) def. of  
*approved  
architectural  
company*  
substituted as  
*approved  
company* by  
No. 35/2004  
s. 5(1).

*approved partnership* means a partnership that is  
approved under section 13;

S. 3(1) def. of  
*approved  
architectural  
partnership*  
substituted as  
*approved  
partnership*  
by No.  
35/2004  
s. 5(2).

*architect*, except in Part 2, means a natural person  
who is registered as an architect under  
section 11;

S. 3(1) def. of  
*architect*  
substituted by  
No. 35/2004  
s. 5(3).

*Board* means the Architects Registration Board of  
Victoria;

S. 3(1) def. of  
*domestic  
partner*  
inserted by  
No. 72/2001  
s. 3(Sch.  
item 1.1),  
repealed by  
No. 35/2004  
s. 5(4).

\* \* \* \* \*

*Register* means the Register of Architects;

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*represent* in Part 2, includes claim and hold out;

S. 3(1) def. of *represent* inserted by No. 35/2004 s. 5(5).

*required insurance* means the insurance required by order under section 17A;

S. 3(1) def. of *required insurance* inserted by No. 35/2004 s. 5(5).

\* \* \* \* \*

S. 3(1) def. of *spouse* inserted by No. 72/2001 s. 3(Sch. 1 item 1.1), repealed by No. 35/2004 s. 5(4).

*this Act* includes the regulations made under this Act.

\* \* \* \* \*

S. 3(2) inserted by No. 72/2001 s. 3(Sch. item 1.2), repealed by No. 35/2004 s. 5(6).

Pt 2 (Heading and ss 4–8) substituted as Pt 2 (Heading and ss 4–8D) by No. 35/2004 s. 6.

S. 4 substituted by No. 35/2004 s. 6.

S. 5 substituted by No. 35/2004 s. 6.

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## PART 2—PROHIBITED CONDUCT

### 4 Representing a natural person to be an architect

- (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 this Act.

Penalty: 60 penalty units.

- (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 this Act.

Penalty: 60 penalty units.

### 5 Representing an unincorporated body to be an architect

- (1) 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.
- (2) If a body fails to comply with subsection (1), each member of the body is guilty of an offence and liable to a penalty not exceeding 60 penalty units.
- (3) 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.

Penalty: 60 penalty units.



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**6 Representing a body corporate to be an architect**

**S. 6**  
**substituted by**  
**No. 35/2004**  
**s. 6.**

- (1) 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.

Penalty: 60 penalty units.

- (2) 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.

Penalty: 60 penalty units.

**7 When is a person or body represented as an architect?**

**S. 7**  
**substituted by**  
**No. 35/2004**  
**s. 6.**

- (1) Without limiting the ways in which a person or body can be considered to be represented to be an architect, using any of the following titles, names or descriptions constitutes such a representation—

- (a) the title "architect";
- (b) 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 this Act.

- (2) Without limiting the ways in which a person can be considered to be represented to be an architect, a representation that the person provides the services of an architect constitutes a representation that the person is an architect.

- (3) Without limiting the ways in which a body can be considered to be represented to be an architect, a representation that the body—

- (a) consists of or comprises one or more architects; or

- (b) provides the services of an architect; or
  - (c) is registered or approved under this Act—
- constitutes a representation that the body is an architect.

- (4) Without limiting the ways in which a person or body can be considered to be represented to be an architect, the making or publication of a statement or document that states or implies that the person or body—

- (a) is an architect; or
- (b) practises as an architect; or
- (c) undertakes or is willing to undertake work as an architect—

constitutes a representation that the person or body is an architect.

S. 8  
substituted by  
No. 35/2004  
s. 6.

## **8 Restriction on use of particular expressions**

- (1) A person or body (other than a person who is registered as an architect under this Act 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—
- (a) the design of buildings or parts of buildings by that person or body; or
  - (b) the preparation of plans, drawings or specifications for buildings or parts of buildings by that person or body.

Penalty: 60 penalty units.

- (2) If a body (other than a body corporate) fails to comply with subsection (1), each member of the body is guilty of an offence and liable to a penalty not exceeding 60 penalty units.

## 8A Exceptions

S. 8A  
inserted by  
No. 35/2004  
s. 6.

- (1) This Part does not prevent—
  - (a) a person from using the title or description of "landscape architect", "naval architect" or "computer systems architect"; or
  - (b) a person from using any name, title or description prescribed by the regulations in such circumstances and subject to such restrictions as are prescribed by the regulations.
- (2) Section 4 does not operate to prevent 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 in respect of that person's employment as an officer or employee from representing himself or herself, or from being represented as, an architect.
- (3) Sections 5 and 6 do not operate to prevent a body approved by the Board under this subsection from representing itself, or from being represented, as an architect.

## 8B Offence to work as architect without required insurance

S. 8B  
inserted by  
No. 35/2004  
s. 6.

- (1) A person must not carry out work as an architect unless that person is covered by the required insurance.

Penalty: 100 penalty units, in the case of a natural person;  
500 penalty units, in the case of a body corporate.

s. 8C

- (2) Subsection (1) does not apply to—
- (a) persons employed by or working under the supervision of a person who is registered as an architect under this Act and who is covered by the required insurance; or
  - (b) an approved company.

S. 8C  
inserted by  
No. 35/2004  
s. 6.

### **8C Offence to represent to be insured when uninsured**

A person who is not covered by the required insurance, must not—

- (a) represent himself or herself or itself as covered by the required insurance; or
- (b) allow himself or herself or itself to be represented as being covered by the required insurance.

Penalty: 100 penalty units, in the case of a natural person;  
500 penalty units, in the case of a body corporate.

S. 8D  
inserted by  
No. 35/2004  
s. 6.

### **8D Restriction on provision of architectural services by companies and partnerships**

- (1) An approved company must not provide architectural services unless—
- (a) a director of the company who is registered as an architect under this Act is responsible for the carrying out of the services; and
  - (b) the services are carried out by or under the supervision of a person who is registered as an architect under this Act.

Penalty: 60 penalty units.

- 
- (2) An approved partnership must not provide architectural services unless—
- (a) a member of the partnership who is registered as an architect under this Act is responsible for the carrying out of the services; and
  - (b) the services are carried out by or under the supervision of a person who is registered as an architect under this Act.
- (3) If an approved partnership fails to comply with subsection (2), each member of the partnership is guilty of an offence and liable to a penalty not exceeding 60 penalty units.
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**PART 3—REGISTRATION AND APPROVAL**

**Division 1—Registration of architects**

**9 Application for registration**

- (1) An application for registration as an architect may be made to the Board.
- (2) An application must—
  - (a) be in the prescribed form; and
  - (b) state each prescribed class of registration sought; and
  - (c) be in accordance with the regulations; and
  - (d) be accompanied by the relevant prescribed fee; and
  - (e) if the applicant is required by an order under section 17A to be covered by insurance, include proof that the applicant is covered by the required insurance.
- (3) The Board may require an applicant to provide further information or material.

S. 9(2)  
substituted by  
No. 35/2004  
s. 7.

**10 Qualifications for registration as an architect**

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

- (a) is of good character; and
- (b) 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

- (c) either—
- (i) holds a prescribed qualification in architecture; or
  - (ii) 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.

## 11 Registration

The Board may—

- (a) register an applicant as an architect, if it is satisfied that the applicant is eligible to be so registered; or
- (b) refuse to register the applicant, if it is not so satisfied.

## Division 2—Approval of partnerships and companies

Pt 3 Div. 2  
(Heading)  
substituted by  
No. 35/2004  
s. 8.

## 12 Application for approval

- (1) An application for approval of a partnership or company under this Act may be made to the Board.
- (2) An application must be—
  - (a) in the prescribed form; and
  - (b) accompanied by the prescribed fee.
- (3) An application for approval of a partnership must be made jointly by all the members of the partnership.
- (4) The Board may require an applicant to provide further information or material.

S. 12(1)  
substituted by  
No. 35/2004  
s. 9(1).

S. 12(3)  
amended by  
No. 35/2004  
s. 9(2).

s. 13

### 13 Approval of a partnership

S. 13  
(Heading)  
inserted by  
No. 35/2004  
s. 10(1).

S. 13(1)  
substituted by  
No. 35/2004  
s. 10(2).

- (1) The Board may approve a partnership for the purposes of this Act if at least one of the partners is an architect who is covered by the required insurance.
- (2) If an architectural partnership ceases to comply with the criteria in subsection (1), the members must notify the Board within 14 days.
- (3) The Board may give any directions necessary to ensure that the partnership complies with subsection (1).
- (4) If one member of the partnership complies with subsection (2), that is sufficient compliance by all the members of the partnership.

### 14 Approval of a company

S. 14  
(Heading)  
inserted by  
No. 35/2004  
s. 11(1).

S. 14(1)  
substituted by  
No. 35/2004  
s. 11(2).

- (1) The Board may approve a company for the purposes of this Act if satisfied that—
  - (a) the constitution of the company provides that one of the purposes of the company is the practise of architecture; and
  - (b) at least one director is an architect who is covered by the required insurance.

S. 14(2)  
amended by  
No. 72/2001  
s. 3(Sch. 1  
item 1.3),  
repealed by  
No. 35/2004  
s. 11(3).

\* \* \* \* \*



- (3) If an architectural company ceases to comply with the criteria in subsection (1), it must notify the Board within 14 days.
- (4) The Board may give any directions necessary to ensure that the company complies with subsection (1).

### Division 3—Annual fees

#### 15 Annual fees

- (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.
- (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.

S. 15(1)  
amended by  
No. 35/2004  
s. 12(1).

S. 15(3)  
amended by  
No. 35/2004  
s. 12(2).

#### 15A Proof of required insurance

Every architect who is required under this Act to be covered by insurance must, by 1 July in each year, give written proof to the Board that he or she will be covered by the required insurance—

- (a) until 30 June of the following year; or
- (b) subject to such conditions as the Board may impose, any lesser period approved by the Board.

S. 15A  
inserted by  
No. 35/2004  
s. 13.

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**Division 4—The Register**

S. 16  
amended by  
No. 35/2004  
s. 14.

**16 The Register**

There shall be a Register of Architects containing the names and addresses of every architect, approved partnership, approved company and any other prescribed particulars.

**17 Publication of Register**

- (1) The Board must cause a copy of the Register to be published in August in each year that the Minister directs.
- (2) The Board must cause a supplementary list showing all alterations to the Register during the 12 months ending on the previous 30 June to be published in August in each year that the Register is not published under subsection (1).
- (3) The Register and the supplementary lists may be published in any manner determined by the Board.
- (4) The Registrar must make a copy of the last published copy of the Register available for inspection by any person at the Board's offices in normal office hours, free of charge.
- (5) A supplementary list published under this section is to be taken to form part of the copy of the Register last published.

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**Division 5—Insurance**

Pt 3 Div. 5  
(Heading and  
s. 17A)  
inserted by  
No. 35/2004  
s. 15.

**17A Order requiring insurance**

S. 17A  
inserted by  
No. 35/2004  
s. 15.

- (1) The Minister may, by order published in the Government Gazette—
  - (a) require architects or any specified class or classes of architects to be covered by insurance; and
  - (b) specify the kind and amount of insurance by which architects or architects in a specified class of architect are required to be covered.
- (2) An order under subsection (1) or subsection (4) must state the date on which the order takes effect which must not be earlier than one month after the date of publication of the order in the Government Gazette.
- (3) The Minister may in a particular case vary any excess specified in an order under subsection (1) if the Minister is satisfied that it is appropriate to do so.
- (4) The Minister may, by order published in the Government Gazette, amend or revoke an order made under subsection (1).
- (5) The Minister must consult with the Board before making an order under this section.
- (6) For the purposes of this Act, a person is covered by the required insurance if—
  - (a) the person holds the required insurance; or

- 
- (b) the person is not a party to the required insurance but is specified or referred to in the insurance, whether by name or otherwise, as a person to whom the insurance cover extends.
- (7) In this section *insurance* includes—
- (a) professional indemnity insurance;
  - (b) an indemnity;
  - (c) public liability insurance;
  - (d) insurance taken out by any body or person which covers the work of the architect;
  - (e) an agreement or instrument in the nature of an item set out in paragraphs (a) to (d).
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**PART 4—DISCIPLINARY PROCEEDINGS**

**Division 1—Disciplinary powers**

Pt 4 Div. 1  
(Heading and  
s. 18)  
substituted as  
Pt 4 Div. 1  
(Heading and  
ss 18–18D) by  
No. 35/2004  
s. 16.

**18 Disciplinary powers of the Board**

S. 18  
substituted by  
No. 35/2004  
s. 16.

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

**18A Power to refer complaint to mediation**

S. 18A  
inserted by  
No. 35/2004  
s. 16.

- (1) The Board may refer a complaint to mediation under Division 1A if the Board considers it appropriate to do so.
- (2) A complaint may only be referred to mediation if the person making the complaint and the architect concerned consent to that referral.

**18B Power to appoint person to assist Board**

S. 18B  
inserted by  
No. 35/2004  
s. 16.

The Board may appoint a person to assist it in determining whether or not an inquiry should be held under this Part.

**18C Power to ask for more information**

S. 18C  
inserted by  
No. 35/2004  
s. 16.

Before a determination is made under section 18, the Board or a person appointed under section 18B may—

- (a) ask the complainant for further information;

s. 18D

- (b) provide the architect concerned with details of the matter and ask the architect to provide the Board with information in relation to the matter.

S. 18D  
inserted by  
No. 35/2004  
s. 16.

### **18D Notice to complainant of Board's determination**

The Board must give written notice to any person who has made a complaint to the Board about an architect of its determination that an inquiry should or should not be held under this Part into that architect's fitness to practise or professional conduct.

Pt 4 Div. 1A  
(Heading and  
ss 18E–18J)  
inserted by  
No. 35/2004  
s. 16.

## **Division 1A—Mediation**

S. 18E  
inserted by  
No. 35/2004  
s. 16.

### **18E Appointment of mediator**

- (1) The Board must appoint a person as mediator for each complaint referred under Division 1 for mediation.
- (2) A person appointed under subsection (1) must hold qualifications in, or be experienced in the conduct of, mediations.

S. 18F  
inserted by  
No. 35/2004  
s. 16.

### **18F Notice of mediation**

- (1) The Board must give written notice in accordance with the regulations of a mediation to the complainant and the architect concerned setting out the time and place that the mediation will be held.
- (2) A mediation must be held in relation to a complaint before the end of 28 days after the referral of the complaint to mediation.

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**18G Procedure for mediation**

Subject to the regulations, the procedure for mediation is at the discretion of the mediator.

S. 18G  
inserted by  
No. 35/2004  
s. 16.

**18H Report to Board**

The mediator of a complaint must report in writing to the Board—

S. 18H  
inserted by  
No. 35/2004  
s. 16.

- (a) on whether or not the mediation has been successful; or
- (b) if the mediation does not take place within 28 days after the Board refers the complaint for mediation.

**18I Confidentiality**

- (1) A mediator who mediates a complaint cannot be appointed as a member of the Tribunal to conduct any inquiry into a matter to which the complaint relates.
- (2) Anything said or done in the course of mediation must be kept confidential and cannot be used in any inquiry under this Part, unless all parties to the mediation agree in writing to the use of the information.

S. 18I  
inserted by  
No. 35/2004  
s. 16.

**18J Mediation does not prevent determination that inquiry should be held**

Nothing in this Division prevents the Board from determining under Division 1 that an inquiry should or should not be held under this Part into an architect's fitness to practise or professional conduct.

S. 18J  
inserted by  
No. 35/2004  
s. 16.

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**Division 2—Tribunal**

**19 Tribunal to conduct inquiry for the Board**

Each inquiry concerning an architect must be conducted by a Tribunal constituted under this Division.

**20 Constitution of Tribunal**

The Board may constitute a Tribunal to conduct—

- (a) all inquiries concerning architects; or
- (b) any class of inquiries concerning architects; or
- (c) an inquiry concerning a particular architect.

S. 20  
amended by  
No. 35/2004  
s. 17.

**21 Membership of Tribunal**

- (1) A Tribunal must consist of—
  - (a) one person who is a practising architect; and
  - (b) one person who is not an architect; and
  - (c) one person who is a representative of consumer interests.
- (2) The members of a Tribunal must be chosen from a panel of persons appointed by the Minister under section 21A.
- (3) A member of the Board cannot be a member of a Tribunal.
- (4) At least one member of a Tribunal is to be a person with legal experience and knowledge.
- (5) A Tribunal must elect one of its members to be the Chairperson of the Tribunal.

S. 21  
substituted by  
No. 35/2004  
s. 18.

**21A Appointment of panel**

- (1) The Minister may appoint persons recommended under this section to a panel for the purposes of this Part.

S. 21A  
inserted by  
No. 35/2004  
s. 18.



- (2) The Director of Consumer Affairs Victoria may recommend to the Minister persons who are representative of consumer interests for appointment to the panel.
- (3) The Board may recommend to the Minister practising architects and other suitably qualified persons for appointment to the panel.

## 22 Remuneration

- (1) A person appointed under section 21 is entitled to receive any fees or allowances determined by the Governor in Council.

S. 22(1)  
amended by  
No. 35/2004  
s. 19(1).

\* \* \* \* \*

S. 22(2)  
repealed by  
No. 35/2004  
s. 19(2).

\* \* \* \* \*

S. 23  
repealed by  
No. 35/2004  
s. 20.

## 24 Procedure

- (1) The Tribunal must meet at the times and places determined by the Chairperson of the Tribunal.
- (2) The decision of the Tribunal on a matter must be taken to be the decision of the Board.

### Division 3—Procedure on inquiry

## 25 Appearance of parties

- (1) An architect who is the subject of an inquiry may appear at the inquiry in person or by a representative.
- (2) If an architect who is the subject of an inquiry does not attend in person or by a representative at the time and place fixed for the hearing, the Tribunal may proceed in his or her absence.

## 26 Tribunal may direct public inquiry

- (1) The Tribunal may direct whether or not the whole or any specified part of an inquiry will be open to the public.
- (2) The Tribunal may give directions prohibiting or restricting disclosure (by publication or otherwise) of evidence given at any part of an inquiry.
- (3) A person to whom a direction under subsection (2) relates must comply with it.

Penalty: 50 penalty units.

## 27 Notice

If the Tribunal decides to hold an inquiry, it must, at least 14 days before the inquiry is held, send by registered post to the architect concerned a notice—

- (a) stating its intention, the kind of inquiry to be held, the grounds for the inquiry and the place and time at which it is to be held; and
- (b) inviting the architect to explain his or her behaviour personally or in writing; and
- (c) containing any other prescribed information.

## 28 Assisting counsel

- (1) The Tribunal may appoint an Australian legal practitioner to assist it in the conduct of an inquiry.
- (2) The Board must pay the fees of any Australian legal practitioner assisting the Tribunal.
- (3) In this section, *Australian legal practitioner* has the same meaning as in the **Legal Profession Act 2004**.

S. 28  
amended by  
No. 35/1996  
s. 453(Sch. 1  
item 7),  
substituted by  
No. 18/2005  
s. 18(Sch. 1  
item 6).

## 29 Interested members

(1) A member of the Board who has been involved in investigating a matter being inquired into by the Tribunal—

(a) must disclose the interest to the Chairperson of the Board as soon as possible after becoming aware that the inquiry is to be held; and

\* \* \* \* \*

S. 29(1)(b)  
repealed by  
No. 35/2004  
s. 21(1).

(c) must not attend, vote at or take part in, any proceedings of the inquiry.

\* \* \* \* \*

S. 29(1)(c)  
amended by  
No. 35/2004  
s. 21(2).

S. 29(2)  
repealed by  
No. 35/2004  
s. 21(3).

## 30 Procedure

At an inquiry—

(a) subject to this Part, the procedure of the Tribunal is in its discretion; and

(b) the proceedings must be conducted with as little formality and technicality as the requirements of this Act and the proper consideration of the matter permit; and

(c) the Tribunal is not bound by rules of evidence but may inform itself in any way it thinks fit; and

- (d) the Tribunal may require evidence to be given on oath or affirmation and any member may administer an oath or take an affirmation for that purpose; and
- (e) the Tribunal is bound by the rules of natural justice.

S. 31  
amended by  
No. 69/2009  
s. 54(Sch. Pt 2  
item 5).

### 31 Powers

Sections 14, 15, 16 and 21A of the **Evidence (Miscellaneous Provisions) Act 1958** apply to the Tribunal in the conduct of an inquiry as if it were a Board or the Chairman of a Board appointed by the Governor in Council.

#### Division 4—Determinations of Tribunal

### 32 Grounds for disciplinary action against a registered architect

If after considering the submissions made at an inquiry the Tribunal finds that—

- (a) the architect is careless or incompetent in his or her practice; or
- (b) the professional standards of the architect are demonstrably lower than the standards which a competent architect should meet; or
- (c) the architect is guilty of unprofessional conduct; or
- (d) the architect has breached or failed to comply with any provision of this Act; or
- (e) 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

- (f) 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—

- (g) to caution the architect;
- (h) to reprimand the architect;
- (i) to require the architect to undertake further education of a kind, and to complete it within a period, stated in the determination;
- (j) to impose a condition or limitation on the architect's registration relating to the architect's practice;
- (k) to impose a penalty not exceeding 50 penalty units;
- (l) to suspend the architect's registration for the period stated in the determination;
- (m) to cancel the architect's registration—

and may make any determination as to costs that it thinks fit.

### **33 Determination and reasons**

- (1) A determination made on an inquiry comes into operation on its making or at any later time stated in the determination.
- (2) As soon as possible after making a determination on an inquiry the Tribunal must give to the person to whom the determination relates a written statement setting out its determination.
- (3) A person affected by a determination made on an inquiry may, by notice in writing given to the Board within 2 months after the date on which the determination is made request the Board for the reason for the determination.

- (4) As soon as possible but not later than one month after receiving the request, the Board must give the applicant a written statement setting out the determination made on the inquiry, the reason for the determination and the findings of fact on which they were based.

### 34 Publication of determination

- (1) The Registrar must publish a notice of a determination of the Tribunal to cancel or suspend an architect's registration—

S. 34(1)(a)  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 5.1).

- (a) if the determination has been reviewed by the Victorian Civil and Administrative Tribunal and upheld, as soon as practicable after the determination of the Victorian Civil and Administrative Tribunal; and

S. 34(1)(b)  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 5.1).

- (b) if the determination is not reviewed by the Victorian Civil and Administrative Tribunal, as soon as practicable after the period specified in section 44 within which the person concerned can seek a review of a determination of the Tribunal under this Act has expired.

- (2) The notice must be published in a manner determined by the Board.
- (3) The notice must set out the following particulars—
- (a) the name of the person to whom the inquiry relates; and
  - (b) the nature of the inquiry; and
  - (c) the determination made by the Tribunal.

### 35 Enforcement of determination

- (1) The Board must take all action necessary to give effect to a determination made on an inquiry.
- (2) Action under subsection (1) includes, but is not limited to—
  - (a) the amendment of a certificate of registration; and
  - (b) the recording of matters in the Register.
- (3) A determination that is made on an inquiry and that imposes a penalty or costs may be enforced as if it were an order of the Magistrates' Court made on a conviction for an offence.
- (4) Without limiting the meaning of *unprofessional conduct* an architect who does not comply with a determination of the Tribunal under section 32 is guilty of unprofessional conduct.

### Division 5—Board's powers

#### 36 Cancellation or suspension on withdrawal of qualification

Without holding an inquiry, the Board may cancel or suspend an architect's registration if it is satisfied that the qualification which made the architect eligible to be registered has been withdrawn.

#### 36A Suspension of registration

- (1) Without holding an inquiry, if an architect is required under this Act to be covered by the required insurance, the Board may suspend the architect's registration if—
  - (a) the architect has not provided the required proof of insurance under section 15A; or
  - (b) the Board is satisfied that the person is not covered by the required insurance.

S. 36A  
inserted by  
No. 35/2004  
s. 22.

- (2) The Board must give written notice of the suspension to the person concerned.

### **37 Cancellation or suspension of approval**

- (1) The Board may suspend an approval under section 13 or 14 if the Board is satisfied that the company or the members of the partnership have failed to comply with a direction of the Board under section 13(3), 14(4) or the regulations.

S. 37(2)  
amended by  
No. 35/2004  
s. 23(1).

- (2) The Board may suspend or cancel the approval of a partnership if the Board is satisfied that the partnership no longer fulfils the criteria in section 13.

S. 37(3)  
amended by  
No. 35/2004  
s. 23(2).

- (3) The Board may suspend or cancel the approval of a company if the Board is satisfied that the company no longer fulfils the criteria in section 14.

- (4) The Board must give written notice of the cancellation or suspension of approval to the partnership or company concerned.

- (5) The cancellation or suspension takes effect 14 days after notice is given under subsection (4) unless an application for review is lodged under section 43 within that period.

S. 37(6)  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 5.1).

- (6) If an application for review has been lodged under section 43 and the Victorian Civil and Administrative Tribunal confirms the suspension or cancellation, the suspension or cancellation takes effect upon the making of that determination.



### 38 Return of document

- (1) If, an architect's registration is cancelled or suspended, the holder of the certificate of registration must, within 14 days after the date on which notice of the determination is given, return the certificate of registration to the Board.

Penalty: 5 penalty units.

- (2) If a partnership's or company's approval is cancelled or suspended, the holder of the certificate of approval must, within 14 days after the date on which notice of the determination is given, return the certificate of approval to the Board.

Penalty: 5 penalty units.

- (3) The Board must return a certificate of registration or approval to the holder of the certificate as soon as possible—
- (a) after the end of the suspension period; or
  - (b) if the suspension is sooner revoked, after that revocation.

S. 38(2)  
amended by  
No. 35/2004  
s. 23(3).

### 39 Effect of suspension or variation

- (1) While a person's registration is suspended, the person must be taken not to be registered under this Act.
- (2) While an approval under this Act is suspended, the partnership or company concerned must be taken not to be an approved partnership or an approved company.

S. 39(2)  
amended by  
No. 35/2004  
s. 23(4).

### 40 Revocation of suspension

- (1) The Board may at the request of the person concerned or on its own initiative revoke the suspension of the person's registration.

S. 40(1A)  
inserted by  
No. 35/2004  
s. 24.

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- (1A) The Board must revoke the suspension of a person's registration under section 36A if the person gives the Board written proof that he or she is covered by the required insurance.
  - (2) The Board may at the request of the company or a member of the partnership concerned or on its own initiative revoke the suspension of the company's or partnership's approval.
  - (3) The Board must without delay give written notice of the revocation to the person, partnership or company concerned.

#### **41 Publication of cancellations and suspensions**

The Board may from time to time cause details to be published of any registrations or approvals which have been suspended or cancelled under this Act.

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**PART 5—REVIEW BY VICTORIAN CIVIL AND  
ADMINISTRATIVE TRIBUNAL**

Pt 5  
(Heading)  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 5.2).

**42 Review by VCAT—architects**

S. 42  
(Heading)  
inserted by  
No. 35/2004  
s. 25(1).

- (1) A person may apply to the Victorian Civil and Administrative Tribunal for review of—
- (a) a determination refusing the person's application for registration; or
  - (b) a failure to grant the person's application for registration within the prescribed time after—
    - (i) the person gives the Board further information or material that it requires; or
    - (ii) the date on which the application for registration was made; or
  - (c) a determination made at an inquiry concerning the person; or
  - (d) a determination cancelling or suspending the person's registration made under section 36 or 36A; or
  - (e) a determination refusing to revoke the suspension of the person's registration; or
  - (f) a failure to grant a request to revoke the suspension of the person's registration within the prescribed time after the date on which the request was made.

S. 42  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 5.3(a)).

S. 42(1)(d)  
amended by  
No. 35/2004  
s. 25(2).

S. 42(1)(f)  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 5.3(b)).

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S. 42(1)(g)  
repealed by  
No. 52/1998  
s. 311(Sch. 1  
item 5.3(c)).

S. 42(2)  
inserted by  
No. 52/1998  
s. 311(Sch. 1  
item 5.4),  
amended by  
No. 35/2004  
s. 25(3).

S. 43  
(Heading)  
inserted by  
No. 35/2004  
s. 25(4).  
S. 43  
amended by  
No. 52/1998  
s. 311(Sch. 1  
item 5.5).

- (2) A person whose interests are affected by a determination by the Board that an inquiry should not be held into an architect's fitness to practise or professional conduct may apply to the Victorian Civil and Administrative Tribunal for review of the determination.

#### **43 Review by VCAT—approved partnerships and approved companies**

A company or member of a partnership may apply to the Victorian Civil and Administrative Tribunal for review of—

- (a) a determination refusing the company's or partnership's application for approval; or
- (b) a failure to grant the company's or partnership's application for approval within the prescribed time after—
  - (i) the company or partnership gives the Board further information or material that it requires;
  - (ii) the date on which the application for approval was made; or
- (c) a determination cancelling or suspending the company's or partnership's approval under section 37; or
- (d) a determination refusing to revoke the suspension of the company's or partnership's approval; or
- (e) a failure to grant a request to revoke the suspension of the company's or partnership's approval within the prescribed time after the date on which the request was made.

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**44 Time limits for applying for review**

An application for review under this Part must be made—

- (a) in the case of an application under section 43(c)—within 14 days after the day on which the Board gives notice of the determination to the company or partnership; or
- (b) in the case of an application under section 42(1)(b) or (f) or 43(b) or (e)—within 3 months after the day on which the relevant prescribed time ends; or
- (c) in any other case—within 3 months after the day on which the Board or Tribunal gives notice of the determination to the person, company or partnership.

**S. 44**  
substituted by  
No. 52/1998  
s. 311(Sch. 1  
item 5.6).

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**PART 6—ARCHITECTS REGISTRATION BOARD OF VICTORIA**

**45 Establishment of Board**

- (1) There is established a Board to be called the Architects Registration Board of Victoria.
- (2) The Board—
  - (a) is a body corporate with perpetual succession;
  - (b) shall have a common seal;
  - (c) may acquire, hold and dispose of real and personal property;
  - (d) may sue and be sued in its corporate name;
  - (e) may do and suffer all acts and things that a body corporate may by law do and suffer.
- (3) The common seal of the Board must be kept as directed by the Board and must be used only as authorised by the Board.
- (4) All courts must take judicial notice of the seal of the Board on a document and must presume that the document was properly sealed.

**46 Powers and duties of Board**

The Board may—

- (a) determine the qualifications and experience required for registration under this Act;
- (b) regulate the examination of persons applying for registration under this Act;
- (c) in association with the approved schools of architecture, assess and accredit courses in architecture;
- (d) hold examinations and appoint examiners;
- (e) issue or cancel certificates of registration or approval;

- (f) in accordance with this Act, suspend or cancel the registration of any person under the Act;
- (g) in accordance with this Act, approve partnerships and companies and cancel or suspend an approval; S. 46(g) amended by No. 35/2004 s. 26(1).
- (h) revoke any suspension;
- (i) regulate the professional conduct of architects, approved partnerships and approved companies; S. 46(i) substituted by No. 35/2004 s. 26(2).
- (j) publish information relating to the operation of the Board and this Act;
- (k) investigate and take proceedings for offences against this Act;
- (l) generally carry out any other powers and functions which are given to it by this Act or which are necessary to implement this Act.

#### 47 Membership

- (1) The Board shall consist of 10 members appointed by the Governor in Council. S. 47(1) amended by No. 35/2004 s. 27(1).
- (2) Of the members of the Board—
  - (a) two shall be appointed as representatives of consumer interests and be nominated by the Minister administering the **Fair Trading Act 1999**; S. 47(2)(a) amended by No. 17/1999 s. 20.
  - (b) one shall be a practising senior government architect nominated by the Minister;
  - (c) two must be architects nominated by architects in the manner prescribed;
  - (ca) two shall be appointed as representatives of the building industry and be nominated by the Minister from a panel or panels of names S. 47(2)(ca) inserted by No. 35/2004 s. 27(2).

- submitted by the organisation or organisations that the Minister considers to be the principal professional organisation or organisations for the building industry;
- (d) one must be nominated by the Minister from a panel of 3 names submitted by the councils of the approved schools of architecture;
- (e) one must be nominated by the Minister from a panel of 4 names submitted jointly by—
- (i) the Institution of Engineers, Australia, Victoria Division; and
  - (ii) the Institution of Surveyors, Victoria; and
  - (iii) the Australian Institute of Quantity Surveyors; and
  - (iv) the Royal Australian Planning Institute; and
  - (v) the governing bodies of any related professions determined by the Minister;
- (f) one must be nominated by the Minister from a panel of 3 names submitted by the President of the Royal Australian Institute of Architects (Victorian Chapter).
- (3) A member appointed under subsection (2)(a) or (ca) must not be an architect.

S. 47(3)  
inserted by  
No. 35/2004  
s. 27(3).

#### 48 Nominations

- (1) All panels of names are to be submitted in the manner (if any) prescribed.
- (2) If any person or body (other than the Minister) fails to nominate a person or submit the required panel of names of persons for appointment to the Board, the Minister may nominate any appropriate



person to be a member of the Board without that nomination or panel.

#### **49 Terms of appointment**

- (1) A member of the Board holds office for the period of up to 2 years specified in the instrument of appointment.
- (2) A member is eligible for re-appointment.

#### **50 Remuneration**

- (1) A member of the Board is entitled to receive the remuneration and allowances determined by the Governor in Council.

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S. 50(2)  
repealed by  
No. 35/2004  
s. 27(4).

#### **51 Vacancies**

- (1) A member of the Board may resign the office of member by writing signed by the member and addressed to the Governor in Council.
- (2) The Governor in Council may at any time remove a member of the Board from office.
- (3) If a member of the Board dies, resigns or is removed from office, the Governor in Council may, in accordance with this Act, fill the vacant office.
- (4) A member appointed under subsection (3) holds office for the rest of the term of appointment of the member whose place he or she fills.

#### **52 Chairperson**

- (1) The Board must elect one of its members to be Chairperson.

- (2) The Chairperson holds office as Chairperson for his or her period of appointment as a member or until he or she resigns as Chairperson.
- (3) A person who is re-appointed as a member of the Board is eligible for re-election as Chairperson.
- (4) If there is an equality of votes at an election of a Chairperson, it shall be decided by lot which of the members obtaining an equal number of votes shall be Chairperson.

### **53 Deputy Chairperson**

- (1) The Board must elect one of its members to be Deputy Chairperson.
- (2) The Deputy Chairperson holds office as Deputy Chairperson for his or her period of appointment as a member or until he or she resigns as Deputy Chairperson.
- (3) A person who is re-appointed as a member of the Board is eligible for re-election as Deputy Chairperson.
- (4) If there is an equality of votes at an election of a Deputy Chairperson, it shall be decided by lot which of the members obtaining an equal number of votes shall be Deputy Chairperson.
- (5) In the absence or inability to act of the Chairperson the Deputy Chairperson may exercise all the powers and must carry out all the duties of the Chairperson.

### **54 Procedure of Board**

- (1) The Chairperson or in the absence of the Chairperson, the Deputy Chairperson, must preside at a meeting of the Board at which he or she is present.

- (2) If neither the Chairperson nor Deputy Chairperson are present at a meeting the members present may elect a member to preside at the meeting.
- (3) The person presiding at a meeting has a deliberative vote and a second or casting vote.
- (4) 6 members of the Board constitute a quorum.
- (5) Subject to this Act the Board may regulate its own proceedings.

S. 54(4)  
amended by  
No. 35/2004  
s. 28.

#### **55 Effect of vacancy or defect**

An act or decision of the Board is not invalid only because—

- (a) of a vacancy in its membership; or
- (b) of a defect or irregularity in the appointment of any of its members.

#### **56 Immunity**

- (1) A member of the Board or the Registrar is not personally liable for anything done or omitted to be done in good faith and without negligence—
  - (a) in the exercise of a power or the discharge of a duty under this Act; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a power or the discharge of a duty under this Act.
- (2) Any liability resulting from an act or omission that would but for subsection (1) attach to a member of the Board or the Registrar attaches instead to the Board.

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**57 Appointment of Registrar and other officers**

- (1) The Board may appoint a Registrar and such other officers as are necessary for the purposes of this Act.
  - (2) The Registrar is responsible for keeping the Register.
  - (3) The Board may appoint a person to act as Registrar if the Registrar is unable to perform the duties of his or her office.
  - (4) The acting Registrar has all the powers and must perform the duties of the Registrar during his or her period of appointment as acting Registrar.
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**PART 7—FINANCIAL PROVISIONS**

**58 Payment of fees and penalties to Board**

All fees and penalties paid or recovered under this Act must be paid to the Board.

**59 Application of fees and penalties**

- (1) The Board must—
- (a) apply any money received under this Act to the payment of—
    - (i) the expenses connected with the examination of candidates;
    - (ii) the fees and allowances payable to the members of the Board and the Tribunal; and
    - (iii) the general expenses of the Board in carrying this Act into effect; and
  - (b) apply any money not required under paragraph (a), at its discretion, for the purpose of the advancement of architectural education in any manner the Board determines.
- (2) The Board may invest any money received under this Act in any manner approved by the Treasurer.

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Ss 60–62  
repealed by  
No. 31/1994  
s. 4(Sch. 2  
item 7).

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**PART 8—ENFORCEMENT**

**63 Charge for offence**

- (1) A charge for an offence against this Act may be filed by the Registrar or any other officer authorised by the Board.
- (2) Any prosecution instituted in the name of the Board must, in the absence of evidence to the contrary, be taken to have been instituted by authority of the Board.
- (3) A charge for an offence against this Act must be filed within 5 years after the commission of the offence.

**64 No proof required**

In any proceedings by or against the Board or the Registrar or before the Tribunal no proof is required (until evidence is given to the contrary) of—

- (a) the due constitution of the Board; or
- (b) any resolution or determination of the Board or a Tribunal; or
- (c) the appointment of any member of the Board or Tribunal or the Registrar; or
- (d) the presence of a quorum at any meeting at which any determination is made or any act is done by the Board.

**65 Evidence of Register**

- (1) The Register or a supplementary list published under section 17 or a document certified by the Registrar to be a copy of or extract from the Register or list, is evidence and, in the absence of evidence to the contrary is proof of the matters set out in the document.

- (2) The absence of a person's name from the Register or a supplementary list is evidence and in the absence of evidence to the contrary, is proof that the person is unregistered.
- (3) The absence of a company's name from the Register or a supplementary list is evidence and in the absence of evidence to the contrary, is proof that the company is not an approved company. **S. 65(3) amended by No. 35/2004 s. 29(1).**
- (4) The absence of a partnership's name from the Register or a supplementary list is evidence and in the absence of evidence to the contrary, is proof that the partnership is not an approved partnership. **S. 65(4) amended by No. 35/2004 s. 29(2).**

## 66 Statement of Registrar

Each of the following statements is evidence and, in the absence of evidence to the contrary, is proof of the matters stated—

- (a) a statement in writing appearing to be signed by the Registrar to the effect that, at a particular time, a person is or was not registered under this Act or a person's registration under this Act is or was suspended;
- (b) a statement in writing appearing to be signed by the Registrar to the effect that, at a particular time, a company is or was not an approved company under this Act or that a company's approval is or was suspended; **S. 66(b) amended by No. 35/2004 s. 30(a).**
- (c) a statement in writing appearing to be signed by the Registrar to the effect that at a particular time, a partnership is or was not an approved partnership under this Act or that a partnership's approval is or was suspended; **S. 66(c) amended by No. 35/2004 s. 30(b).**

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- (d) a statement in writing appearing to be signed by the Registrar setting out the contents of a determination of the Board or a Tribunal and the date when it was made.

### **67 False statements**

Any person who—

- (a) makes or causes to be made in the Register any entry or alteration which is false or not authorised by law; or
- (b) knowingly makes any false statement, written or oral, in connection with any matter being dealt with or considered by the Board; or
- (c) falsely states that he or she has obtained any certificate under this Act or has been registered or approved under this Act, or causes or permits any such false statement to be made—

is guilty of an offence and liable to a fine not exceeding 10 penalty units.

### **68 Offences by bodies corporate**

Except where otherwise provided in this Act, if a body corporate is guilty of an offence against this Act, any person who is concerned in or takes part in the management of that body corporate who was in any way, by act or omission, directly or indirectly, knowingly concerned in or party to the commission of the offence is also guilty of that offence and liable to the penalty for that offence.



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**PART 9—REGULATIONS**

**69 Regulations**

(1) The Board, with the approval of the Governor in Council may make regulations for or with respect to any of the following—

- (a) the times for and method of nominating members of the Board and for submitting panels of names for nomination to the Board;
- (b) the election of the Chairperson and Deputy Chairperson;
- (c) the procedure of the Board;
- (d) the qualifications, experience or examinations that make a person eligible to be registered;
- (e) the examination of persons for registration and the standards and conduct of examinations;
- (f) the remuneration of examiners;
- (g) approval by the Board of applicants for admission to examinations;
- (h) applications for registration and approval;
- (ha) classes of registration;
- (i) the Register and the duties of the Registrar;
- (j) the issue, suspension and cancellation of certificates of registration and approval;
- (k) approvals under this Act;

S. 69(1)(ha)  
inserted by  
No. 35/2004  
s. 31(a).

S. 69(1)(n)  
amended by  
No. 35/2004  
s. 31(b).

S. 69(1)(o)  
amended by  
No. 35/2004  
s. 31(c).

S. 69(1)(u)  
amended by  
No. 35/2004  
s. 31(d).

- (l) publication of information about registrations and approvals and cancellations and suspensions of registrations and approvals;
- (m) standards of professional conduct and practice for architects;
- (n) the preparation, publication and implementation of guidelines on professional conduct and practice for architects, approved partnerships and approved companies;
- (o) regulating advertising by architects, approved partnerships and approved companies;
- (p) notices under this Act;
- (q) forms for the purpose of this Act;
- (r) fees for the purpose of this Act;
- (s) the verification of information in forms by statutory declaration or otherwise;
- (t) providing that an architect who contravenes any specified regulation is guilty of unprofessional conduct;
- (u) providing that an architect member or director of an approved partnership or approved company which contravenes any specified regulation is guilty of unprofessional conduct;
- (v) prescribing penalties not exceeding 20 penalty units for breaches of the regulations;
- (w) generally, any matters required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.

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- (2) The regulations—
- (a) may be of general or limited application; and
  - (b) may differ according to differences in time, place or circumstance;
  - (c) may impose different fees for different cases;
  - (d) may confer discretion or powers or impose duties on the Board, the Registrar or a member of the Board;
  - (e) may leave anything to the approval or satisfaction of a specified person.
- (3) Regulations made under subsection (1)(r) may include regulations prescribing—
- (a) fees for applications for registration or approval; and
  - (b) annual fees; and
  - (c) fees for alterations to the Register; and
  - (d) fees for copies of the Register or part of the Register or of supplementary list or part of a supplementary list; and
  - (e) fees for duplicate certificates; and
  - (f) fees for certificates of qualification issued by the Board.
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**PART 10—REPEALS, SAVINGS, TRANSITIONAL**

**70 Repeal of Architects Act 1958**

The **Architects Act 1958** is repealed.

**71 Board succeeds old Board**

- (1) On the commencement of this section—
- (a) the Board (the *new Board*) is the successor in law of the Architects Registration Board of Victoria (the *former Board*) established under the **Architects Act 1958**; and
  - (b) the former Board is abolished and its members go out of office; and
  - (c) all rights, assets, liabilities and obligations of the former Board immediately before its abolition become rights, assets, liabilities and obligations of the new Board; and
  - (d) the new Board is substituted for the former Board as a party in any proceedings, contract, agreement or arrangement commenced or made by or against or in relation to the former Board; and
  - (e) the new Board may continue and complete any other continuing matter or thing commenced by or against or in relation to the former Board; and
  - (f) any reference to the former Board in—
    - (i) an Act other than this Act; or
    - (ii) an subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**; or

(iii) any document whatever—  
must so far as relates to any period on or  
after commencement of this section, and if  
not inconsistent with the context or subject-  
matter, be taken to be a reference to the new  
Board.

## 72 Registrar

- (1) The person who immediately before the commencement of section 57 held the office of Registrar of the Architects Registration Board of Victoria under the **Architects Act 1958** is the first Registrar of the Board.
- (2) The first Registrar continues to hold office on the same terms and conditions and with the same accrued benefits as the Registrar held office immediately before the date of commencement of section 57.

## 73 Existing registrations

- (1) A person who immediately before the date of commencement of Part 3 was registered as an architect under the **Architects Act 1958** must be taken to be registered as an architect under this Act.
- (2) A firm which immediately before the date of commencement of Part 3 was included in the register under the **Architects Act 1958** must be taken to be an approved architectural partnership under this Act.
- (3) A company which immediately before the date of commencement of Part 3 was included in the register under the **Architects Act 1958** must be taken to be an approved architectural company under this Act.

## 74 Applications

- (1) An application for registration made under the **Architects Act 1958** but not determined at the date of commencement of Part 3 must on and from that date be taken to be an application in the prescribed form made for registration under Part 3 of this Act.
- (2) If that application was accompanied by the fee prescribed under the **Architects Act 1958**, the applicant must, for the purposes of this Act, be taken to have paid the prescribed fee under this Act.
- (3) Anything done before the commencement of Part 3 in relation to an application to which this section applies is to be treated as having been done under this Act.

## 75 Register

The Register existing under the **Architects Act 1958** immediately before the date of commencement of Part 3 must be taken to form part of the Register established under that Part.

## 76 Regulations

All regulations existing under the **Architects Act 1958** immediately before the date of commencement of section 70 shall continue in force and have the same operation and effect as if they were made under this Act and may be amended or revoked by regulations made under this Act.

## 77 Transitional—Effect of change of membership

The Board is deemed to be the same body despite the change to its membership made by section 27 of the **Architects (Amendment) Act 2004**.

S. 77  
inserted by  
No. 35/2004  
s. 32.

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**78 Transitional—Existing approvals**

- (1) A body that immediately before the date of commencement of section 10 of the **Architects (Amendment) Act 2004** was an approved architectural partnership under this Act must be taken to be an approved partnership under this Act.
  - (2) A body corporate that immediately before the date of commencement of section 11 of the **Architects (Amendment) Act 2004** was an approved architectural company under this Act must be taken to be an approved company under this Act.
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S. 78  
inserted by  
No. 35/2004  
s. 33.

## ENDNOTES

### 1. General Information

*Minister's second reading speech—*

*Legislative Assembly: 30 November 1990*

*Legislative Council: 26 March 1991*

The long title for the Bill for this Act was "A Bill to provide for the registration of architects, to regulate the use of the title 'architect' and for other purposes."

The **Architects Act 1991** was assented to on 23 April 1991 and came into operation on 18 September 1991: Special Gazette (No. 47) 18 September 1991 page 1.



## 2. Table of Amendments

This Version incorporates amendments made to the **Architects Act 1991** by Acts and subordinate instruments.

### **Financial Management (Consequential Amendments) Act 1994, No. 31/1994**

*Assent Date:* 31.5.94  
*Commencement Date:* S. 4(Sch. 2 item 7) on 1.1.95: Government Gazette 28.7.94 p. 2055  
*Current State:* This information relates only to the provision/s amending the **Architects Act 1991**

### **Legal Practice Act 1996, No. 35/1996**

*Assent Date:* 6.11.96  
*Commencement Date:* S. 453(Sch. 1 item 7) on 1.1.97: s. 2(3)  
*Current State:* This information relates only to the provision/s amending the **Architects Act 1991**

### **Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998**

*Assent Date:* 2.6.98  
*Commencement Date:* S. 311(Sch. 1 item 5) on 1.7.98: Government Gazette 18.6.98 p. 1512  
*Current State:* This information relates only to the provision/s amending the **Architects Act 1991**

### **Fair Trading (Inspectors Powers and Other Amendments) Act 1999, No. 17/1999**

*Assent Date:* 18.5.99  
*Commencement Date:* S. 20 on 1.9.99: Government Gazette 19.8.99 p. 1901  
*Current State:* This information relates only to the provision/s amending the **Architects Act 1991**

### **Statute Law Further Amendment (Relationships) Act 2001, No. 72/2001**

*Assent Date:* 7.11.01  
*Commencement Date:* S. 3(Sch. item 1) on 20.12.01: Government Gazette 20.12.01 p. 3127  
*Current State:* This information relates only to the provision/s amending the **Architects Act 1991**

### **Architects (Amendment) Act 2004, No. 35/2004**

*Assent Date:* 8.6.04  
*Commencement Date:* Ss 4–33 on 14.6.05: Government Gazette 5.5.05 p. 851  
*Current State:* This information relates only to the provision/s amending the **Architects Act 1991**

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**Legal Profession (Consequential Amendments) Act 2005, No. 18/2005**

*Assent Date:* 24.5.05  
*Commencement Date:* S. 18(Sch. 1 item 6) on 12.12.05: Government Gazette  
1.12.05 p. 2781  
*Current State:* This information relates only to the provision/s  
amending the **Architects Act 1991**

**Statute Law Amendment (Evidence Consequential Provisions) Act 2009,  
No. 69/2009**

*Assent Date:* 24.11.09  
*Commencement Date:* S. 54(Sch. Pt 2 item 5) on 1.1.10: s. 2(2)  
*Current State:* This information relates only to the provision/s  
amending the **Architects Act 1991**

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**3. Explanatory Details**

No entries at date of publication.