

ARCHITECTS (AMENDMENT) ACT.

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 16, 1969.

An Act to make further provision with respect to the constitution of the Board of Architects of New South Wales, the registration of architects, the Architects Fund and penalties under the Architects Act, 1921–1965; for these and other purposes to amend the said Act; and for purposes connected therewith. [Assented to, 2nd April, 1969.]

BE

Architects (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 16, 1969
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
follows:—

1. (1) This Act may be cited as the "Architects (Amend- Short title,
citation
and com-
mencement.
ment) Act, 1969".

(2) The Architects Act, 1921, as subsequently
amended and as amended by this Act, may be cited as the
Architects Act, 1921–1969.

(3) This Act shall, except where otherwise expressly
provided, commence upon a day to be appointed by the
Governor and notified by proclamation published in the
Gazette.

2. (1) The Architects Act, 1921–1965, is amended— Amendment
of Act
No. 8, 1921.

(a) (i) by omitting from subsection two of section five Sec. 5.
(Constitu-
tion of
board, and
election of
president.)
the words "in practice who shall be";

(ii) by omitting from the same subsection the
words "the Professor of Architecture in the
New South Wales University of Technology"
and by inserting in lieu thereof the words "the
Dean of the Faculty of Architecture in The
University of New South Wales";

(iii) by inserting next after the same subsection the
following new subsection:—

(2A) No person shall be appointed as a
member if he has attained the age of seventy
years.

(b) (i) by omitting from subsection one of section six Sec. 6.
(Tenure and
remuneration
of members.)
the words "The Governor for sufficient cause
may remove any member.";

(ii)

Architects (Amendment).

No. 16, 1969

- (ii) by omitting from subsection five of the same section the words "two dollars ten cents" and by inserting in lieu thereof the words "such amount as may be prescribed";
- (iii) by omitting from the same subsection the words "fifty-two dollars fifty cents" and by inserting in lieu thereof the words "the prescribed amount";

Sec. 7.
(Vacancies.)

- (c) by omitting subsection one of section seven and by inserting in lieu thereof the following subsection :—

(1) The office of a member shall become vacant if such member—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes bankrupt, compounds with his creditors, or makes an assignment of his estate for their benefit;
- (d) is absent without leave of the board from three consecutive meetings of which due notice has been given to him personally or in the ordinary course of post;
- (e) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended;
- (f) ceases to be an architect or hold the qualifications by virtue of which he was appointed as a member;
- (g) attains the age of seventy years;
- (h) is removed from office by the Governor.

The Governor may for any cause which appears to him sufficient remove any member from office.

(d)

Architects (Amendment).

- (d) (i) by omitting subsection two of section 8A and No. 16, 1969
by inserting in lieu thereof the following Sec. 8A.
subsection :— (Architects
Fund.)
- (2) All moneys received by the board or the registrar shall be paid into the Architects Fund which shall be under the control of the board and shall be operated by the board in pursuance of this Act; and the board shall for its purposes cause such banking accounts to be kept as it shall deem proper.
- (ii) by omitting subsection four of the same section;
- (iii) by omitting from subsection six of the same section the words "by the Colonial Treasurer on behalf of and as recommended by the board";
- (e) (i) by omitting from section eleven the word Sec. 11.
"July" wherever occurring and by inserting in (Annual
roll fee.)
lieu thereof the word "March";
- (ii) by omitting from the same section the word "November" wherever occurring and by inserting in lieu thereof the word "June";
- (iii) by omitting from subsection two of the same section the word "registered";
- (f) (i) by inserting in paragraph (b) of subsection Sec. 13.
one of section thirteen after the words "Uni- (Qualifica-
tions for
registra-
tion.)
versity of Sydney" the words ", The University of New South Wales, The University of Newcastle, the New South Wales Institutes of Technology and Business Studies,";
- (ii) by inserting next after paragraph (d) of the same subsection the following new paragraph :—
- (di) has in the opinion of the board such special qualifications and has had such special

Architects (Amendment).

No. 16, 1969

special experience in the practice of architecture as would justify his registration as an architect; or

(iii) by inserting next after the same subsection the following new subsection :—

(1A) (a) This subsection applies to persons who obtain the qualifications for registration under paragraph (a), (b) or (c) of subsection one of this section on or after the first day of July, one thousand nine hundred and seventy-one.

(b) No person to whom this subsection applies shall be entitled to be registered under paragraph (a), (b) or (c) of subsection one of this section unless—

(i) he has completed in the aggregate not less than two years practical experience in an architectural capacity approved by the board, at least one year of which has been subsequent to obtaining the qualifications referred to in the said paragraph (a), (b) or (c), as the case may be, and

(ii) he has after the completion of such period of practical experience passed the prescribed examination in Professional Practice and Practical Experience :

Provided that the board may, in the case of an applicant for registration under paragraph (a) or (c) of subsection one of this section who has in the opinion of the board had adequate general experience in excess of two years in an architectural capacity, dispense with the foregoing requirement as to at least one year's practical experience in an architectural capacity approved by the board

subsequent

Architects (Amendment).

subsequent to obtaining the qualifications No. 16, 1969 referred to in the said paragraph (a) or (c) and in any such case the applicant may at any time undertake the prescribed examination in Professional Practice and Practical Experience.

- (g) (i) by omitting paragraph (c) of subsection one of section seventeen and by inserting in lieu thereof the following paragraphs :— Sec. 17. (Removal from register.)

(c) is convicted in New South Wales or elsewhere of any felony or misdemeanour or of an offence punishable summarily by imprisonment for six months or upwards; or

(ci) has been registered by means of any false or fraudulent representation or declaration made either verbally or in writing; or

(cii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended; or

(ciii) applies in writing to have his name removed from the register; or

- (ii) by inserting next after the same subsection the following new subsection :—

(1A) The board as an alternative to removing from the register the name of any person who is guilty of infamous conduct in a professional respect under paragraph (e) of subsection one of this section may reprimand such person or impose a fine on such person not exceeding two hundred dollars.

The imposition of any fine as aforesaid shall operate as an order by a stipendiary magistrate for the payment of money under the Small

Architects (Amendment).

No. 16, 1969

Small Debts Recovery Act, 1912, as subsequently amended, and be enforceable as such under the provisions of that Act, as so amended.

(iii) by inserting in subsection three of the same section after the word "register" the words "or a reprimand or imposition of a fine under this section";

(iv) by inserting at the end of the same subsection the following new paragraph :—

Any such appeal shall be made within twenty-eight days of the decision of the board and shall be in accordance with the rules of court of the district court.

Sec. 19.
(Prohibited practices.)

(h) by omitting from subsection four of section nineteen the words "forty dollars" and by inserting in lieu thereof the words "two hundred dollars";

Sec. 20.
(Continuation of name of deceased architect.)

(i) by inserting in section twenty after the word "trustee" the words ", and upon cessation of such executorship, administration or trusteeship, some other person";

Sec. 25.
(Regulations.)

(j) (i) by inserting in paragraph (a) of subsection one of section twenty-five after the word "proceedings" the words "and meetings";

(ii) by inserting next after the same paragraph the following new paragraph :—

(ai) regulating the manner in which, and the procedure which is to be followed by the board in, the exercise of its powers under section seventeen of this Act and without limiting the generality of this paragraph the manner in which complaints or charges against an architect may be preferred for the exercise of the powers conferred on the board by that section;

(iii)

Architects (Amendment).

(iii) by omitting from subsection two of the same No. 16, 1969 section the words "forty dollars" and by inserting in lieu thereof the words "two hundred dollars".

(2) The amendments made by paragraph (e) of subsection one of this section shall commence on the first day of January, one thousand nine hundred and seventy.