

**ARCHITECTS ACT 1921—REGULATION**

(Architects (General) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and on the recommendation of the Board of Architects of New South Wales, and in pursuance of the Architects Act 1921 has been pleased to make the Regulation set forth hereunder.

MICHAEL KNIGHT, M.P.,  
Minister for Public Works and Services.

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**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Architects (General) Regulation 1995.

**Commencement**

2. This Regulation commences on 1 September 1995.

**Definitions**

3. In this Regulation:

“**building**” includes part of a building and any structure or part of a structure;

“**complaint**” means a complaint under section 17A of the Act, and includes a charge under that section;

“**complaints committee**” means a committee referred to in section 17A (3) of the Act;

“**president**” means the president of the board;

“**registered address**” of an architect means the address shown in the register as the architect’s registered address;

**“roll fee”** means the roll fee payable under section 11 (1) of the Act;  
**“the Act”** means the Architects Act 1921.

## **PART 2—REGISTRATION**

### **Enrolled particulars**

4. For the purposes of section 9A (2) and (3) of the Act, the particulars to be entered in each division of the register in respect of an architect are as follows:

- (a) the address for registration purposes shown in the architect’s application for registration;
- (b) the date on which the architect was enrolled in that division;
- (c) the provision of the Act under which the person was enrolled in that division;
- (d) if the person’s name was previously enrolled in, removed from or restored to either division of the register, the date of that enrolment, removal or restoration.

### **Roll fee**

5. For the purposes of section 11 (1) of the Act, the prescribed roll fee is \$80.

### **Fee for restoration to register**

6. For the purposes of section 11 (3) of the Act, the prescribed fee is \$80 plus (in the case of an application for restoration made after 31 March in any year) a further amount equivalent to the roll fee for that year.

### **Prescribed qualifications for registration as a non-chartered architect**

7. For the purposes of section 13 (1) (c) of the Act, each of the following Degrees is a prescribed qualification:

- (a) the Degree of Bachelor of Architecture from the University of Sydney;
- (b) the Degree of Bachelor of Architecture from the University of New South Wales;
- (c) the Degree of Bachelor of Architecture from the University of Newcastle;
- (d) the Degree of Bachelor of Architecture from the University of Technology, Sydney.

**Form of application for registration**

8. For the purposes of section 14 (a) of the Act, an application to the board for registration must be in the form approved by the board.

**Registration fee**

9. The prescribed fee for the purposes of section 14 (c) of the Act is:
- (a) \$100 plus (in the case of an application for registration made after 31 March in any year) a further amount equivalent to the roll fee for that year; or
  - (b) \$20, in the case of an application that merely effects a transfer of the applicant's name from one division of the register to the other.

**Certificate of registration**

10. (1) A certificate of registration issued under section 15 of the Act must be in the form approved by the board.

(2) The board may issue a duplicate certificate of registration, clearly marked as such, on payment of a fee of \$20, if satisfied that the certificate of registration it replaces has been lost, destroyed or mutilated.

(3) A person whose name is removed from a division of the register must return the person's certificate of registration to the board within 14 days after receiving written notice from the board requiring the person to do so.

**Change in registered particulars**

11. (1) An architect must notify the board within 21 days if any of the information included in the architect's application for registration, or in any documents supplied to the board with that application, changes in any material particular.

(2) If an architect gives a notification to the board of a change in any particular in the register in respect of the architect, the registrar must make an appropriate change to that particular in the register.

**PART 3—DISCIPLINARY INQUIRIES****Complaints**

12. (1) A complaint:

- (a) must set out in full the facts on which the complaint is based; and
- (b) must be lodged with the registrar.

(2) On receiving a complaint, the registrar must include consideration of the complaint as an item on the agenda for the next ordinary meeting of the board.

**Postponement of consideration of Complaint by board**

**13. (1)** At a meeting of the board to which a complaint has been referred, the board:

- (a) may resolve that the complainant be directed to furnish such further particulars of the complaint as the board thinks fit; and
- (b) in that event, must postpone consideration of the complaint until the direction is complied with.

**(2)** The registrar must give notice in writing to the complainant of a resolution under subsection (1).

**(3)** On receiving further particulars of a complaint, the registrar must include consideration of the complaint as an item on the agenda for the next ordinary meeting of the board.

**Time and place of hearing or inquiry**

**14. (1)** On deciding that a complaint should be heard, the board:

- (a) must convene a special meeting of the board for the purpose of conducting the hearing; or
- (b) must appoint a time and place for the conduct of the hearing by a complaints committee.

**(2)** On deciding that an inquiry should be conducted into the conduct or practice of an architect, the board must convene a special meeting of the board for the purpose of conducting the inquiry.

**(3)** The date fixed for the hearing or inquiry:

- (a) must not be less than 30 days from the date of the decision of the board that the hearing or inquiry is to be conducted; and
- (b) may be postponed by the board or (in the case of a complaint to be heard by the complaints committee) by the complaints committee.

**Notice of hearing or inquiry**

**15. (1)** At least 21 days before the date fixed for a hearing or inquiry, the registrar must give notice of the hearing or inquiry to the person the subject of the complaint or inquiry and (in the case of a complaint) to the complainant.

**(2)** The notice:

- (a) must state that the board proposes to conduct a hearing or inquiry; and
- (b) must give particulars of the matter to be heard or inquired into, including particulars as to which provisions of the Act, if any, the person is alleged to have breached; and

- (c) must specify the time and place for the conduct of the hearing or inquiry; and
- (d) must state that the person may appear personally or be represented by a barrister, solicitor or agent if the person so chooses; and
- (e) must state that the hearing or inquiry may be conducted, and that the board may reach a decision as to how the person should be dealt with, even if the person does not appear at the hearing or inquiry.

(3) The registrar must give a further notice under this clause if the date fixed for the hearing or inquiry is postponed or if there is a change in the place at which the hearing or inquiry is to be conducted.

### **Conduct of hearing or inquiry**

**16. (1)** A hearing or inquiry is to be conducted at the time and place fixed under this Part.

(2) At a hearing conducted by a complaints committee, all 3 members of the complaints committee must be present.

(3) A hearing or inquiry is to be open to the public.

(4) The board or committee conducting a hearing or inquiry:

- (a) is to permit the architect concerned and, if a complaint has been made, the complainant, to appear personally or to be represented by a barrister, solicitor or agent; and
- (b) may conduct the hearing or inquiry in such manner as it thinks fit; and
- (c) is not bound to observe rules of law governing the admission of evidence, but may inform itself of any matter in such manner as it thinks fit; and
- (d) may allow the complainant, if any, or another person instructed by the board or the committee to appear for the purpose of presenting and adducing evidence to establish the matter in respect of which the hearing or inquiry is being conducted; and
- (e) may receive in evidence any written submission made by the architect concerned; and
- (f) may from time to time as it thinks fit adjourn the hearing or inquiry.

(5) A hearing or inquiry may be conducted in the absence of the architect concerned, but only if the board or the committee is satisfied that the architect was served with reasonable notice of the time and place of the hearing or inquiry.

**Form and notice of decision**

17. (1) A decision of the board of the following kind, together with the board's reasons for the decision, is to be recorded in writing and signed by the president or other member of the board presiding at the meeting at which the decision was made:

- (a) a decision that the name of an architect should be removed from the register;
- (b) a decision that an architect's name should be removed from the division of chartered architects and enrolled in the division of non-chartered architects;
- (c) a decision that an architect should be reprimanded;
- (d) a decision that a fine should be imposed on an architect.

(2) Within 7 days after making its decision, the board must cause a copy of the decision to be served on the architect concerned and, if the decision relates to a complaint, to the complainant.

(3) The registrar is to maintain a record of all decisions referred to in subclause (1).

**PART 4—MEETINGS OF THE BOARD AND COMMITTEES****Quorum**

18. (1) The number of members constituting a quorum at any meeting of the board is 5.

(2) No business is to be transacted at any meeting of the board unless a quorum is present at the commencement of the business.

**Ordinary meetings of the board**

19. The board is to meet at least once a month at such time and place as may from time to time be decided by the board.

**Special meetings of the board**

20. (1) A special meeting of the board is to be held if:

- (a) the board so decides; or
- (b) the president so directs; or
- (c) any 4 members request such a meeting in writing addressed to the registrar.

(2) If a request for a special meeting is made under subclause (1) (c), the meeting is to be held within 21 days after the registrar receives the request.

(3) If the board decides or the president directs that a special meeting of the board is to be held, the board or the president is also to decide how many days' notice of the meeting, being at least 3 days' notice, is to be given of the meeting.

#### **Notice of meetings**

**21. (1)** The registrar is to give each member at least 7 days' notice in writing of the holding of a meeting of the board.

(2) The registrar is to give each member such number of days' notice in writing of the holding of a special meeting as is determined under clause 20 (3).

(3) A notice given under this clause must specify:

- (a) the time and place for the holding of the meeting; and
- (b) the business to be transacted at the meeting; and
- (c) in the case of a special meeting, the reason for calling the meeting.

(4) No business transacted at a meeting of the board is invalidated because one or more members did not receive notice of the meeting.

#### **Adjournment of meetings**

**22. (1)** If a quorum is not present for an ordinary meeting of the board within 30 minutes after the time appointed for the meeting, the meeting stands postponed to the next ordinary meeting of the board.

(2) The notice for a special meeting of the board lapses if a quorum is not present for the meeting within 30 minutes after the time appointed for the meeting.

#### **Presiding member**

**23. (1)** At any meeting of the board or of a committee:

- (a) the president; or
- (b) in the absence of the president, a member elected by the members present at the meeting from among their number,

is to preside.

(2) The person presiding at a meeting of the board or of a committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

#### **General procedure**

**24** The procedure for the calling of, and the conduct of business at, meetings of the board is to be as determined by the board, subject to any procedure prescribed by the Act or this Regulation.

**Decisions of meeting**

**25. (1)** Any question arising at a meeting of the board is to be determined by a majority of votes of the members present and voting.

**(2)** However, a decision to recommend the making of a regulation under section 25 (1) of the Act has no effect unless at least 6 members of the board present and voting at a meeting of the board vote in favour of the decision.

**Committees**

**26. (1)** The board may by resolution:

(a) establish such committees as it thinks fit for the purpose of advising the board on any matter relating to the exercise or performance of any of the board's powers, authorities, duties or functions; and

(b) dissolve any committee so established.

**(2)** A person may be appointed to a committee, whether or not the person is a member of the board.

**(3)** A committee must have at least 3 members of whom at least half must be members of the board.

**(4)** The president is an ex-officio member of any committee.

**(5)** The number of members of a committee constituting a quorum at any meeting of the committee is the whole number next above one half of the number of members of the committee.

**(6)** This clause does not apply to a complaints committee.

**PART 5—MISCELLANEOUS****Educational attainments of candidates for board's examination**

**27.** The board is not to admit a person as a candidate to an examination under section 13 (1) (a), (2) (a) (ii) or (2) (b) of the Act unless:

(a) the person holds educational qualifications that qualify the person for admission to a course in architecture leading to a degree referred to in clause 7; or

(b) the person holds educational qualifications that, in the opinion of the board, are equivalent to the qualifications referred to in paragraph (a).



**Prescribed work: sec. 19 (3B)**

28. For the purposes of section 19 (3B) of the Act, work involved in the design or construction of a building is work of a prescribed class or description.

**Use of architectural titles**

29. For the purposes of section 19 (3C) (d) of the Act:

- (a) a person who is qualified to be, or is, a corporate member of the Australian Institute of Landscape Architects may use the title “landscape architect”; and
- (b) a person who holds a Certificate of Architectural Drafting or a qualification that, in the opinion of the board, is equivalent to that Certificate may use the title “architectural draftsman”, whether or not the person is an employee of a chartered architect; and
- (c) a person who practises golf-course architecture may use the title “golf-course architect”; and
- (d) a public servant who has passed an examination that was, immediately before the repeal of clause 23 of the Architects Regulation 1983, prescribed for the purposes of section 19 (3A) (c) of the Act may use the title “architect” or any title, name, words or letters implying that the person is an architect.

**Duties of registrar**

30. The registrar has the following duties:

- (a) to keep the register;
- (b) to summon all meetings of the board and of committees established by the board, prepare the business papers for such meetings and bring before the board all matters and things necessary to enable it to exercise or perform its powers, authorities, duties and functions;
- (c) to attend all such meetings and take and record the minutes of proceedings at all such meetings;
- (d) to refer any business requiring attention between meetings of the board to the president;
- (e) to conduct all correspondence and correctly record in the proper books all accounts and proceedings in connection with the board’s business and carry out any other clerical work of the board;
- (f) to be responsible for the safe keeping of all documents and property of the board;
- (g) to supervise all examinations conducted by the board;
- (h) to prepare the board’s annual statement of accounts.

**Affixing of board's seal**

**31.** A document may be sealed with the board's seal only in accordance with the board's resolution and only by the registrar or a member of the board.

**Service of notices and other documents**

**32. (1)** A notice or other document required or permitted to be given or served by the board under this Regulation may be given to or served:

- (a) on an individual:
  - (i) by delivering it to the individual personally;
  - (ii) by leaving it at the individual's place of residence last known to the board with someone who apparently resides there or at the individual's place of business or employment last known to the board with someone who is apparently employed there, being in either case a person who has, or who apparently has, attained the age of 16 years; or
  - (iii) by posting it to the individual at the individual's place of residence, business or employment last known to the board; and
- (b) on a firm or corporation:
  - (i) by delivering it to a person who is or who is apparently concerned in the management of the firm or corporation;
  - (ii) by leaving it at the only or principal place of business of the firm or corporation with a person apparently employed there, being a person who has, or who apparently has, attained the age of 16 years; or
  - (iii) by posting it to the firm or corporation at the only or principal place of business of the firm or corporation last known to the board.

**(2)** A notice or other document that is required to be or permitted to be given to or served on the board under this Regulation may be so given or served:

- (a) by being left with some person apparently employed in the administration of the Act at the office of the board; or
- (b) by posting it to the board at its office.

**Amendment**

**33. (1)** The Architects Regulation 1983 is amended by omitting Parts 2-4, 6 and 7.

(2) Any act, matter or thing that, immediately before the repeal of a provision of the Architects Regulation 1983 referred to in subclause (1), had effect under that provision, continues to have effect under this Regulation.

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#### **EXPLANATORY NOTE**

The object of this Regulation is to repeal and replace, with minor changes in matters of substance, those provisions of the Architects Regulation 1983 relating to matters other than elections. The Regulation deals with the following matters:

- (a) matters relating to the registration of architects, such as particulars to be included in the Register, fees and forms to be used (Part 2);
- (b) procedures for the investigation and hearing of complaints against architects (Part 3);
- (c) procedures to be followed at meetings of the Board of Architects and committees of the Board (Part 4);
- (d) qualifications to be held by a person applying for admission as a candidate to an examination conducted by the Board for registration purposes (clause 27);
- (e) matters relating to the use of certain titles (clauses 28 and 29);
- (f) the duties of the registrar of the Board and the use of the Board's seal (clauses 30 and 31);
- (g) the service of documents (clause 32);
- (h) formal matters (Part 1 and clause 33).

This Regulation is made under the Architects Act 1921, including section 25 (the general regulation making power) and various other sections referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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