

**ARCHITECTURAL PRACTICE BOARD  
OF  
SOUTH AUSTRALIA**

**ANNUAL REPORT**

**18 MONTH PERIOD ENDED 30 JUNE 2011**



**Government  
of South Australia**

## The Architectural Practice Board of South Australia

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1 September 2011

The Hon John Rau, MP  
Minister for Urban Development &  
Planning & the City of Adelaide  
Level 11  
45 Pirie Street  
ADELAIDE SA 5000

Dear Minister

In accordance with the provisions of Section 23 of the *Architectural Practice Act 2009*, I have pleasure in enclosing the Annual Report and Audited Financial Statements for the 18 month period ended 30 June 2011 for the Architectural Practice Board of South Australia.

Yours sincerely

THE ARCHITECTURAL PRACTICE BOARD OF SOUTH AUSTRALIA



**J E BAILEY**  
Registrar

Email: [jim.bailey@au.gt.com](mailto:jim.bailey@au.gt.com)

Enc

June 2011

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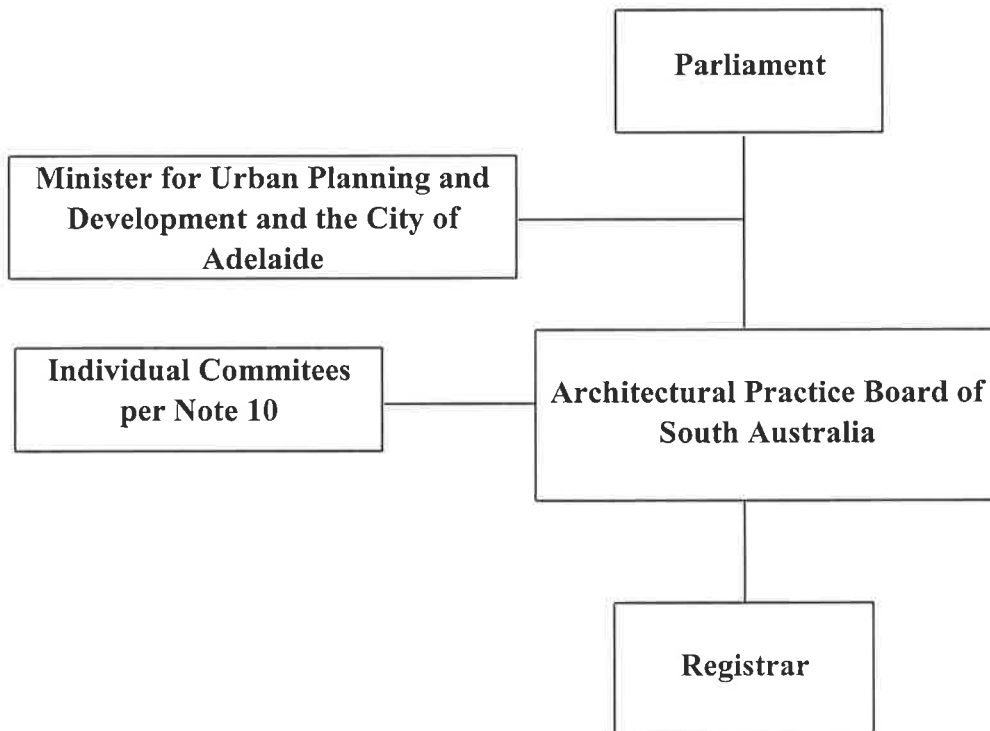
## 1 CHARTER

The Architectural Practice Board of South Australia (the Board) is the statutory authority responsible to the Minister for administering the *Architectural Practice Act 2009* (the Act), "to provide for the registration of architects and architectural businesses; to regulate architectural practice for the purpose of maintaining high standards of competence and conduct by registered architects and registered architectural businesses; and for purposes incidental thereto."

The purpose of limiting the use of the title "architect" to those properly qualified is to protect the public from the activities of unqualified persons or registered entities who may present themselves as having professional qualifications in architecture they do not possess.

The Annual Report of the Board is prepared in accordance with the relevant requirements of the Department of Premier and Cabinet Circular 13 (Annual Reporting Requirements), the Act and *Architectural Practice (General) Regulations 2010* under the Act.

## 2 ORGANISATION



### 3 FUNCTIONS OF THE BOARD

The Board is responsible for the protection of the interests of the public. As per Section 13 of the Act, the functions of the Board are as follows:

- (1) (a) to oversee the practice of architecture by registered architects and registered architectural businesses in the public interest;
  - (b) to approve, after consultation with authorities considered appropriate by the Board, courses of education or training that provide qualifications for registration on the register of architects;
  - (c) to determine, after consultation with authorities considered appropriate by the Board, the requirements necessary for registration on the register of architects;
  - (d) to establish and maintain the registers contemplated by the Act;
  - (e) to prepare or endorse, subject to the approval of the Minister, codes of conduct or professional standards for registered architects or codes of conduct for registered architectural businesses;
  - (f) to prepare or endorse guidelines on continuing architectural education for registered architects;
  - (g) to take such measures as the Board considers appropriate to promote education in architecture, to assist students in architecture or to further knowledge of architecture among the public;
  - (h) to establish administrative processes for handling complaints received against registered architects and registered architectural businesses (which may include processes under which a person voluntarily enters into an undertaking);
  - (i) to provide advice to the Minister as the Board considers appropriate;
  - (j) to carry out other functions assigned to the Board by or under the Act, or by the Minister.
- (2) The Board must perform its functions under this Act with a view to achieving and maintaining high professional standards both of competence and conduct by the recognition and registration of architects and architectural businesses.

The Board charges fees to registered architects to cover costs of administering the Board's activities and to fund the application of the Act. There is no cost to the government or members of the public.

#### **4 LEGISLATIVE AND REPORTING DATE CHANGES**

On 1 January 2011, the *Architectural Practice Act 2009* (the Act) commenced and repealed the *Architects Act 1939, as amended*, which had established the Architects Board of South Australia.

Section 4 of the Act established the Architectural Practice Board of South Australia. Part 2 of Schedule 1 of the Act states that the Architectural Practice Board of South Australia is the same body corporate as the Architects Board of South Australia. Where reference is made to the Board, it is taken to be that the Architectural Practice Board of South Australia and the Architects Board of South Australia are the one and the same body corporate.

Section 23 of the Act states that the Board must produce an annual report on the administration and work of the Board for the financial year ending on the preceding 30 June. The Board previously produced its annual reports with a calendar year end of 31 December. In order to comply with the legislative change in reporting periods, Regulation 4(2) of the *Architectural Practice (General) Regulations 2010* states that the Board must prepare its report for the year ended 30 June 2011 as if the financial year commenced on 1 January 2010. The change-over in reporting periods requires this annual report to be an 18 month annual report for the period ended 30 June 2011.

This report will make reference to the changes in the Board due to the legislative change that occurred during the reporting period.

#### **5 BOARD MEMBERSHIP**

The *Architects Act 1939, as amended* provided that the Board consisted of nine members. Three of these were persons appointed by the Governor and six were registered architects elected by registered architects in accordance with the by-laws made by the Board.

One of the government nominated positions was vacated in April 2009 and was not filled during the 2010 calendar year while the *Architects Act 1939, as amended* applied. Hence the Board only consisted of eight members during the 2010 calendar year.

<b>5 BOARD MEMBERSHIP (Cont.)</b>
-----------------------------------

The membership of the Board at 31 December 2010 was as follows:-

**Government appointed:**

Ms Judith Mary Carr

Executive Director, Building Management, Department for Transport,  
Energy and Infrastructure

Appointed 24 September 1990

Reappointed 24 May 2008

Retired 31 December 2010

Ms Susan Jane Phillips

Director - Phillips/Pilkington Architects Pty Ltd

Appointed 13 November 1998

Reappointed 1 November 2007

Retired 31 December 2010

**Elected members:**

Mr Simon Daryl Best

Director - Hardy Milazzo Pty Ltd

Elected 18 March 2009

Retired 31 December 2010

Mr Gary Bonato

Director - Tectvs Pty Ltd

Elected 8 February 2008

Retired 31 December 2010

Mr Robert Denyer Cheesman AM

Director - Cheesman Architects Pty Ltd

Elected 9 March 1982

Re-elected 18 March 2009

Retired 31 December 2010

Mr Andrew Laurence Davies (Chairman)

Manager, Building & Property Services, Resthaven Inc

Elected 23 April 1990

Re-elected 9 February 2008

Elected Chairman 27 March 1995

Retired 31 December 2010

<b>5 BOARD MEMBERSHIP (Cont.)</b>
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Mr David Benjamin Holland  
 Director - Danvers Schultz Holland Architects Pty Ltd  
 Appointed 19 March 2008 to fill casual vacancy  
 Term Expired 24 February 2010

Mr Frederick Thomas Trevett Maxwell  
 Senior Project Manager Capital Works, Adelaide City Council  
 Elected 23 March 1992  
 Re-elected 19 February 2007  
 Retired 31 December 2010

Mr Paul Roger Willoughby Boyce  
 Director - Tridente Architects Pty Ltd  
 Elected 24 February 2010  
 Retired 31 December 2010

The *Architectural Practice Act 2009* provides that the Board is to consist of seven members. Three of these are to be registered architects elected by registered architects in accordance with Section 6 of the Act. The other four persons are to be nominated by the Minister in accordance to Section 5 (1) (b) of the Act.

The term of membership of the Board is three years and all members have been appointed to commence their three year term as from 1 January 2011.

The membership of the Board at 30 June 2011 was as follows:-

**Ministerial appointment:**

Ms Susan Lynne Neil Averay  
 Principal - Sue Averay Management Services

Ms Jeanie Elizabeth Fenwick Elliott  
 Partner - Fenwick Elliott Grace

Mr Benjamin Robert Hewett  
 Government Architect,  
 Integrated Design Commission South Australia,  
 Department of the Premier and Cabinet

## 5 BOARD MEMBERSHIP (Cont.)

Dr Susan Jane Shannon  
Senior Lecturer & Course Coordinator,  
School of Architecture, Landscape Architecture and Urban Design,  
University of Adelaide

### **Elected registered architects:**

Mr Gary Bonato  
Director - Tectvs Pty Ltd

Mr Paul Roger Willoughby Boyce  
Director - Tridente Architects Pty Ltd

Adjunct Associate Professor Robert Denyer Cheesman AM (Presiding Member)  
Director - Cheesman Architects Pty Ltd

## 6 BOARD MEETINGS

The Board meets formally each month from February to December, usually the second Wednesday. It holds occasional Special Meetings and appoints committees as may be required.

Meetings of the Board are attended by the Registrar.

### **Quorum**

A quorum of the Board was 5 members under the *Architects Act 1939, as amended*. Under the *Architectural Practice Act 2009* a quorum of the Board is 4 members.

<b>6 BOARD MEETINGS (Cont.)</b>
---------------------------------

**Meeting Attendance**

Attendance at meetings during the period 1 January 2010 to 31 December 2010 was as follows:

	Attendance	Maximum
Ms Carr	7	12
Ms Phillips	10	12
Mr Best	8	12
Mr Bonato	7	12
Mr Boyce (elected 24 February 2010)	12	12
Mr Cheesman	10	12
Mr Davies	12	12
Mr Holland (term expired 24 February 2010)	0	0
Mr Maxwell	11	12

Attendance at meetings during the period 1 January 2011 to 30 June 2011 was as follows:

	Attendance	Maximum
Ms Averay	4	5
Ms Elliott	5	5
Mr Hewett	3	5
Ms Shannon	5	5
Mr Bonato	5	5
Mr Boyce	5	5
Mr Cheesman	4	5

## 7 REMUNERATION OF BOARD MEMBERS AND EXAMINERS

The repealed *Architects Act 1939, as amended* did not permit Board members to be remunerated for their services, and members of the Board were not remunerated for the calendar year ended 2010. In accordance with Section 10 of the *Architectural Practice Act 2009*, Board members are entitled to remuneration for their service to the Board as determined by the Governor and received Board sitting fees for the period 1 January 2011 to 30 June 2011. Government employees on the Board are not entitled to remuneration as per the Department of the Premier and Cabinet Circular 16 - *Remuneration for Government Appointed Part-Time Boards and Committees*.

Also employed by the Board were casual examiners who administer and conduct the Australian Architects Accreditation Council national architectural practice examinations in South Australia for persons seeking registration as an architect.

The Board contributes superannuation for Board members and examiners where required under the *Superannuation Guarantee (Administration) Act 1992*.

### **Employee Numbers, Gender and Status:**

Employees comprise of part time Board members and casual examiners. The Registrar is not an employee of the Board. The Board has a contractual arrangement with Grant Thornton Australia Limited to provide for the services of the Registrar and associated administrative services.

Employment statistics for the period 1 January 2011 to 30 June 2011 were as follows:

<b><u>No. of Employees</u></b>	
Persons	13
Full Time Equivalent	0.1

<b>Age Bracket</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<40	-	-	-
40-44	1	-	1
45-49	2	4	6
50-54	-	-	-
55-59	1	2	3
60-64	-	1	1
65+	2	-	2
	6	7	13

## 7 REMUNERATION OF BOARD MEMBERS AND EXAMINERS (Cont.)

Salary Bracket	No. of Employees			
	Male		Female	
	Part-time	Casual	Part-time	Casual
\$0 - \$9,999 p.a.	3	3	3	4

No leave of any kind was paid to employees in the 18 month period ended 30 June 2011.

No board members or examiners were of Aboriginal or Torres Strait Islander descent.

No board members or examiners had disabilities of any kind as defined per the *Disability Discrimination Act 1992*.

No workers compensation claims were made in the 18 month period ended 30 June 2011.

## 8 REGISTRAR AND ADMINISTRATION

Mr James Bailey of Grant Thornton Australia Limited was appointed Registrar on 4 April 2008. Mr Bailey continues in the position of Registrar to the date of this report.

Consistent with prior practice, Grant Thornton Australia Limited provides administrative and Registrar services to the Board in accordance with rates and contract terms approved by the Board from time to time.

The Registrar is responsible to the Board for the following services:

- maintaining up to date Registers and information
- all accounting requirements
- administrative and secretarial support
- assisting members of the public and profession about registration and policy matters

Board contact details are as follows:

Telephone: (08) 8373 2766

Fax: (08) 8372 6677

Post: GPO Box 1270, Adelaide, SA 5001

## 9 WEB SITE

The Board has established a comprehensive web site at the address [www.archboardsa.org.au](http://www.archboardsa.org.au)

The Act and Regulations, application forms, annual report and other Board publications can be downloaded from this site.

## 10 COMMITTEES

Committee	Purpose
1. Complaints Committees	Consideration of complaints and breaches of the <i>Architects Act 1939, as amended</i> . These committees were appointed as required.
2. Complaint Advisory Committee	To provide advice and assistance as required to the Registrar in the investigation of complaints and breaches of the <i>Architectural Practice Act 2009</i> .
3. Website Review Committee	Single purpose committee to review the Board's website and develop improvements.
4. Code of Professional Standards and Conduct Committee	Single purpose committee to review the code of conduct standards for registered architects and architectural businesses.
5. New Logo Development Committee	Single purpose committee to develop a logo for the Board.
6. Insurance Committee	Single purpose committee to prepare recommendations of professional indemnity insurance as required under <i>Architectural Practice Act 2009</i> .

**11 FREEDOM OF INFORMATION ACT 1991**

The Board has published an Information Statement as required by Section 9 of the *Freedom of Information Act 1991*. The Information Statement contains advice on:

- structure and functions of the Board
- registrations of architects
- public participation in policy formulation
- kinds of documents held
- access arrangements and procedures

The Statement is available from the offices of the Board or can be downloaded from the Board's web site. Application and processing fees are in accordance with the *Freedom of Information Act (Fees & Charges) Regulations 1991*.

The Registrar, as the principal officer of the Board is the FOI Officer for the provisions of the *Freedom of Information Act 1991*.

One enquiry under the Freedom of Information Act for access to documents in the possession of the Board was made during the 18 month period ended 30 June 2011. The applicant for the enquiry has appealed the Registrar's determination of the Freedom of Information application to the Ombudsman, and this appeal has yet to be finalised.

## 12 EXAMINATIONS AND PRIZES

Architectural Practice examinations were conducted in April 2010, September 2010 and April 2011. The results were as follows:

	<u>No. of Candidates</u>	<u>No. of Successful Candidates</u>
April 2010	16	12
September 2010	23	14
April 2011	21	9

The Architectural Travelling Prize is now only offered to one successful candidate based upon the nominations received from both the University of Adelaide and the University of South Australia.

The prizes presented by the Board on the basis of the 2010 examination results were:-

- 1 Dean W Berry Prize in Architecture for University of South Australia student -  
Awarded to Adam Kenyon and Heather Griffin
- 2 Dean W Berry Prize in Architecture for University of Adelaide student -  
Awarded to Amos Dahlitz
- 3 Architectural Travelling Prize -  
Awarded to Christopher Trotter from the University of South Australia

<b>13 REGISTRATION STATISTICS</b>
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Registration statistics for the period were as follows:

*(a) Total Number of Natural Persons registered:*

Natural Persons Registered at 1 January 2010	
Male	712
Female	116
Non-practising List Male	174
Non-practising List Female	27
Add: Approved Applications for Registration	
Male	26
Female	13
Less: Resignations and Removals	
Male	25
Female	1
Non-practising List Male - ceased 31/12/10	174
Non-practising List Female - ceased 31/12/10	27
	<u>841</u>
Natural Persons Registered at 30 June 2011	
Male	713
Female	128
Total Natural Persons	<u>841</u>

*(b) Total Number of Limited Registrations registered:*

Limited Registrations at 1 January 2010	-
Add: Approved Applications for Limited Registration	-
Less: Resignations and Removals	-
Limited Registrations at 30 June 2011	<u>-</u>

*(c) Total Number of Partnerships registered:*

Partnerships Registered at 1 January 2010	-
Add: Approved Applications for Registration	10
Less: Resignations and Removals	-
Partnerships Registered at 30 June 2011	<u>10</u>

<b>13 REGISTRATION STATISTICS (Cont.)</b>
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(d) Total Number of Companies registered:

Companies Registered at 1 January 2010	100	
Add: Approved Applications for Registration	8	
Less: Resignations and Removals	7	
Companies Registered at 30 June 2011	<table border="1"> <tr> <td style="text-align: right;">101</td> </tr> </table>	101
101		

The non-practising registration category ceased on 31 December 2010 with the repeal of the *Architects Act 1939, as amended*.

Under Section 25 of the *Architectural Practice Act 2009*, partnerships and companies must be kept on the register of architectural businesses. The repealed *Architects Act 1939, as amended* did not require partnerships to be registered with the Board.

Under Section 28 (2) of the *Architectural Practice Act 2009*, the Board may register a natural person as having 'limited registration' if that person does not have the necessary qualifications or experience required for registration on the register. There were no limited registration applications made in the 18 month period ended 30 June 2011. No limited registrations exist at 30 June 2011.

<b>14 COMPLAINTS AND INVESTIGATIONS</b>
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When a complaint is received by the Board, the Registrar undertakes an investigation which gathers documentary evidence, obtains witness statements, obtains legal advice and corresponds with the parties involved. Where appropriate, the Registrar will lay a charge leading to a Board disciplinary inquiry.

The Board considered a number of matters during the year and these matters are summarised on the following page.

<b>14 COMPLAINTS AND INVESTIGATIONS (Cont.)</b>
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Complaints concerning professional conduct

Allegation

Result of Investigation

Complaint concerning the professional conduct of an architect engaged to renovate and extend the complainant's residence.

The investigation of this matter has been deferred until legal proceedings in the District Court of South Australia between the architect and the complainant are determined.

Complaint concerning the conduct of an Architect whilst acting in the capacity of referee in relation to a dispute between the complainant and the complainant's builder.

Investigation of this matter is currently in progress.

Number of disciplinary proceedings commenced during the 18 month period ended 30 June 2011 (Regulation 4 (1)(d) of the Architectural Practice (General) Regulations 2010)	<u>Registration Type</u>	
	<u>Full</u>	<u>Limited</u>
	-	-

Breaches

The Board also considered sixteen allegations of persons or organisations holding out as registered architects or architectural businesses.

In two instances business trading names in breach of the Act were cancelled by the businesses concerned following the Boards' enquiry into the matter.

In three instances the persons / organisations concerned were eligible for and became registered with the Board.

In three instances insufficient grounds were found to support a prosecution and warning letters were issued by the Board.

In four instances satisfactory explanations and corrective actions were advised to the Board.

Four matters are currently under investigation.

No voluntary undertakings were given to the Board during the 18 month period ended 30 June 2011.

**15 FRAUD PREVENTION**

The Board did not identify any fraudulent activities during the 18 month period ended 30 June 2011.

The Board has adopted the following safeguards to assist in the prevention of fraudulent activities:

- Segregation of duties and rotation of personnel
- Monthly account reconciliations are reviewed by the Registrar
- Authorisation of monthly accounts for payment by Board members at Board meetings
- Monthly financial reports are tabled and approved by Board members at Board meetings
- Two authorised account signatories are required for payment by cheque
- Electronic fund transfers are not permitted
- Annual reconciliation of registration revenue and registers
- Annual audit of financial reports and internal controls and processes by independent auditor
- Reconciliation of taxation obligations are prepared quarterly to assist in preparation of Business Activity Statements and reviewed by the Registrar

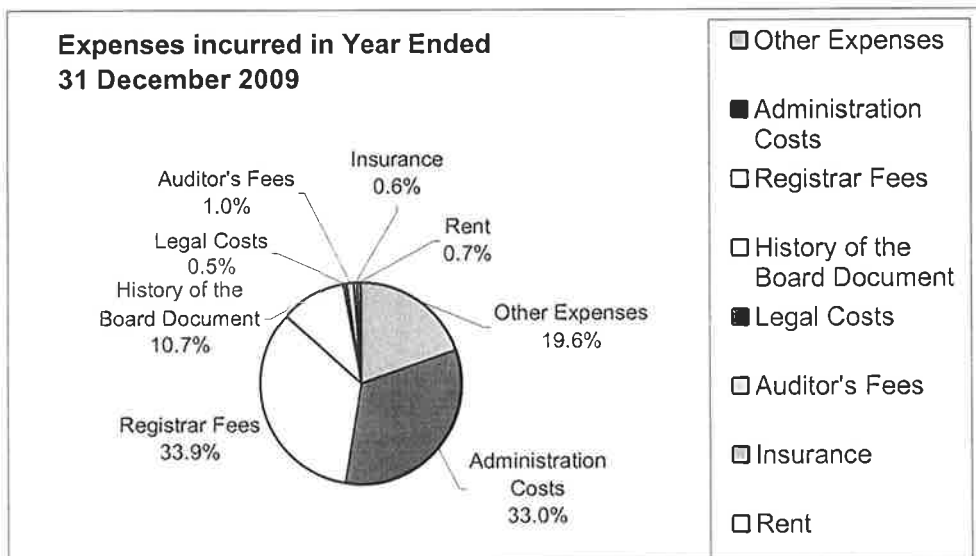
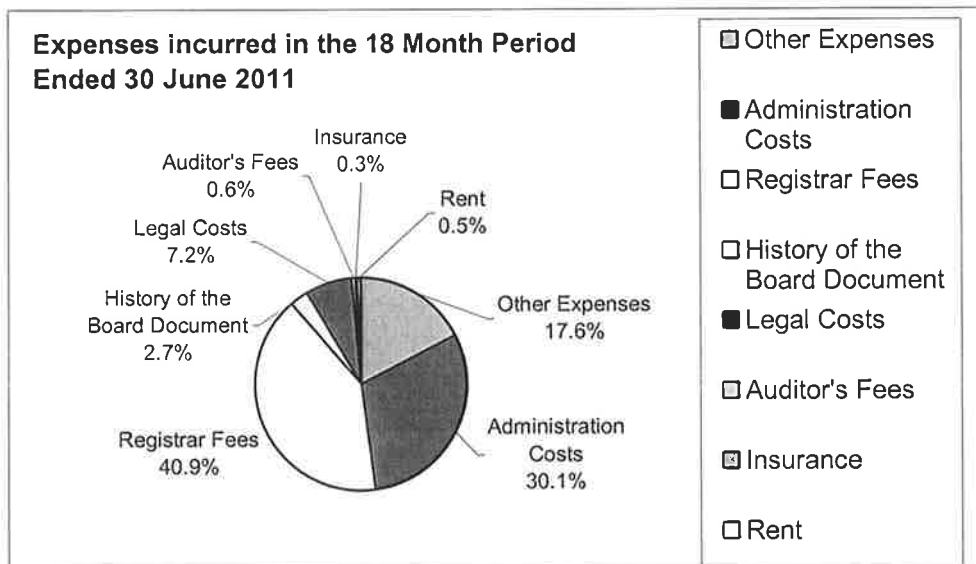
**16 FINANCES**

The Board maintains a reserve of equity to ensure adequate funds are available to meet possible contingency needs, such as legal costs incurred in investigating and dealing with complaints and other administrative requirements that may arise in the continuing future operations of the Board.

The Board recorded a net surplus of \$16,747 for the 18 month period ended 30 June 2011 (year ended 31 December 2009 surplus \$88,946) and as at 30 June 2011 the Board had total equity of \$530,088 (year ended 31 December 2009 total equity \$513,341).

The Board is not considered to be a "controlled entity" for the purposes of inclusion in the whole of Government Reporting.

*The following pie charts show the expenses of the Board during the 18 month period ended 30 June 2011 and the year ended 31 December 2009 respectively.*



<b>16 FINANCES (Cont.)</b>
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**Account Payment Performance for 18 month period ended 30 June 2011**

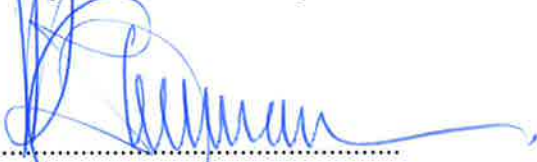
Particulars	Number of accounts paid	Value in \$AUD of accounts paid	Percentage of accounts paid (by value)
Paid by due date	179	501,525	99.8%
Paid late, within 30 days of due date	3	872	0.2%
<b>Total</b>	<b>182</b>	<b>502,397</b>	<b>100.0%</b>

**Contractual Arrangements**

Grant Thornton Australia Limited provides the Registrar and administrative services to the board in accordance with its agreed professional engagement. Grant Thornton is paid professional fees as agreed between the Board and Grant Thornton Australia Limited. These fees are progressively billed and expensed as incurred on a monthly basis. The fees are in excess of \$300,000 per annum (Year ended 31 December 2009: in excess of \$100,000 per annum).

The Crown Solicitor's Office provides legal assistance to the board and is paid professional fees as they are incurred. The fees for the 18 month period ended 30 June 2011 were in excess of \$35,000 (Year ended 31 December 2009: in excess of \$1,000 per annum).

The accounts of the board have been audited and the financial statements for the 18 month period ended 30 June 2011 follow, together with the accompanying notes, and the independent auditor's report.



.....  
Presiding Member

Dated this 17 day of August 2011