

NOTICE TO ARCHITECTS

NEW LEGISLATION

The new Architectural Practice Act 2009 is expected to commence on 1 January 2011. At the same time the Regulations will be gazetted and the new Board takes office.

This Act replaces the Architects Act 1939. The new Act covers Architects, Architectural Companies and Partnerships.

The Architectural Practice Act 2009 is available on:
<http://www.legislation.sa.gov.au/LZ/C/A/ARCHITECTURAL%20PRACTICE%20ACT%202009.aspx>

All architects are strongly encouraged to familiarise themselves with this new legislation.

Please note that the name of the Board will change to "The Architectural Practice Board of South Australia" from "The Architects Board of South Australia".

Set out below is important information for the profession and the changes and requirements under the new legislation.

Company Registration:

Under the new Act, the Board is required to register architectural companies. All companies previously registered with the Board will continue to be registered.

The registration requirements for companies have been simplified. Please contact the Board for further information.

Architectural Partnerships

Under the new Act, Architectural Partnerships must be registered with the Board. Partnerships of Architects have 3 months from 1 January 2011 to register with no fee payable. Application forms will be available from the Board's website from January 2011.

It is the responsibility of the architectural partnerships to register with the Board.

Insurance:

Under the new Act it is a requirement that registered persons must have insurance approved by the Board against civil liabilities that may be incurred by them in connection with the provision of architectural services as an architect.

The Board will prepare guidelines on its insurance requirements. Please contact the Board for further details in the interim period.

CHANGES

- (1) A fit and proper person test will be introduced as one of the requirements for registration.

- (2) Insurance against civil liabilities will be a requirement for registration.
- (3) Limited Registration will be introduced, but the non-practising category has been removed.
- (4) The penalties associated with holding out as an architect whilst not registered with the Board have been increased significantly from maximum penalty of \$500 under the repealed Act to a maximum penalty of \$50,000 or imprisonment for 6 months under the new Act.
- (5) If a person who provides services through a registered architect is of the opinion that the architect has engaged in unprofessional conduct that person must submit a written report to the Board setting out the reasons for that opinion.
- (6) Claims for damages or compensation against a registered architect for alleged negligence by the architect in providing services as an architect must be notified to the Board within 30 days after a claim is made.
- (7) New provisions to prevent victimisation have also been introduced by the Act.
- (8) Elections will be conducted by the Electoral Commission of South Australia.

MEMBERSHIP OF THE BOARD

The Board has been reduced in size from nine to seven members and unlike the Architects Act 1939, as amended not all Board members will be registered architects.

The Presiding Member must be a registered architect appointed by the Minister in consultation with the Board.

Three members of the Board must be registered architects who are elected by registered architects in an election conducted by the Electoral Commission of SA.

The remaining four members are nominated by the Minister in accordance with the provisions of Section 5(1)(b) of the new Act and will include:-

- a lawyer;
- a person with qualifications or experience in accounting, business or finance;
- a person with experience in urban or regional planning or building surveying or construction of knowledge of, or experience in the building and construction industry;
- a person who is not eligible for an appointment under Section 5(1)(b) to the above positions.

The Electoral Commission of SA conducted an election for three registered architects in August 2010. The following persons were elected:-

Robert D Cheesman AM
Gary P Bonato
Paul RW Boyce

The remaining Board members have not yet been appointed.

TRANSITION YEAR

The Board will be changing its reporting year from a calendar year to a financial year. As a transitional measure the first year will be for eighteen months commencing on 1 January 2010 and ending on 30 June 2011.

The registration year will also transition to a 30 June 2011 year end.

HISTORY OF THE BOARD

Dr Susan Lustrini and Dr Julie Collins, Academic Researchers at the Architecture Museum, School of Art, Architecture and Design, University of South Australia have prepared "A History of the Architects Board of South Australia 1939-2009"

This publication was released on 18 August 2010 and the booklet is available from the offices of the Board at a cost of \$22.00.

WEBSITE

The Board's website has been updated. We encourage registered architects to visit the website:- www.architectsboardsa.org.au

The new Act is available from this website and the new regulations, application forms and the Board's publications will be available after the new Act commences.

EXAMINERS

Candidates for registration are required to pass an examination in architectural practice.

As part of the examination process candidates are required to undertake an examination by interview. This examination is conducted by approved examiners selected from registered architects. The Board is seeking new examiners to assist with this important function. Examiners are remunerated. If you are interested in nominating to become an examiner please contact the Registrar.

CHANGES IN YOUR REGISTRATION PARTICULARS

It is the responsibility of all architects to advise the Board of a change of address, or other relevant details. Details must be provided in writing to the Board with one month of the change to the Registrar at the address shown below.

To change your name on the register from your maiden name to your married name you need to provide the Board with a certified copy of your marriage certificate.

A certified copy is a photocopy, certified to be a true copy of the original document. The certification should be made by Justice of the Peace, Notary, a Commissioner for taking Declarations, a Commissioner for Oaths or a Proclaimed Police Officer.

The witness must state on the copy that it is a true copy of the original and must include their full name and address and the qualification that authorises them to be a witness.

THE ARCHITECTS BOARD OF SOUTH AUSTRALIA

Registrar: Mr James Bailey
Secretary: Mrs Marion Rawlings

The offices of the Board are located on the Level 1, Grant Thornton House, 67 Greenhill Road, Wayville.
Business hours are 9.00 am to 5pm.

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