

# Board News

Issue 19 - February 2011

The Architectural Practice Board of South Australia

## NOTICE TO ARCHITECTS

### NEW LEGISLATION

The new Architectural Practice Act 2009 commenced on 1 January 2011. At the same time the Regulations were gazetted and the new Board took 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.**

The name of the Board changed 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 as a transitional measure.

The registration requirements for companies have been changed and simplified. All companies should check the new requirements in the 2009 legislation (Section 33 – see link above) to ensure they are compliant with the 2009 Act. Please contact the Board if you require 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 are available from the Board's website [www.archboardsa.org.au/application-forms/](http://www.archboardsa.org.au/application-forms/)

**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 have the discretion to approve exemptions from this requirement in appropriate circumstances. Please contact the Board for further details in the interim period.

### Other Changes

- (1) A fit and proper person test has been introduced as one of the requirements for new registrations.
- (2) Insurance against civil liabilities is a requirement for registration.
- (3) Limited Registration has been introduced, and the non-practising category has been removed.
- (4) The penalties associated with holding out as an architect whilst not registered with the Board has 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 provision to prevent victimisation has 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 are 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 South Australia.

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 membership of the Board is as follows:-

Elected registered architects: -

Mr Robert Cheesman AM  
Mr Gary Bonato  
Mr Paul Boyce

Government nominees:-

Ms Sue Averay – Accounting, Business or Finance  
Ms Jeanie Elliott – Lawyer  
Mr Ben Hewett – Urban/Regional Planning  
Dr Susan Shannon - Architect

### **TRANSITION YEAR**

The Board's reporting year changes 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.

### **REGISTRATION RENEWALS**

Registration renewals for the transitional **18 month** period 1 January 2011 to 30 June 2012 will be posted to registrants on approximately 30 April 2011 with payment due 1 June 2011.

This is a one off transitional arrangement only; registrations for the year end 30 June 2013 will be issued on 1 June 2012 with payment due on 1 July 2012.

### **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.

### **THE ARCHITECTURAL PRACTICE BOARD OF SOUTH AUSTRALIA**

Registrar: Mr James Bailey  
Secretary: Mrs Marion Rawlings

The offices of the Board remain unchanged and 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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