

## **BY-LAWS OF THE ARCHITECTS ACT 1939 (SA)**

### **MEETINGS AND PROCEEDINGS OF THE BOARD**

#### ***Ordinary Meetings***

1. The board shall meet at such times and at such places as the board shall from time to time determine.

#### ***Special Meetings***

2. A meeting of the board shall be called by the registrar on the requisition in writing of the chairman or any four members of the board. Such meeting shall be held within seven days of the receipt of the requisition by the registrar.

#### ***Notice of Meetings***

3. Three clear days' notice in writing shall be given to each member of the board by the registrar specifying the place, the day and the hour of the meeting of the board and the general nature of the business to be transacted thereat provided that the chairman may permit other business to be transacted at such meeting and that in cases of urgency the chairman may direct a meeting to be called on less than three days' notice.

#### ***No Quorum Present***

4. If at the expiration of 15 minutes after the hour appointed for any meeting of the board there be not a quorum present, the meeting shall be deemed to have lapsed.

#### ***Notice of Motion***

5. Notice of motion or resolution intended to be proposed at any meeting of the board may be given to the registrar in writing at a previous meeting, and such notice, when so given, shall be embodied in the notice of the next meeting of the board. All such motions submitted to any meeting shall be seconded before being discussed.

#### ***Committees***

6. The board may from time to time appoint, for any special purpose, from among its members a subcommittee of not less than three members, including the chairman, two of whom shall form a quorum; and the board may by resolution at any time dissolve any committee or subcommittee so appointed.

The chairman for the time being shall be *ex-officio* a member of every committee or subcommittee, and, at all committee or subcommittee meetings, the convenor (to be appointed by the board) shall preside.

### **ELECTION OF BOARD MEMBERS**

#### ***Returning Officer***

7. The registrar shall act as the returning officer and shall conduct every election of a member of the board.

### ***Annual Elections***

8. The following provisions shall apply to every annual election of a board member to hold office upon the retirement of a board member by effluxion of time. In these provisions the words "candidates" and "registered architects" shall mean natural persons only.

### ***Calling for Nominations***

- (a) The returning officer shall, during the month of January in every year, by notice in writing posted to every registered architect to his address in the register, call for nominations of intending candidates at the election. The said notice shall specify the number of members to be elected to the board and the time within which nominations will be received by the returning officer and may contain any other particulars concerning nominations which the returning officer thinks fit.

### ***Nomination Form***

- (b) Every nomination shall be in writing in the form contained in the first schedule to these by-laws and shall be signed and completed as therein indicated. A nomination form shall be sent by the returning officer to every registered architect with the notice calling for nominations.

### ***Nominations***

- (c) A candidate shall be nominated by three registered architects who shall sign the nomination form which shall also be signed by the candidate.

### ***Time for Nominating***

- (d) A nomination shall be sent to the returning officer and must be received by him before noon on the 21st day after the issue of the notice calling for nominations and any nomination received by the returning officer after that time shall be informal and rejected.

### ***No Election***

- (e) If no more nominations are received than there are seats to be filled, the persons nominated shall be deemed elected.

### ***Insufficient Nominations***

- (f) If less nominations are received than there are seats to be filled, the returning officer shall draw lots to decide which of the retiring members of the board shall remain in office pursuant to the provisions of section 7 (4) of the Act.

### ***Election***

- (g) If more nominations are received than there are seats to be filled, the returning officer shall conduct an election by postal ballot papers posted to every registered architect.

### ***Form of Ballot Papers***

- (h) Every ballot paper shall be in the form in the second schedule to these by-laws with such modification as may be required in any particular case and shall before issue be initialled by the returning officer.

### ***Issue of Ballot Papers***

- (i) The returning officer shall, not later than 14 days after the last date for receiving nominations, post to every registered architect to his address in the register, a ballot paper, a blank envelope (with a detachable slip thereon), an outer envelope addressed to the returning officer and a notice containing directions necessary for the election.

### ***Voting***

- (j) A vote shall be recorded by the voter placing a cross substantially within the square on the ballot paper opposite to the name of the candidate voted for.

### ***Voters***

- (k) Every registered architect shall be entitled to vote for not more than the number of members of the board required to be elected.

### ***Return of Ballot Papers***

- (l) The voter shall place the ballot paper in the blank envelope provided and seal the same and sign his name on the detachable slip and the said blank envelope with the ballot paper within and the detachable slip duly signed shall be placed in the outer envelope which shall be sealed and returned to the returning officer before noon on the 14th day after the date of issue of Ballot Papers.

### ***Handling of Ballot Papers***

- (m) After the date for the return of Ballot Papers the returning officer shall in the presence of the scrutineers (if any) check the names appearing on the detachable slips with the names in the register and if found to be correct shall thereupon remove such detachable slips from the envelopes and place the envelopes containing the ballot papers in the ballot box without opening such envelopes.

### ***Conduct of Ballot***

- (n) The returning officer shall conduct the scrutiny and count of votes.

### ***Informal Votes***

- (o) Any ballot paper which-
  - (i) is received by the returning officer after the time prescribed for the return of the ballot papers; or
  - (ii) contains more crosses than the number of members to be elected, or contains any matter other than the matter originally contained therein and the crosses by which the votes are cast; or
  - (iii) is returned to the returning officer without the name of a registered architect having been signed on the detachable slip,

shall be informal and shall be rejected.

### ***Scrutineers***

- (p) A candidate for election may appoint in writing one scrutineer to represent him at the scrutiny and count of votes. Such appointment shall be delivered to the returning officer not less than five days prior to the date of the election and the returning officer shall forthwith notify such scrutineer in writing of the time and place of the scrutiny and count of votes. A scrutineer shall sign any pertinent document that the returning officer may reasonably request him to sign.

### ***Election of Candidate***

- (q) The candidate or the candidates, as the case may be, receiving the highest number of votes shall be elected.

### ***Equal Number of Votes***

- (r) If the votes for two or more candidates for any seat are equal in number, the returning officer shall, in the presence of the scrutineers, draw lots to decide which candidate shall be elected.

### ***General Directions***

- (s) Any act or matter which relates to any nomination or election and which is not otherwise provided for, shall be deemed validly done or carried out if done or carried out as directed by the returning officer.

### ***Election for Casual Vacancy***

- 9. In respect of an election of a member to fill a casual vacancy on the board the provision of by-law 8 shall as far as possible apply. Upon a casual vacancy occurring, the returning officer shall forthwith by notice in writing to every registered architect call for nominations to fill such vacancy and such nominations must be received by the returning officer within 14 days of the date of the giving of the said notice and the ballot papers shall be issued by the returning officer within seven days of the nomination day, and the ballot papers must be returned to the returning officer by not later than seven days after the issue thereof.

## **REGISTRAR**

### ***Duties of Registrar***

- 10. The registrar shall-
  - (a) act as registrar and secretary of the board and returning officer for all elections of board members;
  - (b) prepare and keep the register, declarations and other forms and documents prescribed by the Act or these by-laws to be prepared or kept by the board and bring before the board all matters and things necessary to ensure compliance with the requirements of the Act and these by-laws;
  - (c) summon all meetings of the board and committees or subcommittees thereof and attend thereat, prepare a business paper for each meeting of the board, and take and record the minutes of proceedings thereat;
  - (d) obtain and produce at each meeting of the board the bank passbook;

- (e) conduct all correspondence and keep a correct record in the proper books of all accounts, receipts, payments, vouchers, reports, documents, papers, and proceedings in connection with the board's business, or otherwise as the board may from time to time direct, and generally do all the clerical work of the board;
- (f) superintend all examinations, business and affairs under the board's direction;
- (g) consult the chairman of the board or acting chairman for time being in the absence of the chairman on any business requiring the attention of the board between meetings of the board;
- (h) be responsible for the safe custody of all receipts, papers, cheques, cheque books, books, documents, writings, and property of the board;
- (i) receive all fees, subscriptions and other moneys which shall become due and payable to the board, and give a printed receipt (and no other) for the same, and retain a counterpart or duplicate of such receipt;
- (j) open an account in the name of the board with such bank or banks as the board may from time to time direct and forthwith, after the receipt of any moneys by him for, on behalf, or on account of the board, pay such moneys to the credit of that account with such bank or banks as aforesaid;
- (k) shall perform such other duties as the board may direct from time to time;
- (l) prepare, whenever required to do so, a statement of income and expenditure and of the assets and liabilities of the board covering such period as may be directed by the board and a balance sheet showing the income and expenditure of the board for the period of 12 months to the 31st day of December then pass and submit such balance sheet duly audited to the board.

## **AUDIT**

### ***Auditor***

11.

- (a) The board shall each year appoint an auditor and shall fix the fee to be paid to him.

### ***Disqualification***

- (b) The registrar or an officer of the board or a registered architect shall not be qualified for appointment or act as auditor of the board.

### ***Report***

- (c) The auditor shall each year make a report to the board on the accounts examined by him and on every balance sheet to be presented to the annual general meeting of architects.

### ***Inspection of Books***

- (d) The auditor shall have a right of access at all times to all books, accounts and vouchers of the board and shall be entitled to require from the board and each board member and the registrar and other officers of the board such information and explanation as may be necessary for the performance of the duties of the auditor.

### ***Duties of Auditor***

- (e) The auditor shall use reasonable diligence with a view to ascertaining that the books of the board have been properly kept and record correctly the affairs and transactions of the board and that the assets and securities of the board do in fact exist and are in proper custody and under proper control.

## **COMMUNICATIONS FOR THE BOARD**

- 12. All communications for the board shall be addressed to the registrar.

## **THE COMMON SEAL**

### ***Custody and Affixing of Seal***

- 13. The registrar shall have the custody of the common seal of the board which shall be deposited in the office of the board. The seal of the board shall not be affixed to any instrument except by the authority of a resolution of the board and in the presence of a member of the board and of the registrar; and that member of the board and the registrar shall sign every instrument to which the seal is so affixed in their presence.

## **REGISTRATION FEE**

- 14. The registration fee for natural persons shall be one hundred and thirty-five dollars and for companies three hundred and ninety five dollars.

## **ANNUAL SUBSCRIPTION**

- 15. In addition to the registration fee, an annual subscription shall be payable. The annual subscription shall be three hundred and ten dollars for natural persons and four hundred and fifty dollars for companies with up to two directors, and five hundred and five dollars for companies with more than two directors, and shall be due and payable in advance on the first day of the month of April in each year.

## **APPLICATIONS FOR REGISTRATION**

### ***Application Form***

- 16. An application for registration as an architect shall be in one of the forms set out in the third schedule to these by-laws.

### ***Statutory Declaration***

17. The statements made in an application for registration as an architect shall be verified by a statutory declaration made by the applicant in the form set out in the third schedule to these by-laws.

### ***Verification of Application***

18. On any application for registration as an architect the board may require the applicant to verify any information or particulars requested of him by the board by statutory declaration or declarations or by oral evidence given on oath affirmation or declaration before the board by the applicant or any person or persons.

### ***Certificate of Registration***

19. The certificate of registration to be delivered by the registrar to a person who has become registered shall be in the form contained in the fourth schedule to these by-laws and shall be the only document issued by the board on the registration of an architect. In the event of an Architect requesting a replacement or changed registration certificate, the replacement certificate fee shall be fifty dollars. Should an architect apply to have his name restored to the Register after deregistration by the Board, a re-registration fee of fifty dollars shall be payable in addition to any outstanding subscriptions.

### ***Change of Address***

20. Every registered architect shall, before the 31<sup>st</sup> day of December in each year, deliver to the registrar a memorandum in writing under his hand setting out any change in his address made during that year.

## **GENERAL MEETINGS OF ARCHITECTS**

### ***Annual Meeting***

21. An ordinary general meeting of natural persons registered as architects (to be called the annual general meeting) shall be held at such place and at such time during the month of March in each year as the board shall from time to time determine.

### ***Report and Balance Sheet***

22. At every annual general meeting the board shall present a report on the operations of the board during the previous year and shall submit a duly audited balance sheet showing the income and expenditure of the board for the period of 12 months to the 31<sup>st</sup> day of December then last past.

### ***Special Meeting***

23. The board may whenever it thinks fit convene a special general meeting of the registered architects to be held at such time and place as the board shall determine.

### ***Requisition for Special Meeting***

24. The board shall upon the requisition in writing signed by not less than 10 natural persons registered as architects, convene a special general meeting of natural persons registered as architects. Any such requisition shall state clearly the business to be submitted to such meeting and shall be deposited with the registrar. If the board fails to convene a special general meeting to be held within 30 days after the deposit of the requisition, the requisitionists (or any 10 natural persons registered as architects) may themselves convene a meeting of natural persons registered as architects to be held within two months after the deposit of the requisition. The meeting shall be convened for the purposes stated in the requisition, and, if convened otherwise than by the board, for those purposes only.

### ***Notice of Meetings***

25. The notice calling a general meeting of natural persons registered as architects shall specify the general nature of the business to be transacted thereat and particulars of any motion to be submitted at such meeting of which notice shall have been given.

### ***Quorum***

26. Twenty-five natural persons registered as architects, present in person or represented by proxy at a general meeting and entitled to vote thereat shall constitute a quorum for a general meeting.

### ***Proxies***

27. Every natural persons registered as an architect shall be entitled to vote at a general meeting either personally or by proxy. A proxy must be a natural person registered as an architect. The instrument appointing a proxy shall be in the form contained in the fifth schedule to these by-laws and shall be signed by the appointor. A proxy form shall be issued with the notice calling the general meeting. The instrument appointing a proxy shall be deposited with the registrar before noon on the day preceding that on which the meeting is to be held and in default the instrument of proxy shall not be treated as valid.

### ***Chairman***

28. The chairman of the board shall be chairman of all general meetings, and in his absence, another member of the board chosen for the purpose by the majority of the natural persons registered as architects present and voting at such general meeting shall be the chairman thereof.

### ***Conduct of Proceedings***

29. The chairman shall have the conduct of all proceedings at a general meeting and his decision thereon shall be final.

### ***Notice of Motion***

30. Should any natural person registered as an architect desire any matter to be brought before the next annual general meeting he may give a notice of motion in writing clearly embodying such matter and duly seconded, to the registrar before the 15<sup>th</sup> day of February immediately preceding such meeting.

## **QUALIFICATIONS FOR REGISTRATION**

### ***Qualifications in Fields Other than Architecture***

31. The qualifications for purposes of section 28 (4) (b) and 32A (1) shall be—
- (a) corporate membership of any of the following bodies:-  
The Royal Australian Planning Institute,  
The Australian Institute of Landscape Architects,  
The Australian Institute of Building,  
The Institution of Engineers Australia,  
The Australian Institute of Quantity Surveyors,  
The Industrial Design Institute of Australia,  
or
  - (b) a qualification which in the opinion of the board is equivalent to or of similar standing to one of those listed.

### ***Architectural Qualifications***

32. The architectural qualifications prescribed pursuant to the provisions of section 32 (b) (iii) of the Act shall be those included in the current list of qualifications recognised by the Commonwealth Association of Architects and the Diploma in Technology, Architecture, of the South Australian Institute of Technology.
- 32A. The qualifications prescribed pursuant to the provisions of section 28 (3) (e) of the Act shall be the Associate Diploma in Building Technology (Architectural Option) of the South Australian Institute of Technology and the Architectural Technician Certificate of the South Australian Department of Further Education.

### ***Examiners***

33. The board may from time to time appoint any person or persons as examiner or examiners in connection with any examination prescribed by the Act or by these by-laws and may pay to such examiner such fees as the board shall determine. Members of the Board shall be eligible for appointment as examiners.

### ***Special Examinations***

34. Repealed.

### ***Practical Experience***

35. The further requirements prescribed in section 32 (b) of the Act shall include the following requirement relating to practical experience:

A total of two years' experience of a nature acceptable to the board, of which one year shall be subsequent to notification of having passed the examination for one of the architectural qualifications required by section 32 (b) of the Act.

### ***Examination in Architectural Practice***

36. The further requirements prescribed in section 32 (b) of the Act shall include the following requirement relating to the examination in architectural practice:

Candidates who have completed to the satisfaction of the board the period of practical experience required by by-law 35 may be admitted to and shall pass an examination in architectural practice which shall be conducted by examiners appointed by the board: provided that the board may accept a pass in an examination of a like nature conducted by any other authority approved by the board as a pass in the examination prescribed by this by-law. The Board may exempt from examination an applicant who has been continuously registered in another State or Territory of Australia since a date prior to 1 January 1976.

### ***Practice in Fields Related to Architecture***

37. For the purpose of section 32a (1) (a) (ii) of the Act, the related fields shall be—
- Town and Regional Planning;
  - Landscape Architecture;
  - Building;
  - Engineering;
  - Quantity Surveying;
  - Industrial Design;
  - Interior Design;
- and such other fields as the board may determine.

### ***Code of Professional Conduct***

38.

(1) Professional responsibility—

- (a) An architect shall faithfully discharge his professional responsibilities.
- (b) An architect shall not seek to supplant another architect.

‘Seek to supplant’ means to knowingly seek a specific architectural commission which has been awarded to another architect. It does not relate to an architect attempting to obtain a commission from a client who is in the habit of regularly giving his work to another architect.

- (c) In order to demonstrate to prospective clients his skills and design capabilities an architect may without remuneration:
  - (i) Provide examples of his work including brochures, curriculum vitae and a description of completed commissions and experience.
  - (ii) Demonstrate his methodology and approach but not include specific design solutions for the proposed project.

(2) Remuneration—

- (a) An architect shall be remunerated for his architectural services solely by the professional fees payable by his client or the salary payable by his employer.
- (b) An architect shall not undertake any architectural commission for a fee lower than that which would allow him to provide adequate and proper professional services.

- (3) Conflict of Interests– An architect shall not, while carrying out work under architectural commission engage in any operation or trade or business inconsistent or in conflict with the fitting and proper discharge of his professional duties in respect of such work.
- (4) Impartiality– An architect commissioned to administer conditions of contract agreed between two parties shall do so impartially.
- (5) Use of name– An architect shall not permit his name to be used in any way which may cause the public to be misled.
- (6) Promotion of Services– An architect shall not give or offer to any person any consideration for securing or attempting to secure for him any architectural work. Nothing in this by-law prevents the publication, by or on behalf of a registered architect, of an advertisement or other communication, in compliance with by-law 38 (7).
- (7) Public communication-

Public communication shall be carried out in a professional and responsible manner. In particular architects should:-

- (a) Ensure when promoting professional services that information is accurate, that professional colleagues individually or as a group are not denigrated and that the professional standard of services expected of an architect is maintained.
- (b) State qualifications, experience and authorship accurately.
- (c) Identify themselves in a professional manner on stationery, sign boards, public notices, and in publications.
- (d) Ensure that if they allow their name and/or photograph to appear in promotional material produced by suppliers or manufacturers of materials used in a building they have designed, their name and/or photograph is included in a professional manner and that they do not accept any consideration for the use thereof.
- (e) Ensure that if they allow their name and/or photograph to appear in promotional material produced by clients for the purpose of advertising or promoting projects for which they have been commissioned all reference to the architect makes clear the true nature and extent of the service provided.
- (f) Ensure that critical comment on architecture is informed and constructive.

## **NOTICES**

### ***How Notice May Be Given***

- 39. Any notice required by the Act or these by-laws to be given to a member of the board or to a registered architect may be given to such member or registered architect, either personally, or by leaving the same at his registered address, or through the post.

***Notice by Post***

40. Any notice given through the post shall be sent in a prepaid envelope or wrapper, addressed to the member of the board or to the registered architect, at his registered address, and shall be deemed to have been given on the day following that upon which it is so posted.

***Annual Return of Members and Directors of Companies***

41. The annual return required by section 45a of the Act shall be in the form of the sixth schedule to these by-laws, and shall be certified as true and complete by a director, the secretary, or the agent in S.A. of the company.