

ARCHITECTS BOARD

OF

SOUTH AUSTRALIA

ANNUAL REPORT

YEAR ENDED 31 DECEMBER 2008



**Government
of South Australia**

December 2008

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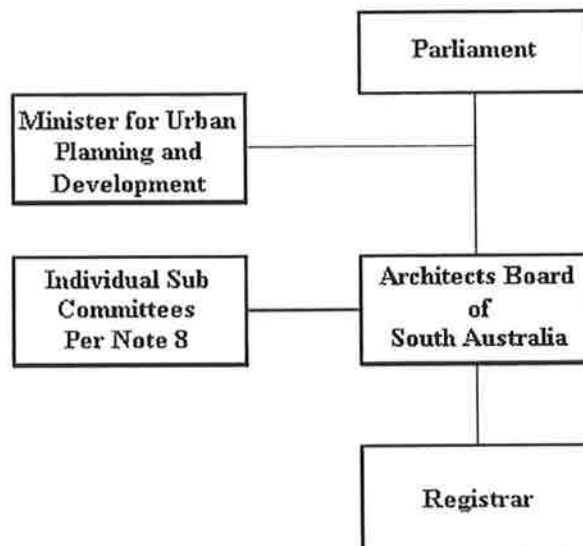
1 CHARTER

The Architects Board of South Australia (the Board) is the statutory authority responsible to the Minister for administering the *Architects Act 1939*, as amended (the Act), 'which provides for the registration of architects, to regulate the practice of architecture, and for purposes incidental thereto'.

The purpose of limiting the use of the title "architect" to those properly qualified to use it 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) and the Act.

2 ORGANISATION



3 FUNCTIONS OF THE BOARD

1. The Board is responsible for the protection of the interests of the public by:

(a) overseeing architectural practice in the public interest;

(b) prescribing qualifications and other requirements relating to registration under the Act;

(c) maintaining a register of architects and architectural companies and for ensuring that only properly qualified and experienced individuals are listed on the register of architects, and only companies satisfying the requirements of the Act are registered as architect companies;

(d) investigating complaints made against architects and against unregistered persons holding themselves out to be architects and also disciplining those who are found to have contravened the Act;

(e) carrying out other functions assigned to the Board by or under the Act;

(f) promoting education and knowledge of architecture amongst the public;

(g) administration and conduct of Australian Architects Accreditation Council national architectural practice examinations in South Australia for persons seeking registration as an architect.

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

4 BOARD MEMBERSHIP

The Act provides that the Board will consist of nine members. Three of these are to be people appointed by the Governor and six are to be registered architects elected by registered architects in accordance with the by-laws made by the Board.

The term of membership of the Board is three years and all members of the Board act in an honorary capacity. Each year one of the Government appointees and two of the elected members retire in accordance with Section 7 of the Act. They are eligible for reappointment or re-election.

The membership of the Board at 31 December 2008 was as follows:-

Government nominees:

Judith Mary Carr

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

Appointed 24 September 1990

Reappointed 24 May 2008

Lolita Veronica Mohyla

Managing Partner - Mohyla Architects Interior Designers

Appointed 27 February 2002

Reappointed 1 November 2007

Susan Jane Phillips

Director - Phillips/Pilkington Architects Pty Ltd

Appointed 13 November 1998

Reappointed 1 November 2007

Elected members:

Gary Bonato

Director - Tectvs Pty Ltd

Elected 8 February 2008

Robert Denyer Cheesman AM

Director - Cheesman Architects Pty Ltd

Elected 9 March 1982

Re-elected 20 February 2006

Professor John Ingram Cooper

Consultant

Elected 12 February 2002

Re-elected 20 February 2006

4 BOARD MEMBERSHIP (Cont.)

Andrew Laurence Davies (Chairman)
 Manager, Building & Property Services, Resthaven Inc
 Elected 23 April 1990
 Re-elected 9 February 2008
 Elected Chairman 27 March 1995

David Benjamin Holland
 Director - Danvers Schultz Holland Architects Pty Ltd
 Elected 19 March 2008 to fill a casual vacancy

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

5 BOARD MEETINGS

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

Meetings of the Board are attended by the Registrar.

Quorum

A quorum of the Board is 5 members

Meeting Procedures

Section 17 (2) of the Act states that "Subject to the by-laws of the Board the business of the Board shall be conducted in such manner as the Board determines".

Attendance at meetings were as follows:	Attendance	Maximum
Mr Hassell (resigned 09/02/2008)	1	1
Ms Campbell (resigned 20/02/2008)	0	1
Ms Carr	8	11
Ms Mohyla (leave of absence)	5	11
Ms Phillips	7	11
Mr Bonato (elected 08/02/08)	10	10
Mr Cheesman	7	11
Prof Cooper	9	11
Mr Davies	11	11
Mr Holland (elected 19/03/08)	10	10
Mr Maxwell	8	11

6 REGISTRAR AND ADMINISTRATION

Mr Richard Krantz resigned as Registrar on 4 April 2008. Mr James Bailey of Grant Thornton Australia Limited was appointed Registrar on 4 April 2008 and Mr Bailey's appointment was later confirmed on 20 August 2008.

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

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

7 WEB SITE

The Board has established a comprehensive web site at the address www.archboardsa.org.au

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

8 COMMITTEES

Committee	Purpose
1. Complaints Advisory Committees	- Consideration of complaints and breaches of the Act. These committees are appointed as required.
2. Website Review Committee	- Single purpose sub-committee to review the Board website and develop improvements

9 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 year ended 31 December 2008. This application was finalised within the statutory time period.

10 EXAMINATIONS & PRIZES

Architectural Practice examinations were conducted in April and September. In April thirteen persons were examined and eleven were successful, whilst in September, twenty-four persons were examined and twenty-one were successful.

The prizes presented by the Board on the basis of the 2008 examination results were:-

- 1 Dean W Berry Prize in Architecture for University of South Australia student - awarded to Jason Chambers
- 2 Dean W Berry Prize in Architecture for University of Adelaide student - awarded to Sally Wilson
- 3 Architectural Travelling Prize for the University of South Australia student- awarded to Matthew Kirkaldie
- 4 Architectural Travelling Prize for the University of Adelaide student - awarded to Sally Cashen

11 REGISTRATION STATISTICS AT 31 DECEMBER
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(a) Register of Architects

	2008	2007
(i) <i>Natural Persons</i>		
Number registered: <i>Active Male</i>	695	673
<i>Active Female</i>	113	108
<i>Total Active</i>	808	781
<i>Non-practising Male</i>	166	152
<i>Non-practising Female</i>	21	23
<i>Total Non-practising</i>	187	175
<i>Total Registered</i>	995	956

(ii) *Companies*

Number registered	96	94
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(b) Applications for Registration

During the year the Board approved the following:

<i>applications for registration of natural persons</i>	52	48
<i>application for registration of companies</i>	3	4

(c) Resignations

<i>Active Male</i>	3	4
<i>Active Female</i>	1	2

12 COMPLAINTS

When a complaint is received by the Board, the Registrar gathers documentary evidence, obtains witness statements, legal advice and other correspondence with the parties involved. A complaint sub-committee is appointed to consider the complaint and where appropriate, the Registrar (on instruction by the Board) 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 below:

Professional Conduct (9)

Allegation

Complaint concerning the poor standards of an Architect including poor communication, lack of coordination, costs and availability of the architect.

Architect had failed to ensure building company held the appropriate licence and insurance. Architect failed to identify serious defects and deviations from the design documentation in the building work performed in the project.

Complaint of inadequate documentation and communication by the architect.

Architect had failed to undertake their duties to a satisfactory professional standard as an architect.

Architect prepared an inadequate and inept report for the complainant.

Result of Investigation

Architect counselled and no grounds for further action were found by the Board.

Inquiry hearing held and respondent architect firm admitted professional misconduct. A fine of \$1,800 was imposed on the Architect after consideration of considerable mitigating factors by the Board for failing to discharge its professional responsibilities.

Architect counselled and no grounds for further action were found by the Board.

Architect had performed required work to a satisfactory standard and no grounds for further action were found by the Board.

No grounds for further action were found by the Board.

12 COMPLAINTS (Cont.)

<u>Allegation</u>	<u>Result of Investigation</u>
The architect appointed by the complainant to manage the complainant's house renovations failed to properly manage the property in the complainant's absence and to properly inform the complainant of the damage to the property.	Complaint was withdrawn by the complainant.
Architect misled the complainant concerning payment for work done by the complainant on the architect's behalf.	Investigation currently in progress.
Complaint concerning architect's unprofessional and aggressive manner.	No grounds for further action were found by the Board.
Complaint concerning architect's unprofessional and aggressive manner.	Investigation currently in progress.

The Board also considered seven potential breaches of the Act in relation to persons or organisations holding themselves out to be registered. In six of the cases, satisfactory explanations resolved the allegations and in one case the allegation was resolved by the company applying for and being granted registration.

Under current legislation, for a registered architect to be disciplined by the Board, proof of professional misconduct is required which is a higher level of proof than unprofessional conduct.

If the Board does not proceed to hold an inquiry into the conduct of a registered architect, the complainant is advised of the Board's decision and their rights under Section 36(1) of the Act which states:-

"Any persons claiming to be affected by any professional misconduct on the part of a registered architect, or the registrar on the instruction of the Board, may lay a charge of professional misconduct against the registered architect".

13 FRAUD PREVENTION

The Board did not identify any fraudulent activities during the 2008 financial year.

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

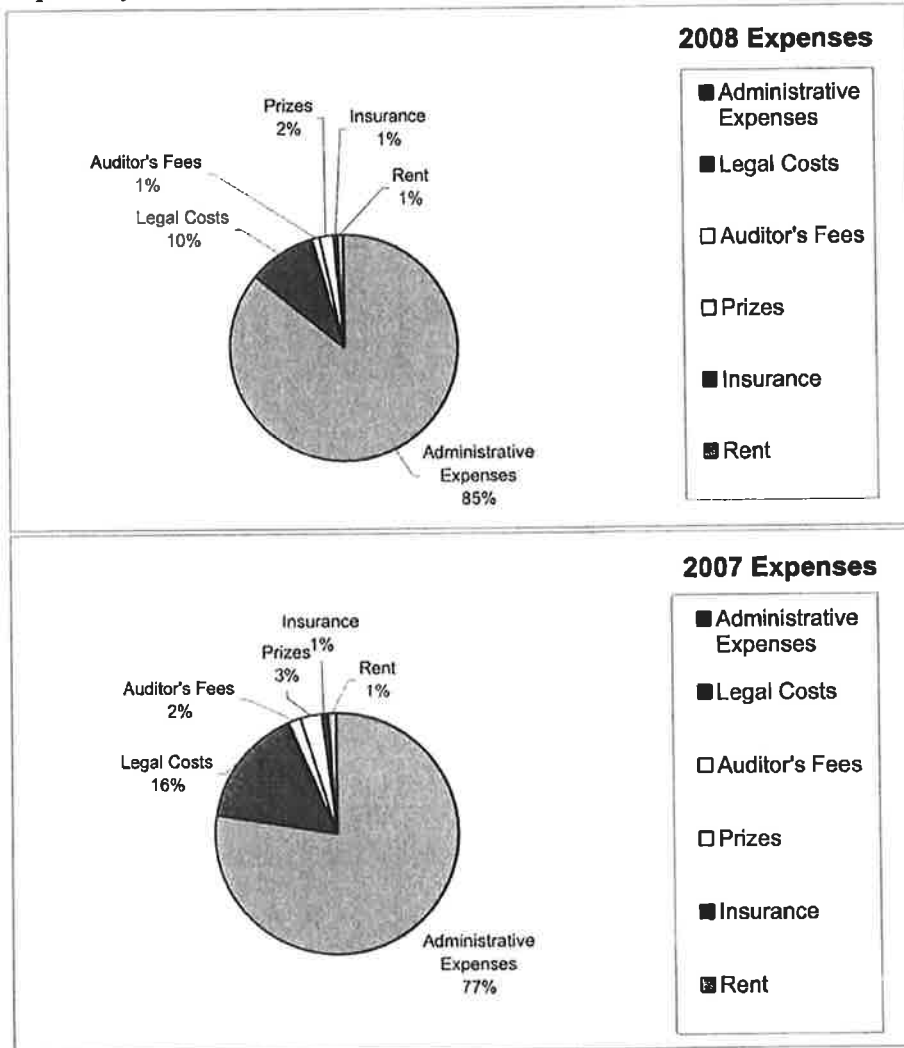
- Segregation of duties and rotation of personnel
- Monthly account reconciliations are reviewed by the Registrar
- Authorisation of monthly accounts for payment by Board members at Board meetings
- Monthly financial reports are tabled and approved by Board members at Board meetings
- Two authorised 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

14 FINANCES

The Board recorded a net surplus of \$110,999 for the 2008 calendar year (previous year surplus \$131,887) and as at 31 December 2008 the Board had total equity of \$424,394.

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 2008 and 2007 respectively



Account Payment Performance

Particulars	Number of accounts paid	Value in SAUD of accounts paid	Percentage of accounts paid (by value)
Paid by due date	100	244,055	99.9%
Paid late, within 30 days of due date	1	177	0.1%
Total	101	244,232	100.0%

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 \$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 in 2008 were in excess of \$19,000.

The accounts of the board have been audited and the financial statements for the year ended 31 December 2008 follow, together with the accompanying notes, and the independent auditor's report.



 Chairperson

Dated this 25th day of February 2009