

## ARCHITECTURAL PRACTICE ACT 2009 (SOUTH AUSTRALIA)

### RESTRICTIONS ON THE USE OF THE TITLE ARCHITECT

#### MEDIA INFORMATION

The Architectural Practice Board of South Australia is the statutory authority responsible to the Minister for Housing and Urban Development for administering the Architectural Practice Act 2009 ("the Act"). The Act commenced on 1 January 2011 replacing the former Architects Act 1939. The Act provides for the registration of architects and architectural businesses and regulates architectural practice for purposes including protecting the public.

The Board is responsible for maintaining a register of architects, architectural companies and partnerships and for ensuring that only properly qualified and experienced people, companies and partnerships are listed on the register.

Section 38 of the Act provides that a person must not hold himself or herself out as an architect or permit another person to do so unless registered on the register of architects. A similar provision also applies for body corporates and partnerships of architects or firms of architects. The section also provides that a person must not hold out a natural person, a body corporate or a partnership as an architect unless that person, body corporate or partnership is registered on the appropriate register of architects.

Section 40 of the Act also provides that the use of certain titles, descriptions or their derivatives is prohibited as those titles or descriptions may only be used by a registered architect or architectural business. In particular, a natural person, body corporate or partnership may not use a prescribed word or its derivatives to describe themselves or a service that they provide. Prescribed word is defined to mean "architect" or any other word or expression prescribed by the Regulations to the Act. There are no other words prescribed by regulations as at the date of this paper but the derivatives of the word "architect" include "architecture" and "architectural".

The maximum penalties for breaches of these provisions are a \$50,000.00 fine or imprisonment for six months.

Accordingly, the Board advises that all members of the media should be alert to inadvertent and accidental holding out of persons as architects or architectural businesses.

Members of the media should note that the holding of a degree in architecture alone does not allow a person or business to use the title "architect" or "graduate architect" and that it is not a defence to prosecution that the person committing the offence was not aware that the person or business referred to as an architect was not registered with the Board.

It is easy to check the registration of an individual or business entity by searching the online register on the Board's website at [www.archboardsa.org.au/register-of-architects/](http://www.archboardsa.org.au/register-of-architects/).

The Board has also published a Guidance Note 2 on the use of the title architect and its derivatives which may be found on the Board's website [www.archboardsa.org.au](http://www.archboardsa.org.au) and a copy of which is also enclosed with this information paper.

If you have any questions in respect to any of the above, please contact the Board on (08)8373 2766.