

Legislative Council

Architects Bill

Schedule of the Government amendments agreed to in Committee of the Whole
On Tuesday 11 November 2003.

No. 1 Page 6, clause 11, lines 20-32. Omit all words on those lines. Insert instead:

- (1) An architect corporation or architect firm must ensure that at all times there is at least one nominated architect who is nominated by the corporation or firm and responsible for the provision of architectural services by the corporation or firm.

Maximum penalty: 200 penalty units.

- (2) An architect corporation or architect firm must ensure that:
 - (a) any written business correspondence issued by the corporation or firm bearing the name of the corporation or firm indicates the name of an architect who is a nominated architect responsible for the provision of architectural services by the corporation or firm, and
 - (b) the name of an architect who is a nominated architect responsible for the provision of architectural services by the corporation or firm is prominently displayed at each place of business of the corporation or firm, so as to be clearly visible to a person from outside or immediately on entering the place of business.

Maximum penalty: 200 penalty units.

Note. A temporary project or site office does not constitute a place of business of a corporation or firm.

No. 2 Page 7, clause 11. Insert after line 3:

- (5) Proceedings for an offence against this section are not to be commenced without the written consent of the Board given in the particular case.

No. 3 Page 21. Insert after line 26:

37 Power to dismiss certain complaints

- (1) The Board may dismiss a complaint if the Board is satisfied that the complaint:
 - (a) is frivolous or vexatious or otherwise lacking in merit, or
 - (b) is a complaint in respect of a matter that has already been

dealt with as a complaint under this Part, or
 (c) is trivial in nature.

- (2) The Board may dismiss a complaint under this section without having investigated the complaint under this Part, or following an investigation of the complaint under this Part. The Board is not required to investigate a complaint that has been dismissed under this section.
- (3) The Board is to notify the architect and complainant concerned of the dismissal of a complaint under this section.
- (4) If the Board dismisses a complaint under this section, the Board may also issue a caution to the architect against whom the complaint was made in respect of the matter complained of.
- (5) A person who makes a complaint or the architect against whom a complaint is made may apply to the Tribunal for a review of a decision of the Board to dismiss the complaint under this section.

No. 4 Page 24, clause 41. Insert after line 15:

- (6) In this section, a reference to a person presiding at a meeting of the Board includes a reference to the person presiding at a meeting of a committee established under section 61 exercising functions in relation to a complaint.

No. 5 Page 25, clause 42 (4) (g), line 10. Omit “100 penalty units”. Insert instead “15 penalty units”.

No. 6 Page 25, clause 42 (7), lines 21 and 22. Omit all words on those lines.

No. 7 Pages 25 and 26, clause 44, line 34 on page 25 to line 9 on page 26. Omit all words on those lines. Insert instead:

- (1) Subject to subsection (2), the Board may delegate any of its functions under this Part (other than this power of delegation) to a committee established under section 61 that is constituted as provided by subsection (3).
- (2) If an architect or a complainant makes a written request to the Board for the complaint concerned to be investigated by a committee:
 - (a) the Board is to delegate its functions under this Part in

- relation to the investigation of the complaint to a committee established under section 61 that is constituted as provided by subsection (3), and
- (b) the committee is to make recommendations to the Board in respect of the disciplinary action (if any) that would be appropriate.
- (3) A committee to which a function of the Board under this Part may be delegated must be constituted by 3 members of the Board, of whom:
 - (a) one must be a legal practitioner, and
 - (b) one must be an architect, and
 - (c) one must be a member who is neither a legal practitioner nor an architect.
 - (4) The member referred to in subsection (3) (a) is to be the chairperson of the committee.

No. 8 Page 33, clause 59, lines 17-32. Omit all words on those lines, Insert instead:

- (e) one architect who is to be appointed by the Minister, who the Minister is satisfied will represent the interests of practising architects and who is not an office holder in any Australian architectural industry organisation,
 - (f) 5 persons who are to be appointed by the Minister in accordance with subsection (2) who are not architects (unless the Minister otherwise determines in a particular case).
- (2) The members to be appointed by the Minister are to be persons who the Minister considers have sufficient knowledge and understanding of the architectural profession to be of assistance to the Board in the exercise of its functions. The members appointed are to be as follows:
 - (a) one person who the Minister is satisfied has taken a public interest in architectural matters and who the Minister is satisfied is able to represent the views of home owners as consumers of architectural services,
 - (b) one person who the Minister is satisfied has expertise in the property development industry,
 - (c) one person who the Minister is satisfied has particular knowledge and awareness of the views of local government in respect of the quality of building,
 - (d) one person who is a legal practitioner and who the Minister is satisfied has expertise in building and construction law,

- (e) one person who the Minister is satisfied has expertise in the building industry.

No. 9 Page 39, clause 73 (2), line 27. Omit “Subject to subsections (3) and (4), the”. Insert instead “The”.

No. 10 Pages 39 and 40, clause 73 (3) and (4), line 31 on page 39 to line 3 on page 40. Omit all words on those lines.

No. 11 Page 43, clause 81, lines 6-9. Omit all words on those lines. Insert instead:

firm (in any other case) is taken to have contravened the same provision if the person knowingly authorised or permitted the contravention and is liable on conviction to any penalty specified for a contravention of the provision.