

No. , 1919.

A BILL

To provide for the registration and to regulate the practice of architects; to amend certain Acts in so far as they relate to building; and for purposes consequent thereon or incidental thereto.

[MR. JAMES;—4 *November*, 1919.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

Preliminary.

1. This Act may be cited as the "Architects Act, 1919," and shall come into force on a date to be proclaimed by the Governor in the Gazette.

Parts.

2. This Act is divided into Parts as follows :—PART I.—*Preliminary*—ss. 1-3.PART II.—*The Board of Architects of New South Wales*—ss. 4-8.PART III.—*Register*—ss. 9-11. 5PART IV.—*Architects*—ss. 12-21.PART V.—*Miscellaneous*—ss. 22-29.

Definitions.

3. In this Act, unless inconsistent with the context or subject matter,—“Architect” means a person who is for the time 10
being registered as an architect in accordance
with this Act.

“Architecture” does not include naval architecture.

“Board” means the Board of Architects of New
South Wales established by this Act. 15“Person” includes corporation, company, society,
association, and firm.“Practise” and similar expressions, in relation to
architecture, refers to practising as an architect
for fee or reward. 20“Prescribed” means prescribed by this Act or the
regulations.

“Registrar” means registrar of the board.

“Regulations” means the regulations made under
this Act. 25

PART II.

*The Board of Architects of New South Wales.*Establish-
ment.**4.** (1) A board, to be called the “Board of
Architects of New South Wales,” is hereby estab-
lished. 30(2) The board shall be a body corporate with
perpetual succession and a common seal, and may sue
and be sued in its corporate name. 5.

5. (1) The first board shall be constituted as follows:—The head of the Faculty of Architecture in the University of Sydney, the President of the Institute of Architects of New South Wales, and six other persons to be appointed within three months after the coming into force of this Act by the Governor.

Constitution
of first board.

(2) At the expiration of three years from the date of the appointment of the six abovementioned persons and thereafter the board shall be constituted as follows:—

10 The head of the Faculty of Architecture in the University of Sydney, who shall be an ex officio member.

15 The President of the Institute of Architects of New South Wales, who shall also be an ex officio member.

Two persons appointed by the Governor.

Three architects in practice, elected by architects.

6. (1) The members of the board other than the ex officio members, shall hold office for a term of three years, but shall be eligible for reappointment or re-election, as the case may be, to any succeeding board.

Tenure and
remuneration
of members.

The Governor for sufficient cause may remove any member of the board.

25 (2) If the office of a member of the board becomes vacant during the term for which he is appointed or elected, his successor shall be appointed or elected for the remainder of such term.

30 (3) If a member of the board is ill or is likely to be absent from meetings of the board for more than three months, the Governor may appoint a deputy to act for the member during his illness or absence.

(4) A deputy shall have the same powers, rights, and duties as the member for whom he is appointed to act.

35 (5) Each member of the board shall be paid a fee of one guinea for each meeting of the board which he attends, provided that the fees paid to any member during any year shall not exceed twenty-five guineas.

7. (1) The office of a member of the board shall be deemed to be vacant—

Vacancies.

(a) if he becomes bankrupt or compounds with his creditors; or

(b)

- (b) if he is absent without leave of the board from three consecutive meetings of which due notice has been given to him either personally or by post; or
- (c) if he resigns his office by writing under his own hand addressed to the Governor; or 5
- (d) if he is removed from office by the Governor.
- (2) The validity of any acts of the board shall not be affected by any informality or irregularity in its constitution, and the fact that the office of any or every member of the board is vacant shall not of itself operate to dissolve the corporation. 10
- 8.** (1) The Governor may from time to time appoint a registrar of the board and such examiners and other officers as the Governor may think fit for carrying out the provisions of this Act, and may at any time remove any of the same. 15
- (2) The fees of members of the board and of such examiners, and the salaries and emoluments of the officers and persons so appointed as aforesaid, and all other expenses necessary to the carrying out of this Act, shall, with the approval of the Minister, be paid out of the Consolidated Revenue Fund. 20

PART III.

Register.

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- 9.** (1) There shall be a register of architects to be kept as prescribed.
- (2) On payment of the prescribed fee, the registrar shall enter in the register—
- (a) the full names and addresses of all persons to whom registration as architects is granted by the board; 30
- (b) the date and description of the qualification in respect of which such registration is granted;
- (c) such other particulars as may be prescribed. 35
- 10.** (1) The registrar shall in the month of January in each year transmit a certified copy of the register correct

correct up to the thirty-first day of December of the preceding year to the Minister, who shall thereupon cause the same to be published in the Gazette as the "Architects Roll of New South Wales for the year 5 , " followed by the number of the year in which it is published.

(2) A copy of the Gazette shall be prima facie evidence in all legal proceedings that the persons mentioned in the roll are registered as architects in 10 accordance with the provisions of this Act, and the omission of the name of any person therefrom for the time being shall be prima facie evidence that such person is not so registered.

11. (1) Every architect shall in the month of July Roll fee. 15 in each year pay to the registrar the prescribed roll fee.

(2) If any architect does not pay the prescribed roll fee in the month of July in any year the board may cause his name to be removed from the register.

(3) If the name of any person is removed from 20 the register under this section the board may restore his name to the register upon production of his certificate of registration or proof to the satisfaction of the board of his former registration and payment of the prescribed fee for restoration.

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PART IV.

Architects.

12. No person shall be entitled to be registered as Good fame and character. 25 architect unless he satisfies the board that he is of good fame and character.

13. Subject to the provisions of this Act, a person Qualification for registration. 30 shall be entitled to be registered as an architect if he holds a prescribed degree, diploma, or license of competency as an architect from the University of Sydney, or such other university, institute, college, or school as 35 may be approved by the board, provided that the courses of instruction in architecture of such other university, institute, college, or school shall extend over four academic years, and be of a standard equivalent to that of the University of Sydney : Provided

Provided also that the holder of such degree, diploma, or license shall not be entitled to be registered in virtue of such degree, diploma, or license under this Act as an architect without further prescribed examination unless he shows to the satisfaction of the board that by the laws and regulations in that behalf in force in the country or state where such degree, diploma, or license was issued the right to practise architecture therein is granted to persons who are registered as architects under this Act by virtue of their being so registered and without further examination.

Additional
qualifications
entitling
registration.

14. (1) Subject to the provisions of this Act, a person who does not hold such degree, diploma, or license of competency shall be entitled to be registered as an architect if he—

- (a) has practised as an architect in New South Wales for a period of not less than one year immediately preceding the commencement of this Act and holds a degree, diploma, license, or certificate granted by some architectural college or school, or architectural department of a public institution in a British possession, or in such foreign country as may be approved by the board, provided that he has attended systematic courses of instruction in architecture extending over three academic years and satisfies the board that he possesses the requisite knowledge and skill for the efficient practice of architecture; or
- (b) satisfies the board that he has for four years immediately preceding the commencement of this Act and subsequent to his attaining the the age of twenty-one years practised as an architect in New South Wales as a sole or main means of livelihood; or
- (c) satisfies the board that he has for not less than three years immediately preceding the commencement of this Act and subsequent to his attaining the age of twenty-one years practised as an architect in New South Wales as a sole or main means of livelihood, and passes before the board

board within one year from the commencement of this Act a written and an oral or practical examination in elementary architecture as prescribed ; or

- 5 (d) satisfies the board that he has for four years immediately preceding the commencement of this Act, and subsequent to his attaining the age of twenty-one years practised as an architect in New South Wales, but not as a sole or
10 main means of livelihood, and passes before the board within one year from the commencement of this Act a written and an oral or practical examination in elementary architecture as prescribed ; or
- 15 (e) satisfies the board that he has attained the age of twenty-one years, and that he has been engaged during a period of not less than three years in the acquirement of professional knowledge in architecture as a pupil of, or apprentice to, an architect entitled to be registered
20 under this Act, or as a student at the Sydney Technical College or any branch thereof, and passes before the board within one year from the commencement of this Act a written and
25 an oral or practical examination in elementary architecture as prescribed.

(2) No person shall come within the provisions of this section unless he applies in the prescribed manner to the board to be registered as an architect, or to have
30 his name recorded as a person entitled to the benefit of this section, as the case may be, within three months from the commencement of this Act :

Provided that the board may extend such period in cases in which it is satisfied that the person was unable,
35 owing to absence or for some other good reason, to make his application within the said three months.

(3) Notwithstanding any other provision of this section, all absences on active military or naval service outside Australia by a British subject shall be accounted
40 as part of the periods of practice mentioned in this section, and shall be excluded from the period prescribed for the passing of any examination provided that such
British

- British subject shall within three months from the date of his return to Australia apply to the board to be registered as an architect or to have his name recorded as a person entitled to the benefit of this section as the case may be. 5
- Application for registration.** **15.** Application to the board for registration shall—
 (a) be made as prescribed ;
 (b) be supported by such evidence as the board may require ; and
 (c) be accompanied by the prescribed fee. 10
- Certificates of registration.** **16.** The board may issue certificates of registration as prescribed.
- Refusal to register.** **17.** The application of any person to be registered as an architect may be refused by the board if in the opinion of the board the applicant does not possess the qualification he claims to possess or if any ground exists on which his name, if it were on the register, might be removed therefrom. 15
- Removal from register.** **18.** (1) The board may remove from the register the name of any person who— 20
 (a) has died ; or
 (b) has ceased to possess or does not possess the qualifications in respect of which he was registered ; or
 (c) has been convicted of any felony or misdemeanour or of any offence which if committed within this State would be a felony or misdemeanour ; or
 (d) has been guilty of infamous conduct in any professional respect. 30
- (2) Any such person shall not have his name removed from the register—
 (a) until he has been called upon by the board in the prescribed manner to explain any objection raised against him ; or 35
 (b) on account of a conviction of an offence which, though within the provisions of this section, does not, either from the trivial nature of the offence or from the circumstances under which it was committed, render it expedient in the public interest that he should be debarred from practising architecture. 40
 (3)

(3) In a case of a charge of infamous conduct as aforesaid, the board shall make due inquiry, sitting as an open court, and the person charged shall be afforded an opportunity of defence, either in person or by counsel, 5 and shall have the right of appeal to the Supreme Court, and such appeal shall be in the nature of a rehearing.

19. (1) Where the board removes the name of any person from the register, the name of that person shall not be again entered on the register except by direction 10 of the board or by order of a court of competent jurisdiction. Restoration
of name.

(2) The board may if it thinks fit in any case direct the registrar to restore to the register any name removed therefrom without payment of fee or on pay- 15 ment of such fee, not exceeding the registration fee, as the board may from time to time direct.

20. (1) No person shall use or publish in connection with architecture, or the practice of architecture, any title, name, words, or letters which are capable of being 20 understood to indicate qualification in architecture or qualification for registration as an architect other than such title, name, words, or letters as truly indicate the degree, diploma, or certificate, or other qualification which he in fact holds or is possessed of, and only such 25 as may from time to time be prescribed. Prohibited
practices.

(2) An architect shall not without the permission of the board practise except in his own name.

(3) An architect shall not accept any commission or substantial service or favour from any person 30 who has contracted to execute any works in connection with any building designed or supervised by such architect, or from any person furnishing materials, fittings, or appliances to be used in such building.

(4) An architect shall not conspire or attempt 35 to conspire with any person to contravene any building or sanitary laws, ordinances, or regulations.

(5) No person other than an architect shall practise architecture, or take or use the name "architect," or any abbreviation thereof, either alone or in connection 40 with any other name, title, or business:

Provided that nothing in this subsection shall prohibit a person practising naval architecture from using the name "naval architect."

(6) Any architect who contravenes any of the provisions of this section shall be deemed guilty of 5 infamous conduct in a professional respect.

(7) Any person who contravenes any of the provisions of this section shall be liable for each offence to a penalty not exceeding *twenty* pounds nor less than *two* pounds. 10

Continuation
of name of
deceased
architect.

21. Notwithstanding any other provision of this Act, upon the death of an architect the board may abstain from removing his name from the register, and may permit his executor, administrator or trustee to carry on under the name of the deceased architect the practice 15 formerly carried on by him provided that the practice shall be carried on under the personal superintendence of an architect whose name shall be registered as superintendent of the practice.

PART V.

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Miscellaneous.

Power of
board to
examine on
oath.

22. (1) The board may examine any person on oath or take a solemn declaration from any person for the purposes of this Act.

(2) If any person wilfully makes any false 25 statement on such examination, or in such declaration, or utters or attempts to utter or put off as true before the board any false, forged or counterfeit certificate, diploma, license, letter, testimonial, or other document or writing, he shall be guilty of a misdemeanour and 30 shall be liable to imprisonment, with or without hard labour, for any period not exceeding *twelve* months.

Power to
summon
witnesses.

23. (1) The president of the board may in writing under his hand summon any person to attend before the board for the purpose of being examined with respect 35 to any matter within the jurisdiction of the board.

(2)

(2) Every person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him, or attending refuses to be sworn or to make a solemn declaration, or refuses to be
5 examined or to give evidence or to answer any question that the board may legally ask him, shall be liable to a penalty not exceeding *twenty* pounds.

24. Any registrar or any other person who wilfully makes or causes to be made any false entry in or falsifi-
10 cation of the register, and any person who wilfully procures or attempts to procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced any false or fraudulent representation or declaration either
15 verbally or in writing, and any person aiding or assisting therein shall be guilty of a misdemeanour and shall be liable to imprisonment with or without hard labour for a term not exceeding *twelve* months.

Penalty for
forging
registration.

25. After the date proclaimed for the coming into
20 force of this Act no certificate required by any Act, in so far as it relates to building, or by custom from an architect, shall be valid unless the person signing the same is registered as an architect under this Act.

Valid
certificates.

26. After the date proclaimed for the coming into
25 force of this Act no person shall be entitled to recover any charge in any court of law for any services rendered as an architect in respect of instructions received subsequent to that date unless he is registered as an architect under this Act.

Valid
charges.

27. (1) An information for a penalty under this Act
30 may be laid by the registrar or some other person appointed by the board for that purpose, or by a member of the police.

Information,
recovery of
penalties, &c.

(2) All such penalties may be recovered before
35 any stipendiary or police magistrate or two justices of the peace sitting in petty session.

28. (1) The fees payable and all penalties recovered
under this Act or any regulation made thereunder shall
be paid to the registrar.

Fees payable
to Treasury.

40 (2) The amount of such fees and penalties shall be paid by the registrar into the Treasury, and shall be carried to the Consolidated Revenue Fund. (3)

(3) The board shall, as soon as practicable after the thirty-first day of December of each year, publish in the Gazette a financial statement made up to that date, showing the receipts and expenditure of the board during the year, audited and certified as correct by an auditor appointed by the board and approved of by the Minister. 5

Regulation , **29.** (1) The Governor, upon the recommendation of the board, may make regulations for carrying out the provisions of this Act, and in particular for—

- (a) regulating the proceedings and fixing the 10 quorum of the board ;
- (b) regulating the duties of officers under this Act ;
- (c) prescribing what degrees, diplomas, licenses, certificates, or other documents shall be recognised by the board for the purposes of this Act; 15
- (d) regulating the holding of examinations under this Act, and prescribing the subjects of and fees for such examinations ;
- (e) regulating or prohibiting the employment of unregistered persons in the practices of archi- 20 tects ;
- (f) prescribing fees payable under this Act.

(2) Any regulation made under this Act shall—

- (a) be notified in the Gazette ;
- (b) be laid before each House of the Parliament 25 within fourteen days after the making thereof if Parliament is sitting, or if Parliament is not sitting then within fourteen days after the next meeting of Parliament ;
- (c) come into operation on the date fixed in the 30 regulation, or if the date is not so fixed, then on the date on which the regulation is notified in the Gazette :

Provided that if either House of Parliament passes a resolution at any time within fifteen sitting days after 35 such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.