

CONCURRENCE COPY

ARCHITECTS (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to amend the Architects Act, 1921 ("the Principal Act"), so as to reconstitute the Board of Architects of New South Wales ("the Board"), to enable the registration of persons as chartered architects and to make further provision with respect to the prohibition of certain practices.

In relation to the registration of architects, the Bill in Schedule 1—

- (a) provides for the registration of architects satisfying certain specified eligibility requirements as non-chartered architects or, alternatively and subject to satisfaction of additional specified eligibility requirements relating to practical experience and education, as chartered architects (Schedule 1 (1), (2) and (4));
- (b) specifies the grounds for removal from the register by the Board of the name of an architect and in particular substitutes the ground for removal of improper conduct in a professional respect for that of infamous conduct in a professional respect and extends the ambit of conduct justifying removal from the register on that ground (Schedule 1 (5));
- (c) empowers the Board, in certain circumstances, to remove from the register the name of an architect for either an indefinite or finite period and in the case of a chartered architect guilty of improper conduct in a professional respect to remove his name from the register as a chartered architect and to enrol him instead as a non-chartered architect (Schedule 1 (5));
- (d) enables the making of appeals to the District Court against the refusal by the Board, on certain grounds, of an application for registration and against the removal of an architect's name from the register or a division of the register (Schedule 1 (5));
- (e) provides for the hearing by the Board, or a committee to which it has delegated its powers, of complaints or charges made to the Board against an architect (Schedule 1 (5)); and
- (f) provides for the conduct of examinations by the Board (Schedule 1 (6)).

In relation to the prohibition of certain practices, the Bill in Schedule 2—

- (a) provides that a person shall not use the title “architect” or “chartered architect” or advertise or hold himself out as one or the other unless he is registered as such (Schedule 2); and
- (b) provides that a person shall not for fee, gain or reward carry out prescribed work in certain circumstances except under the supervision of a chartered architect (Schedule 2).

In relation to the Board, the Bill in Schedule 3—

- (a) reconstitutes the Board and makes further provision with respect to the appointment or election of members of the Board (Schedule 3 (1));
- (b) makes further provision with respect to the term of office of appointed and elected members of the Board and with respect to the occurrence of a vacancy in the office of appointed or elected members of the Board (Schedule 3 (2) (a), (b) and (3) (c)); and
- (c) makes further provision with respect to the payment of expenses of members of the Board (Schedule 3 (2) (c)).

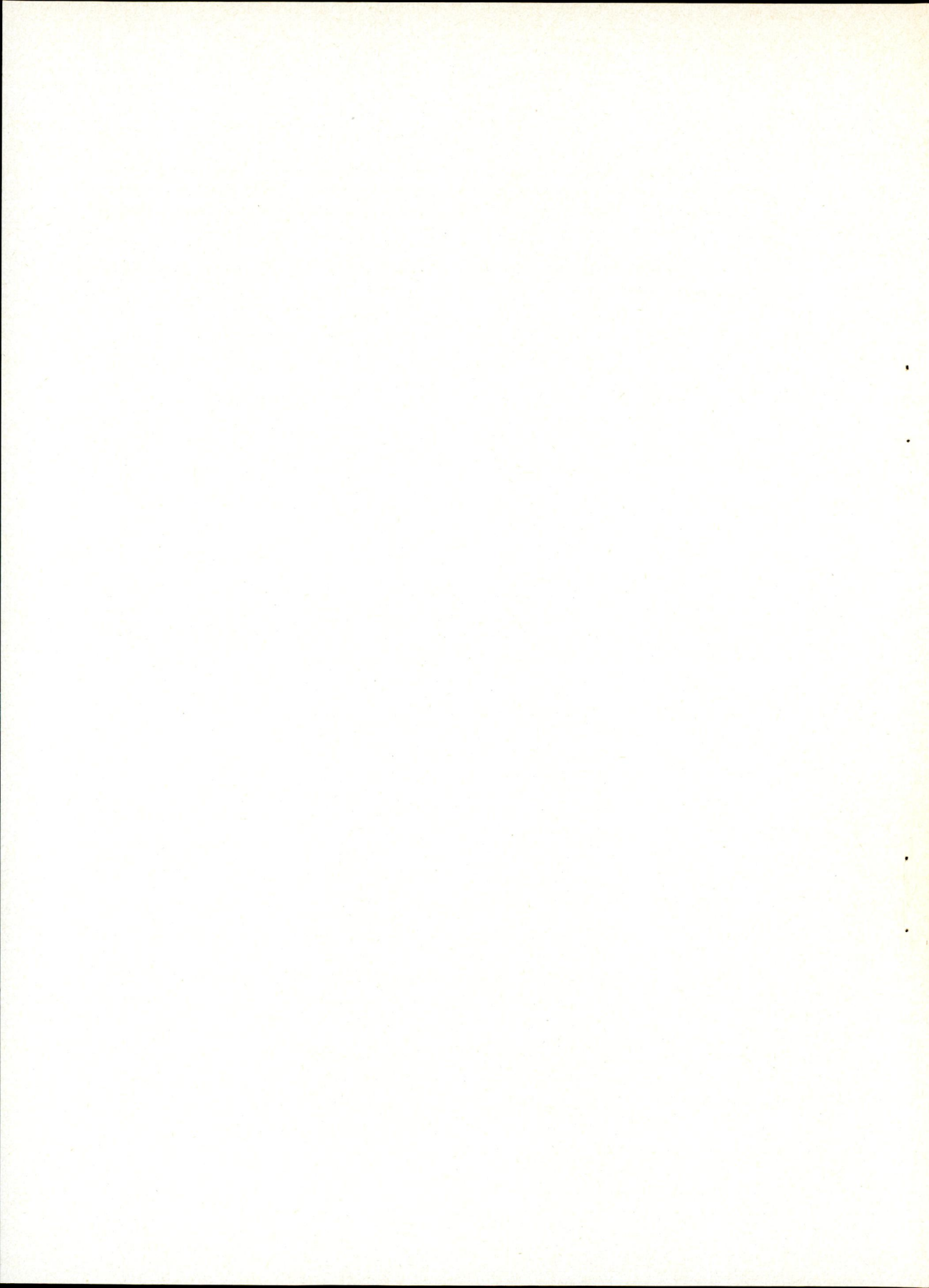
The Bill, in Schedule 4, makes miscellaneous amendments to the Principal Act and thereby—

- (a) enables the Board to make use of the facilities or services of a Department of the Government (Schedule 4 (2));
- (b) makes further provision for the disposal of money standing to the credit of the Architects Fund (Schedule 4 (3));
- (c) provides for the removal of the name of an architect from the register for failure to pay the prescribed roll fee by 31st March in any year (Schedule 4 (4));
- (d) repeals section 20 of the Principal Act relating to the continuation of the name of a deceased architect (Schedule 4 (5));
- (e) increases the penalty for contempt of the Board (Schedule 4 (6));
- (f) provides for offences under the Principal Act to be disposed of summarily before a court of petty sessions (Schedule 4 (7)); and
- (g) makes certain provisions relating to the keeping of accounts by the Board and the audit of those accounts (Schedule 4 (7)).

The Bill makes further amendments to the Principal Act by way of statute law revision (Schedule 5).

The Bill contains transitional provisions relating to the membership of the Board, the registration of architects, the entitlement to registration of architects currently on the register under the Principal Act, and certain other matters (Schedule 6).

The Bill makes other amendments to the Principal Act of a minor, consequential or ancillary nature.



ARCHITECTS (AMENDMENT) BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Architects Act, 1921, in relation to the constitution of the Board of Architects of New South Wales, the registration of architects, the enrolment of architects as chartered architects and the prohibition of certain practices, and for other purposes.

[MR FERGUSON—17 *March*, 1983.]

Architects (Amendment).

BE it enacted by the Queen'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:—

5 Short title.

1. This Act may be cited as the "Architects (Amendment) Act, 1983".

Commencement.

2. (1) Except as provided by this section, this Act shall commence on the date of assent to this Act.
- 10 (2) Section 5 shall, in its application to a provision of Schedules 1–5, commence on the day on which that provision commences.
- (3) Schedules 1, 2 and 4 (4) shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.
- 15 (4) Schedule 3 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette, being a day that is later than the day appointed and notified under subsection (3) for the commencement of Schedule 1.

Principal Act.

- 20 3. The Architects Act, 1921, is referred to in this Act as the Principal Act.

Architects (Amendment).

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE REGISTRATION OF ARCHITECTS.

5 SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
PROHIBITED PRACTICES.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
THE CONSTITUTION OF THE BOARD OF ARCHITECTS.

10 SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL
ACT.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

SCHEDULE 6.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 8, 1921.

15 5. The Principal Act is amended in the manner set forth in Schedules
1-5.

Savings and transitional provisions.

6. Schedule 6 has effect.

Architects (Amendment).

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS.

5 (1) (a) Section 3, definitions of "Chartered architect", "Division"—

After the definition of "Board", insert:—

"Chartered architect" means an architect who is enrolled as a
chartered architect in the register.

"Division" means a division of the register.

10 (b) Section 3, definition of "Non-chartered architect"—

Before the definition of "Person", insert:—

"Non-chartered architect" means an architect who is enrolled
as a non-chartered architect in the register.

(c) Section 3 (2)—

15 At the end of section 3, insert:—

(2) A reference in this Act to—

(a) enrolment as a chartered architect is a reference to
enrolment in the division of chartered architects kept
in the register; and

20 (b) enrolment as a non-chartered architect is a reference to
enrolment in the division of non-chartered architects
kept in the register.

(2) Sections 9, 9A—

Omit section 9, insert instead:—

25 **Register of Architects.**

9. (1) There shall be a Register of Architects to be kept as pre-
scribed.

(2) There shall be, in the register, a division of chartered
architects and a division of non-chartered architects.

Architects (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

- 5 (3) Subject to the regulations, the divisions of the register shall be established and kept in such manner and form as the board thinks fit.

Registration.

9A. (1) A person is registered as an architect while his name is enrolled in a division of the register.

- 10 (2) On application made in accordance with this Act by a person entitled to be enrolled as a non-chartered architect, the registrar shall enrol the applicant's name, and such other particulars as are prescribed, in the division of non-chartered architects.

- 15 (3) On application made in accordance with this Act by a person entitled to be enrolled as a chartered architect, the registrar shall enrol the applicant's name, and such other particulars as are prescribed, in the division of chartered architects.

- 20 (4) An architect who, though registered as an architect, is not enrolled in the division of chartered architects shall be deemed to be enrolled in the division of non-chartered architects.

(5) A person is not entitled to be enrolled at the same time as both a non-chartered architect and a chartered architect.

- (3) (a) Section 10 (1)—

Omit the subsection, insert instead:—

- 25 (1) The registrar shall, as soon as practicable after 1st April in each year, certify a copy of the register to be correct up to 1st April in that year and the board shall thereupon cause it to be printed and published as a roll of architects.

- (b) Section 10 (2)—

- 30 After "this Act", insert ", or enrolled as a non-chartered architect or as a chartered architect,".

Architects (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

(4) Section 13—

5 Omit the section, insert instead:—

Entitlement to registration.

13. (1) Subject to this Act, a person is entitled to be enrolled as a non-chartered architect if he—

- 10 (a) has passed an examination conducted by the board for the purposes of this subsection;
- (b) has passed an examination which, in the opinion of the board, is equivalent to the examination referred to in paragraph (a);
- (c) has a prescribed qualification;
- 15 (d) has a qualification which, in the opinion of the board, is equivalent to a prescribed qualification; or
- (e) in the opinion of the board—
- (i) has such special qualifications; and
- (ii) has had such special experience,
- 20 as would justify his enrolment as a non-chartered architect.

(2) Subject to this Act, a person is entitled to be enrolled as a chartered architect if he has a qualification entitling him to enrolment as a non-chartered architect and—

- 25 (a) has—
- (i) in the opinion of the board, completed in aggregate not less than 2 years or, where the regulations prescribe some other period, that other period, of practical experience in some architectural capacity approved by the board, at least one year (or where the regulations prescribe some other period, that
- 30

*Architects (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

- 5 other period) of which has been subsequent to
obtaining the qualification entitling him to be en-
rolled as a non-chartered architect; and
- (ii) passed an examination in architectural practice,
being an examination approved by the board for
the purposes of this subparagraph;
- 10 (b) has passed an examination in architectural practice, being
an examination approved by the board for the purposes of
this paragraph and not being an examination the same in
its entirety as an examination referred to in paragraph (a)
(ii); or
- 15 (c) in the opinion of the board—
(i) has such special qualifications; and
(ii) has had such special experience,
as would justify his enrolment as a chartered architect.

(5) Sections 16, 17, 17A—

- 20 Omit sections 16 and 17, insert instead:—

Refusal to register.

- 25 16. (1) Except as provided by subsection (2), if the application
of a person to be enrolled in a division of the register is refused by
the board, the person shall have a right of appeal to the District
Court in accordance with the rules of the District Court.

- 30 (2) Where the application of a person to be enrolled in a
division of the register is refused by the board upon the ground that
the person has not passed an examination referred to in section 13
(1) (a) or (b) or section 13 (2) (a) (ii) or (b), as the case may
require, the person is not entitled to appeal against the refusal of
the board to enrol him on that ground.

Architects (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

5 (3) An appeal under this section shall be by way of rehearing on the evidence before the board and on any evidence in addition to, or in substitution for, that evidence.

(4) The decision of the District Court on an appeal under this section shall be final and shall be given effect to by the board.

Removal from register.

10 17. (1) The board may remove from the register the name of any person who—

(a) has died;

(b) does not possess the qualifications in respect of which he is registered;

15 (c) is convicted in New South Wales of a felony or misdemeanour which is punishable by imprisonment for 12 months or upwards, or if he is convicted elsewhere than in New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;

20 (d) has been registered by means of any false or fraudulent representation or declaration made either verbally or in writing;

25 (e) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(f) applies in writing to have his name removed from the register; or

30 (g) is guilty of improper conduct in a professional respect.

Architects (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

- 5 (2) Without limiting the meaning of the expression “improper
conduct in a professional respect” in subsection (1), an architect
shall be deemed guilty of any such conduct who—
- 10 (a) in connection with any contract in respect of the design or
construction of any building, enters into collusion with the
builder or any other person in any way prejudicial to the
owner’s interests and rights under the contract;
- 15 (b) being a chartered architect, allows any person other than a
chartered architect who is his partner to practise as a
chartered architect in his name or, being a non-chartered
architect, allows any person to practise as an architect in
his name;
- 20 (c) directly or indirectly gives or offers, or agrees to give or
offer, any person any valuable consideration whatever as a
remuneration for securing or attempting to secure for him
any employment or work as an architect;
- 25 (d) fails to render to the client upon demand at the completion
of the contract between the client and the builder an
accurate and detailed statement of accounts;
- (e) carries out any work in respect of the design or construction
of any building and is the builder with respect to that
building without the full knowledge and consent of the
client;
- 30 (f) commits an offence against this Act or the regulations,
whether or not he has been convicted of the offence;
- (g) without reasonable cause, commits a breach of a contract
in respect of the design or construction of any building;
- 35 (h) in the course of carrying out a contract in respect of the
design or construction of any building, fails to comply with
the requirements of any Act, regulation, by-law, ordinance
or rule with respect to the design or construction of the
building;

Architects (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

- 5 (i) commits any fraud or makes any misrepresentation in connection with any contract for the design or construction of any building; or
- 10 (j) is or was at any relevant time the managing director or manager or person having the management and supervision of the business relating to the design or construction of buildings of a firm or corporation which does anything referred to in paragraph (a), (c), (e), (f), (g), (h) or (i) or fails to do anything referred to in paragraph (d), except where he satisfies the board that—
- 15 (i) the firm or corporation did or failed to do any such thing without his knowledge;
- (ii) he was not in a position to influence the conduct of the firm or corporation in relation to its doing or failing to do any such thing; or
- 20 (iii) he, being in such a position, used all due diligence to prevent the firm or corporation from doing or failing to do any such thing.
- (3) The board shall remove from—
- (a) the division of non-chartered architects the name of any person who becomes a chartered architect; and
- 25 (b) the division of chartered architects the name of any person who becomes a non-chartered architect.
- (4) The board may, under subsection (1) (c), (d), (e), (f) or (g), remove from the register the name of any person either for an indefinite period or for such finite period as may be determined
- 30 by the board.
- (5) The board as an alternative to removing from the register the name of any person who is guilty of improper conduct in a professional respect may reprimand the person or impose a fine on the person not exceeding \$200.

Architects (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

5 (6) The board as an alternative to removing from the register the name of any chartered architect who is guilty of improper conduct in a professional respect may cause him to be enrolled as a non-chartered architect for such finite period as may be determined by the board.

10 (7) The imposition of a fine under subsection (5) shall operate as an order by a court of petty sessions for the payment of money under the Courts of Petty Sessions (Civil Claims) Act, 1970, and be enforceable as such under the provisions of that Act.

15 (8) Where the board removes from the register or the division of chartered architects the name of a person for a finite period under subsection (4) or (6), his name shall be deemed to be restored thereto upon the expiration of that period.

(9) A person shall not have his name removed from the register or the division of chartered architects—

20 (a) pursuant to subsection (1) (paragraphs (a) and (f) excepted) or (6) until he has been given an opportunity by the board to show cause why his name should not be so removed; or

25 (b) on account of his having committed an offence (whether or not he has been convicted thereof) 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 his name should be so removed.

(10) Where—

30 (a) the name of a person is removed from the register or the division of chartered architects; or

(b) a person is reprimanded or fined,

under this section, he shall have a right of appeal to the District Court.

Architects (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

5 (11) An appeal under subsection (10) shall be made within 28 days of the decision of the board and shall be in accordance with the rules of the District Court.

(12) An appeal under subsection (10) shall be by way of rehearing on the evidence before the board and on any evidence in addition to, or in substitution for, that evidence.

10 (13) The decision of the District Court on an appeal under subsection (10) shall be final and shall be given effect to by the board.

Complaints, etc., against architects.

15 17A. (1) The board may hear any complaint or charge made to it against an architect.

(2) The board may refuse to hear any complaint or charge referred to in subsection (1) where, in the opinion of the board, the complaint or charge is frivolous or vexatious.

20 (3) The board may delegate to a committee of 3 members the hearing of any complaint or charge made to it under this section.

(4) Where the hearing of any complaint or charge is delegated to a committee as referred to in subsection (3), the committee shall hear the complaint or charge and report to the board its findings and recommendations with respect to the complaint or charge.

25 (5) The board may, of its own motion, conduct an inquiry into the conduct or practice of an architect, where the board has reasonable cause to suspect that the architect is liable to have his name removed from the register under section 17.

Architects (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

5 (6) For the purpose of the hearing of any complaint or charge or the conduct of an inquiry under this section, the board may inquire into the conduct of a firm or corporation carrying on a business relating to the design or construction of buildings.

(6) Section 24A—

After section 24, insert:—

10 **Examinations conducted by board.**

24A. (1) The board may conduct such examinations as may be required for the purposes of this Act, and may appoint examiners in respect of those examinations.

15 (2) The subjects to be examined shall be such as may, from time to time, be determined by the board.

(3) The fees to be paid to examiners and the fees to be paid by candidates for examination shall be such as may, from time to time, be determined by the Minister.

(7) (a) Section 25 (1) (ai)—

20 Omit the paragraph, insert instead:—

(ai) regulating the manner of, and the procedures associated with, the exercise by the board of its powers under sections 17 and 17A, including the manner of making complaints or charges to the board as referred to in
25 section 17A;

(b) Section 25 (1) (c)—

Omit the paragraph.

Architects (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
REGISTRATION OF ARCHITECTS—*continued.*

(c) Section 25 (1) (d)—

5 Omit the paragraph, insert instead:—

(d) prescribing the standard of educational attainments required of candidates at an examination conducted by the board; and

(d) Section 25 (1B), (1C)—

10 After section 25 (1A), insert:—

(1B) A provision of a regulation may—

(a) apply generally or be limited in its application by reference to specified exceptions or factors;

15 (b) apply differently according to different factors of a specified kind; or

(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

20 (1C) Without limiting any provision of this section, the regulations may prescribe different fees for the purposes of this Act according to whether they are payable in respect of enrolment in the division of non-chartered architects or the division of chartered architects.

Architects (Amendment).

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PROHIBITED PRACTICES.

5 (1) Section 19 (2)—

Omit “any building designed or supervised by such architect,”, insert instead “the design or construction of any building”.

(2) Section 19 (3)—(3c)—

Omit section 19 (3), insert instead:—

10 (3) A person shall not use the title “chartered architect” or any abbreviation or derivative thereof or any title, name, words or letters implying or which are capable of being construed as implying that he is a chartered architect, or advertise or hold himself out as being a chartered architect, unless he is a chartered architect.

15 (3A) A person shall not use the title “architect” or any abbreviation or derivative thereof or any title, name, words or letters implying or which are capable of being construed as implying that he is an architect, or advertise or hold himself out as being an architect, unless—

- 20 (a) he is an architect;
- (b) in the case of a corporation or firm, at least one-third in number of the directors or partners are chartered architects; or
- 25 (c) he is a person who has passed an examination prescribed for the purposes of this paragraph and is practising architecture as an officer of the Public Service of New South Wales.

30 (3B) A person shall not, in carrying out work of a prescribed class or description, being work carried out by him or any other person for fee, gain or reward, use the title “architect” or any abbreviation or derivative thereof, or any title, name, words or letters implying or which is or are capable of being construed as implying that he is an architect, unless the work is carried out under the immediate supervision of a chartered architect.

Architects (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PROHIBITED
PRACTICES—*continued.*

(3C) Nothing in this section prohibits—

- 5 (a) a person practising naval architecture from using the title
“naval architect”;
- (b) an employee of a chartered architect from using the title
“architectural assistant” or “architectural draftsman”;
- 10 (c) a person from using the word “architectural” only as
indicating that he carries on the business of supplier of
wares, instruments or materials used in connection with
architecture; or
- 15 (d) a person from using any prescribed title, name, words or
letters, or any title, name, words or letters of a prescribed
class or description, or from using any such title, name,
words or letters in any prescribed circumstances.

(3) (a) Section 19 (4)—

Omit the subsection, insert instead:—

20 (4) Any person who commits a breach of this section, and
any member of a firm or officer or employee of a corporation
which commits such a breach, shall be guilty of an offence
against this Act and shall be liable, on conviction, for each
offence to a penalty not exceeding \$2,000 and to a further
penalty not exceeding \$200 for each day the offence continues.

25 (b) Section 19 (5), (6)—

After section 19 (4), insert:—

30 (5) It is a sufficient defence to a prosecution against a
member of a firm or officer or employee of a corporation in
respect of a breach by the firm or corporation of any of the
provisions of this section if the member or officer or employee
satisfies the court that—

(a) the breach occurred without his knowledge;

Architects (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO PROHIBITED PRACTICES—*continued.*

- 5 (b) he was not in a position to influence the conduct of the firm or corporation in relation to the breach; or
- (c) he, being in such a position, used all due diligence to prevent the breach.
- 10 (6) Nothing in this section shall be construed as precluding the application of any provision of this section to any person as defined in section 3 (1).
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SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE CONSTITUTION OF THE BOARD OF ARCHITECTS.

15 (1) Sections 5, 5A—

Omit section 5, insert instead:—

Constitution of board.

5. (1) The board shall consist of 10 members, being—
- 20 (a) 3 ex officio members, comprising—
- (i) the President and the immediate Past President of the New South Wales Chapter of the Royal Australian Institute of Architects; and
- (ii) the Government Architect;
- 25 (b) 3 elected members, comprising 3 architects, at least 2 of whom shall be chartered architects, elected respectively in the manner and by the persons prescribed; and

Architects (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE BOARD OF ARCHITECTS—*continued.*

(c) 4 appointed members, comprising—

- 5 (i) 2 architects appointed in the prescribed manner by
the prescribed institutions responsible for the
teaching of architecture; and
- 10 (ii) 2 persons appointed by the Minister, one of whom
shall be a chartered architect and the other of whom
shall not be an architect.

(2) No person shall be appointed as a member if he has
attained the age of 70 years.

15 (3) No person shall be entitled to be elected as a member if
he has attained the age of 70 years or will attain that age before
the date that is 3 months after the date when, if elected, he would
take office as a member.

20 (4) Where, for the purposes of subsection (1) (b) or (c)
(i), a person is not elected or appointed in accordance with this Act
or the regulations, the Minister may appoint any architect to be a
member instead of the person required to be elected or appointed.

(5) Nothing in subsection (4) permits the appointment of a
non-chartered architect to hold office as an elected member pursuant
to subsection (1) (b) instead of a person required by that paragraph
to be a chartered architect.

25 (6) A person appointed by the Minister to hold office as an
elected member shall be deemed to be a member elected pursuant to
subsection (1) (b) and to have been elected at the time of his
appointment by the Minister.

30 (7) A person appointed by the Minister to hold office instead
of a person required to be appointed under subsection (1) (c) (i)
shall be deemed to be a member appointed pursuant to that sub-
paragraph and to have been appointed by an institution referred to in
that subparagraph at the time of his appointment by the Minister.

Architects (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE BOARD OF ARCHITECTS—*continued.*

Election of president.

5 5A. One of the members shall be elected by the members as
president of the board.

(2) (a) Section 6 (1)—(1B)—

Omit section 6 (1), insert instead:—

10 (1) Subject to this Act, the term of office of a member, other
than an ex officio member, shall be 4 years.

(1A) A member, other than an ex officio member, is eligible
for reappointment or re-election, as the case may be.

(1B) A member appointed or elected shall take office upon—

15 (a) the day on which he is appointed or elected; or

(b) the expiration of his predecessor's term of office,
whichever is the later.

(b) Section 6 (3)—

Omit "Governor", insert instead "Minister".

(c) Section 6 (5)—

20 Omit the subsection, insert instead:—

(5) A member is entitled to be paid such remuneration
(including travelling and subsistence allowances) as the Minister
may from time to time determine in respect of him.

Architects (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION OF THE BOARD OF ARCHITECTS—*continued.*

(3) (a) Section 7 (1)—

5 After “member” where firstly occurring, insert “, other than an
ex officio member,”.

(b) Section 7 (1)—

Omit “Governor” wherever occurring, insert instead “Minister”.

(c) Section 7 (1) (f)–(f4)—

10 Omit section 7 (1) (f), insert instead:—

(f) being a member elected pursuant to section 5 (1) (b)
and being, at the time of his election, a chartered
architect, ceases to be a chartered architect;

15 (f1) being a member elected pursuant to section 5 (1) (b)
and being, at the time of his election, a non-chartered
architect, ceases to be such an architect;

(f2) being a member appointed pursuant to section 5 (1)
(c) (i), ceases to be an architect;

20 (f3) being the member appointed pursuant to section 5 (1)
(c) (ii), ceases to be a chartered architect;

(f4) being the member appointed pursuant to section 5 (1)
(c) (ii) (other than the member referred to in paragraph
(f3)), becomes an architect;

SCHEDULE 4.

25

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 2—

From the matter relating to Part IV, omit “20”, insert instead “19”.

Architects (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) Section 8 (2)—

At the end of section 8, insert:—

- 5 (2) For the purpose of exercising and performing its powers,
authorities, duties and functions, the board may, with the approval
of the Minister and of the Department or public authority concerned
and on such terms as may be arranged, make use of the facilities, or
10 the services of any officers or employees, of any Department of the
Government or any public authority.

(3) (a) Section 8A (5)—

After “The”, insert “allowances and”.

(b) Section 8A (6)—

- 15 Omit “Any surplus moneys in the Architects Fund which are
not required for the purposes of the last preceding subsection”,
insert instead “Any money in the Architects Fund which is not
required for the purposes of subsection (5)”.

(4) Section 11 (2)—

Omit the subsection, insert instead:—

- 20 (2) If any architect fails to pay the prescribed roll fee on or
before 31st March in any year, the board shall forthwith remove his
name from the register.

(5) Section 20—

Omit the section.

25 (6) Section 22 (2)—

Omit “forty dollars”, insert instead “\$200”.

Architects (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Sections 23A–23C—

After section 23, insert:—

5 **Accounts.**

23A. (1) The board shall cause to be kept proper accounts and records in relation to all of its operations.

10 (2) The board shall, as soon as practicable, but within 6 months, after the end of each financial year of the board, prepare and submit to the Minister for presentation to Parliament a statement of accounts, together with the Auditor-General's certificate given under this section in relation to the statement.

15 (3) The statement of accounts shall be in a form approved by the Auditor-General, and shall include such information as is requested by him, and shall exhibit a true and fair view of the financial position and transactions of the board.

20 (4) The board shall, as soon as practicable, but within 4 months, after the end of the financial year to which a statement of accounts relates, transmit the statement to the Auditor-General for verification and certification.

25 (5) The Auditor-General's certificate shall state that he has audited the accounts of the board relating to the relevant financial year, and shall indicate whether the statement of accounts complies with subsection (3), and shall set forth any qualifications subject to which the certificate is given.

(6) Nothing in this section prevents the alteration of the statement of accounts, with the approval of the Auditor-General, after its receipt by him and before its submission to the Minister.

Architects (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (7) The Minister shall lay the statement of accounts, or cause it to be laid, together with the Auditor-General's certificate, before both Houses of Parliament as soon as practicable after the receipt by him of the statement.

(8) The financial year of the board shall be the year commencing on 1st July.

Audit.

10 23B. (1) The accounts and records of financial transactions of the board, and the records relating to assets of or in the custody of the board, shall be inspected and audited by the Auditor-General.

15 (2) For the purposes of any such inspection and audit, the Auditor-General or a person authorised by him is entitled at all reasonable times to full and free access to the accounts, records, documents and papers of the board and may make copies thereof or take extracts therefrom.

20 (3) The Auditor-General or a person authorised by him may require a person, being a member or officer of the board, to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorised person considers necessary for the purposes of the functions of the Auditor-General under this Act, and the person shall comply with the requirement.

25 Penalty: \$200.

(4) The Auditor-General may dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in subsection (1).

Architects (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

5 (5) The Auditor-General shall report to the board and the Minister on the result of any such inspection and audit, and as to such irregularities or other matters as in his judgment call for special notice or as are prescribed.

(6) Towards defraying the costs and expenses of any such inspection and audit, the board shall pay to the Consolidated Revenue Fund such amounts, at such times, as the Treasurer decides.

10 **Proceedings for offences.**

23c. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions held before a stipendiary magistrate sitting alone.

(8) Section 24 (3)—

15 Omit the subsection.

SCHEDULE 5.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION.

20 (1) (a) Section 3, definition of “Minister”—
Omit the definition.

(b) Section 3, definition of “Practise”—
Omit “and similar expressions”.

Architects (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

- 5 (c) Section 3, definition of “Practise”—
Omit “refer”, insert instead “refers”.
- (d) Section 3, definition of “Register”—
After the definition of “Prescribed”, insert:—
“Register” means the Register of Architects kept under this Act.
- 10 (e) Section 3, definition of “Regulations”—
After the definition of “Registrar”, insert:—
“Regulations” means regulations under this Act.
- (2) (a) Section 6 (2), proviso—
Omit “six”, insert instead “6”.
- 15 (b) Section 6 (2), proviso—
Omit “Board”, insert instead “board”.
- (c) Section 6 (3)—
Omit “three”, insert instead “3”.
- (3) (a) Section 7 (1) (c)—
20 Omit the paragraph, insert instead:—
(c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

Architects (Amendment).

SCHEDULE 5—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF
STATUTE LAW REVISION—*continued.*

(b) Section 7 (1) (e)—

5 Omit the paragraph, insert instead:—

(e) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

10 (c) Section 7 (1) (g)—

Omit “seventy years”, insert instead “70 years; or”.

(4) Section 10 (2)—

Omit “Registrar”, insert instead “registrar”.

(5) Section 12—

15 Omit “twenty-one”, insert instead “21”.

(6) Section 19 (1)—

Omit “No person shall”, insert instead “A person shall not”.

(7) Section 21 (2)—

20 Omit “liable to imprisonment, with or without hard labour, for any period not exceeding twelve months”, insert instead “guilty of an offence against this Act and shall be liable, on conviction, to imprisonment for a term not exceeding 12 months”.

(8) Section 22 (2)—

25 Omit “shall be liable”, insert instead “shall be guilty of an offence against this Act and shall be liable, on conviction,”.

Architects (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION
—*continued.*

(9) Section 23—

- 5 Omit “liable to imprisonment with or without hard labour for a term not exceeding twelve months”, insert instead “guilty of an offence against this Act and shall be liable, on conviction, to imprisonment for a term not exceeding 12 months”.

(10) (a) Section 25 (2)—

- 10 Omit “two hundred dollars”, insert instead “\$200”.

(b) Section 25 (3)—

Omit the subsection, insert instead:—

- 15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

SCHEDULE 6.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation.

- 20 1. In this Schedule, “board” means the Board of Architects of New South Wales.

Register of Architects.

2. The register of architects kept before the commencement of Schedule 1 shall be deemed to have been established for the purposes of section 9 of the Principal Act, as amended by this Act.

Architects (Amendment).

SCHEDULE 6—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Registered architects.**

3. Subject to the Principal Act, as amended by this Act—
- 5 (a) a person registered as an architect immediately before the commencement of Schedule 1 is entitled to be enrolled as a chartered architect; and
- (b) the board shall cause every such person to be enrolled as such, without application, as from the commencement of that Schedule.

Persons entitled to registration.

- 10 4. Subject to the Principal Act, as amended by this Act, a person entitled to registration as an architect immediately before the commencement of Schedule 1 is entitled to be enrolled as a chartered architect after that commencement.

Persons with certain qualifications.

5. (1) A person who passed the prescribed examination referred to in section 13
- 15 (1) (a) of the Principal Act before the commencement of Schedule 1 shall be deemed to have passed an examination referred to in section 13 (1) (a) of that Act, as amended by this Act.
- (2) A person who held a prescribed degree, diploma or license of competency referred to in section 13 (1) (c) of the Principal Act immediately before the commencement of Schedule 1 shall be deemed to have a prescribed qualification referred to in section 13 (1) (c) of that Act, as amended by this Act.
- 20

Roll of Architects.

6. Section 10 (1) of the Principal Act, as amended by this Act, need not, if the Minister so directs, be complied with in the year (commencing 1st January) in which
- 25 Schedule 1 commences.

General provisions relating to the board.

7. (1) Nothing in this Act affects the continuity of the body corporate constituted by section 4 of the Principal Act.
- (2) The persons holding office as members of the board immediately before the
- 30 day appointed and notified under section 2 (4) shall cease to hold office as such on that day.

Architects (Amendment).

SCHEDULE 6—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) No compensation is payable to a person who ceases to be a member of the board by virtue of subclause (2).

5 (4) For the purpose only of enabling the board to be constituted in accordance with the Principal Act, as amended by this Act, on or after (but not before) the day appointed and notified under section 2 (4), appointments may be made under Part II of the Principal Act, as so amended, elections may be conducted under that Part, as so amended, and any other act, matter or thing may be done, before that day,
10 as if the whole of this Act commenced on the date of assent to this Act.

(5) Where under subclause (4) a member of the board is appointed or elected under Part II of the Principal Act, as amended by this Act, before the day appointed and notified under section 2 (4), that member shall take office upon that day.

Accounts of board.

15 8. (1) Section 23A of the Principal Act, as amended by this Act, applies to and in respect of the accounts of the board relating to the financial year commencing on 1st July, 1983, and subsequent financial years.

(2) Section 24 (3) of the Principal Act applies to and in respect of the statement made or to be made up to 30th June, 1983, showing the receipts and expenditure of
20 the board during the year ending on that date, as if that subsection had not been repealed by this Act.

BY AUTHORITY

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