

This report has been prepared to meet the Board of Architects of Queensland's ("the BOAQ") reporting obligations under the Queensland Government's Regulator Performance Framework, which is a key element of the Better Regulation Strategy. The BOAQ is the statutory body established under the *Architects Act 2002* ("the Act") to regulate the architectural profession in Queensland.

The objects of the *Architects Act 2002* are to:

- protect the public by ensuring architectural services of an architect are provided in a professional and competent way;
- maintain public confidence in the standard of services provided by architects; and
- uphold the standards of practice of architects.

The BOAQ's responsibilities under the Act which support these objects include: registration of qualified persons as architects; maintenance of the Queensland Register of Architects; investigation of complaints against architects and disciplining of architects for unsatisfactory professional conduct; investigation and

prosecution of offences against the Act (including against unregistered persons holding out to be architects); accreditation of University architecture courses that can lead to registration; and examination of candidates seeking registration.

The BOAQ's activities as regulator of the architectural profession are both proactive and reactive, and its preventative and compliance and enforcement activities cover a broad range of regulatory responses. The five regulator model practices identified in the Better Regulation Strategy which support the achievement of the BOAQ's objectives and reduced burden/costs for all parties are:

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden;
2. Consult and engage meaningfully with stakeholders;
3. Provide appropriate information and support to assist compliance;
4. Commit to continuous improvement; and
5. Be transparent and accountable in actions.

The below table reports on the BOAQ's integration of these five model practices across its regulatory strategy and operations.

REGULATOR MODEL PRACTICES AND SUPPORTING PRINCIPLES	ALIGNMENT OF BOAQ'S REGULATORY PRACTICES WITH THE REGULATOR MODEL PRACTICES DURING 2020-2021	HIGHLIGHTS OF ALIGNMENT WITH REGULATOR MODEL PRACTICES DURING 2020 - 2021 IDENTIFICATION OF AREAS FOR IMPROVEMENT	ACTIONS TAKEN DURING 2020-2021 TO IMPROVE REGULATORY ACTIVITIES AGAINST REGULATOR MODEL PRACTICES
<p>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden:</p> <ul style="list-style-type: none"> • A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions. • Regulators do not unnecessarily impose on regulated entities. • Regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk. 	<p>The BOAQ has adopted a largely risk-based, proportionate and performance-based regulatory approach, to achieve its objectives of protecting the public and upholding the standards of the profession while also minimising the costs of compliance and enforcement for all parties.</p> <p>The BOAQ's broad-based composition also provides internal capability for keeping up to date on risks and issues across the profession and the broader design and construction sector, as well as access to related legal, academic and community intelligence/ perspectives, enabling the BOAQ to focus its efforts based on risk.</p>	<p>The BOAQ requires registered practising architects to demonstrate they have maintained competency in the practice of architecture, each year, as a requirement for continuing registration, by undertaking a minimum of 20 hours of Continuing Professional Development (CPD). The BOAQ publishes guidance for architects on its website about the criteria for reportable CPD and has developed web-based CPD recording and reporting tools. Each year, the BOAQ conducts a random and risk-based CPD compliance audit and disciplines architects who have not met requirements.</p> <p>This performance-based approach compares with some other jurisdictions where all practising architects are required to submit their CPD records with their application for renewal of registration.</p> <p>This year, the BOAQ audited a total of 184 practising architects, which showed a compliance rate of 95.7 per cent, which is slightly below the BOAQ's target compliance rate of 98 per cent. In order to both increase awareness by architects about CPD and improve confidence in the audit results, the BOAQ audited a significantly larger sample size of practising architects this year. The BOAQ also audited the CPD records of an additional 17 architects selected based on risk factors, which revealed a pleasing 100 per cent compliance rate.</p>	<p>The <i>Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2020</i>, proclaimed on 27 August 2020, introduced amendments to the <i>Architects Act 2002</i> which came into effect on 1 March 2021. These amendments were designed to enhance the powers of the BOAQ in performing its role as regulator of the architecture profession.</p> <p>Some of the key changes to the Act enable the BOAQ to:</p> <ul style="list-style-type: none"> • gather evidence when investigating matters, including entering places with consent, or by warrant, to search and seize evidence; • audit the work of architects to establish their compliance with the <i>Board of Architects of Queensland Code of Practice</i> and/or part 7 of the Act; • impose a condition on an architect's registration. <p>These powers have improved the BOAQ's ability to target areas of risk in its compliance and enforcement activities, based on patterns of complaints, breaches and stakeholder feedback.</p> <p>Additionally, the amendments:</p> <ul style="list-style-type: none"> • align fitness to practise considerations for initial registration and renewal and restoration of registration with the grounds for suspending or cancelling registration; • require architects to notify the BOAQ about changes relating to their fitness to practise as an architect;

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		<p>As a result of the CPD compliance audit, follow up compliance activities were undertaken by the BOAQ relating to eight architects.</p> <p>The impact on architects audited has been minimised with the BOAQ's MyArch CPD recording and reporting tool that architects can access through their BOAQ web portal. This tool has also streamlined analysis and reporting of audit results by BOAQ staff.</p>	<ul style="list-style-type: none"> clarify that it is an offence to provide false or misleading information to a person with delegated authority from the BOAQ; and provide the BOAQ with more time to commence a proceeding for an offence against the Act.
<p>2. Consult and engage meaningfully with Stakeholders:</p> <ul style="list-style-type: none"> Formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances. Engagement is undertaken in ways that helps regulators. Develop a genuine understanding of the operating environment of regulated entities. Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework. 	<p>The BOAQ accesses and leverages a broad range of formal and informal networks via its broad-based composition, including across the architecture profession, the broader design and construction sector, and related legal, academic and community perspectives in order to assist it to understand its operating environment.</p> <p>The BOAQ is represented by its Chairperson on the Ministerial Construction Council, a collaborative forum assisting the Minister and the Government to identify and address issues relating to the design and construction sector and standards.</p> <p>The BOAQ meets regularly with interstate regulators to share best practice approaches, collaborate on research and initiatives and continue to identify ways to improve national standards setting and mutual recognition arrangements and activities conducted on the collective Boards' behalf through the Architects Accreditation Council of Australia (AACA).</p>	<p>During the year, the BOAQ has engaged regularly with the architecture profession's peak bodies (the Australian Institute of Architects and the Association of Consulting Architects); the Office of the Queensland Government Architect; and architect registration Boards in other Australian jurisdictions.</p> <p>A high level of stakeholder engagement has continued through this year with fortnightly Zoom meetings, as the BOAQ has collaborated with stakeholders in the management and response to COVID-19 related issues affecting the profession and the BOAQ's operations. These link-ups have proved highly valuable to all stakeholders and will continue.</p>	<p>The BOAQ continues to enhance stakeholder education and engagement initiatives.</p> <p>The BOAQ is continuing to implement its digital transformation strategy which is creating new capability to engage with stakeholders, including through an architect newsletter, and social media (eg. LinkedIn). It is currently working on further enhancements to improve navigation on its website and created new information and resources for architects, the public and students/ graduates to improve understanding about the BOAQ's services and processes, legislative changes and responsibilities of architects.</p> <p>The BOAQ participated in the annual National Forum facilitating collaboration between inter-jurisdictional architect registration Boards, and the Architects' Accreditation Council (ACCA) Annual General Meeting, to further national standards setting and information sharing.</p>

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<p>3. Provide appropriate information and support to assist compliance:</p> <ul style="list-style-type: none"> • Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience. • Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance. • Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice. 	<p>The BOAQ publishes web-based guidance and informational materials to inform the public and architects about compliance matters, including information sheets, policies, media releases, forms and other tools and templates. These materials assist architects to comply with their obligations and assist persons who are not architects to understand how to avoid being in breach of the Act for offences relating to 'holding out' as architects.</p> <p>The BOAQ utilises its Register of Architects database and automation capability to push out reminders to architects to assist them to meet their compliance responsibilities (e.g. registration renewal, CPD).</p> <p>The BOAQ has designed its regulatory strategy to shift more towards being risk-based, with preferred responses resulting in a lower enforcement impact.</p>	<p>The BOAQ website was improved during the year to enhance information for architects and the public.</p> <p>A project is currently underway to implement an upgrade to the IMIS customer relationship management software which will include enhanced web design capability. This will enable the website to be further improved for navigation and content, and enable a cost effective and robust digital newsletter to be implemented provide timely relevant information to architects about regulatory matters.</p>	<p>A project is currently underway to implement an upgrade to the IMIS customer relationship management software which will include enhanced web design capability. This will enable the website to be further improved for navigation and content, and enable a cost effective and robust digital newsletter to be implemented provide timely relevant information to architects about regulatory matters. These proactive initiatives are aimed at educating the public and other stakeholders about the BOAQ's activities and responsibilities and improving regulatory outcomes.</p>
<p>4. Commit to continuous improvement:</p> <ul style="list-style-type: none"> • Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving policy outcomes. 	<p>The BOAQ is committed to continuous improvement of the legislative framework that underpins its operations: the <i>Architects Act 2002</i>, <i>Architects Regulation 2019</i> and <i>BOAQ Code of Practice for Architects</i>.</p> <p>The BOAQ regularly examines inter-jurisdictional legislative frameworks with a view to identifying better practices for adoption in Queensland, in order to better protect the public and uphold the standard of practice of the architectural profession.</p>	<p>The <i>Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2020</i>, proclaimed on 27 August 2020, introduced amendments to the <i>Architects Act 2002</i> which came into effect on 1 March 2021. These amendments were designed to enhance the powers of the BOAQ in performing its role as regulator of the architectural profession, with responsibilities to promote and enforce compliance with the Act and uphold professional standards.</p> <p>Some of the key changes to the Act enable the BOAQ to:</p> <ul style="list-style-type: none"> • gather evidence including by entering places with consent, or by warrant, to search and seize evidence for an investigation; 	<p>The BOAQ is continuing to collaborate with the Department of Energy and Public Works on a review of the <i>Architects Act 2002</i>, with the aim of addressing anomalies and gaps, and improve its overall operational efficiency and effectiveness.</p> <p>In line with the objectives of the Government's <i>Our Future State: Advancing Queensland Priorities Plan</i>, the BOAQ developed and implemented initiatives which continued to improve its capabilities to deliver high quality and responsive services and solutions to its stakeholders, with an emphasis on the enhanced use of information technology to support improved access to information and service delivery.</p>

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<ul style="list-style-type: none"> To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community. Staff have the necessary training and support to effectively, efficiently and consistently perform their duties. 	<p>Relevant stakeholders are consulted as part of this process and the BOAQ provides advice to the Minister for Public Works and Procurement about the operation of the Act in its application to the practice of architecture, based on research, analysis of inter-jurisdictional approaches and learnings, and the results of stakeholder consultation.</p>	<ul style="list-style-type: none"> audit the work of architects to establish their compliance with the <i>Board of Architects of Queensland Code of Practice</i> and /or part 7 of the Act; and impose a condition on an architect's registration. <p>These powers have improved the BOAQ's ability to target areas of risk in its compliance and enforcement activities, based on patterns of complaints and breaches dealt with by the BOAQ and feedback from stakeholders.</p> <p>Additionally, the amendments:</p> <ul style="list-style-type: none"> align fitness to practise as an architect considerations for initial registration and renewal and restoration of registration with the grounds for suspending or cancelling registration; require architects to notify the BOAQ about changes relating to their fitness to practise as an architect; clarify that it is an offence to provide false or misleading information to a person with delegated authority from the BOAQ; and provide the BOAQ with more time to commence a proceeding for an offence against the Act. 	<p>In particular, the BOAQ further progressed implementation of its digital transformation strategy across its operations, which is enabling the BOAQ to streamline operations and free up resources to deliver additional initiatives targeting areas of identified risk. This year, initiatives included:</p> <ul style="list-style-type: none"> continued support for architects with enhanced digital resources and communications to assist architects manage the COVID-19 risks and locate suitable on-line CPD activities to assist them to fulfil their annual CPD obligations; further enhancements to the Registry's systems and processes to improve the effectiveness of staff working from remote locations to keep them safe while ensuring the continuation of the Registry's high standards of service delivery; a new, secure portal able to be accessed by BOAQ Examiners for APE Part 1 and Part 3 Examinations, which has significantly reduced printing and postage costs and administrative effort related to delivery of these Examinations and has improved support and flexibility for Examiners; planning for the transition to a Cloud-based IMIS Customer Relationship Management System, which will significantly improve the BOAQ's capability in communications with and management of architects and other stakeholders, reduce costs, and enable future initiatives such as a case management system. <p>The BOAQ staff and Member training and development focussed on governance and regulatory best practice. Training was also conducted for Board Investigators and Examiners.</p>
<p>5. Be transparent and accountable in actions:</p> <ul style="list-style-type: none"> Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders. 	<p>Decisions are made by the BOAQ within the timeframes required under the Act. Information is provided to relevant persons about decisions made by the BOAQ which are reviewable decisions, as required under the Act.</p> <p>Data about the BOAQ's performance as a regulator is available on the BOAQ website and published in its Annual Reports.</p>	<p>The BOAQ's activities were guided by the strategic direction established in its <i>Strategic Plan 2021-2025</i>, which was developed during the year. This Strategic Plan maps the strategic direction of the BOAQ for the next five years and details the BOAQ's objectives, areas of focus and performance indicators. The Strategic Plan is published on the BOAQ website.</p> <p>The <i>BOAQ Annual Report 2020-2021</i>, published on the BOAQ website, includes detailed information and data on the BOAQ's regulatory activities and performance during the year.</p>	<p>Information packages are currently being developed for publication on the BOAQ's website for the public and architects detailing the BOAQ's processes for managing complaints including how to make a complaint to the BOAQ.</p> <p>Information packages are currently being developed for publication on the BOAQ's website detailing the BOAQ's processes for issuing of Penalty Infringement Notices (PINs), including how to seek a decision review or appeal a decision.</p>

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<ul style="list-style-type: none"> • Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions. • Indicators of regulator performance are publicly available. 	<p>The BOAQ’s Strategic Plan is published on its website.</p> <p>The BOAQ’s key policies and processes are published on its website.</p>	<p>The BOAQ publishes information packages on its website for the public and architects detailing how investigations of complaints about architects are handled and timeframes for decision-making, to provide clarity about the process.</p> <p>The Act requires the BOAQ to provide information and decision notices to architects and complainants regarding decisions relating to complaints about architects. The Act also requires the BOAQ to provide information and decision notices to persons investigated for offences against the Act explaining the reasoning for its decisions.</p> <p>The BOAQ publishes a compliance and enforcement register on its website.</p>	

