



BOARD OF ARCHITECTS
OF QUEENSLAND

BOAQ NEWSLETTER

OCTOBER/NOVEMBER 2019

Message from BOAQ Chairperson — Bruce Medek

The Board of Architects of Queensland have the pleasure of presenting this first of its new regular newsletters. The Board is well aware of the constraints placed on your time in the world we now share, to that end we will publish the newsletter quarterly.

This edition contains a number of important issues relating to recent changes to the Architects Act, Regulation and Code of Practice, please make yourself familiar with them.

We are also highlighting a few items which have become prevalent in recent complaints to the Board and other items uncovered by the Board during some of our investigations. Once again take some time to review these.

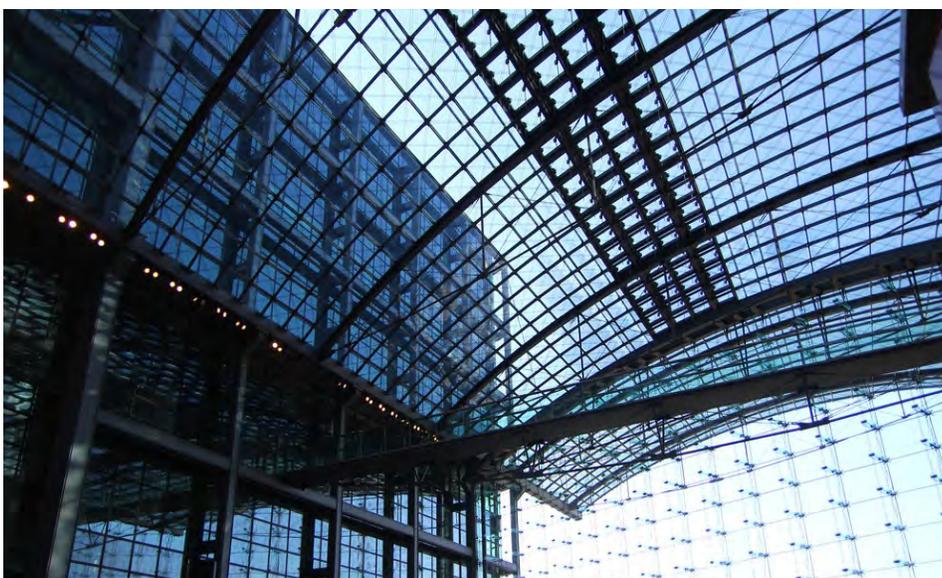
As you are now aware the Board did raise registration renewal fees in the recent renewal period. I do want to point out this is the first increase beyond that allowed by CPD in many years. The Board does not have the authority to increase fees on its own recommendation and must have approval of the Parliament before being allowed to do so. Thank you to all the architects who completed the survey last year, this was an important step required by the Government in discussing the necessity of fee increases which allow the Board to continue its work. In addition to this fee increase the Board continues to implement changes to our operation to reduce the costs of meeting our obligations under the Act.

This is a relatively long newsletter as there has been a lot going on, while I will further expand my message in future, in the spirit of keeping the overall message to the point, I will sign off by wishing you all the best for the coming Holiday Season.

Regards

Bruce Medek

Chairperson—Board of Architects of Queensland.



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Protecting the Public / Registering Architects / Advancing Education in Architecture



Architects Regulation 2019

Please note that the Architects Regulation 2019 (the Regulation) replaced the Architects Regulation 2003 on 4 July 2019.

This new Regulation introduced some important changes which will assist the BOAQ in protecting the Queensland public, and upholding the standards of practice of architects. Most notable are the following:

The Regulation approved a revised BOAQ Code of Practice for Architects, which commenced on 8 July 2019 - refer separate article below for an overview of the key changes.

Protection of titles and terms:

Importantly, the 2019 Regulation introduced a new Schedule of specifically protected titles, names and words which can only be used by architects or to describe services provided by registered architects (Schedule 1) (refer link [HERE](#)). This Schedule works together with sections 114(1)(b) and/or 114(2)(b) of the Architects Act 2002 (the Act), giving life to these sections of the Act for the first time.

The 32 newly prescribed titles, names and words listed in Schedule 1 must not be used by a person in a context that suggests the person is an architect, unless that person is registered as an architect with the Board.

Use of any of these titles or terms by a person in a context that suggests they are an architect can constitute a criminal offence/s under sections 114(1)(b) and/or 114(2)(b) of the Act, and can be prosecuted by the Board in the relevant Magistrates Court.

This list of prescribed titles, names and words in Schedule 1 has been legislated in response to the issues discovered in evidence considered by the Board in its compliance and enforcement activities over the past few years relating to persons holding out as architects or providing architectural services when they are not architects.

The aim is that this additional clarity will assist in education and awareness raising about the provisions of the Architects Act 2002, and provide better protection for the public when it comes to purchasing architectural services. It is also hoped that the amendments will lead to a reduction in the BOAQ's investigative and legal costs as a result of fewer matters having to progress to more serious and costly compliance and enforcement and prosecution

BOAQ Annual Report 2018-2019

The *Board of Architects of Queensland-Annual Report 2018-2019* was tabled in Parliament on 30 September 2019.

This Annual Report details the key activities of the BOAQ for last financial year, which was the 90th year since the Board was first established.

Key highlights for the year included:

- Developed and implemented electronic voting, which was successfully used for the March State-wide election of the architect Board Member;
- Achieved an 81% take-up rate for online registration renewals (a great result for only the second year of online renewals);
- Implemented the new BOAQ MyArch web-based CPD recording template for use in the 2018 CPD Audit;
- Successfully prosecuted an individual and a company in the Brisbane Magistrates Court for offences relating to holding out as an architect – with a total of \$80,000 in fines and costs awarded to the BOAQ;
- Conducted eight investigations of persons suspected of holding themselves out as architects or offering architectural services when they are not architects'
- Undertook administrative action to resolve 161 matters involving potential holding out offences under the *Architects Act 2002*;
- Finalised 10 matters relating to complaints against architects;
- Registered 119 new architects and restored 13 architects to the Queensland Register of Architects;
- Re-accredited the University of Queensland's Master of Architecture course, following an Accreditation Review Panel assessment;
- Achieved a 95.5 percent compliance rate for architects audited in the 2018 CPD Compliance Audit;
- Hosted the 2018 National Architects Accreditation Council of Australia Forum, AGM and National Registrar Meeting, at the Brisbane Powerhouse, from 18-19 October 2018.

The significant operational improvements made by the Registry during the year to streamline operations have resulted in time and cost savings which are being directed to more productive activities.

The BOAQ expects to continue to realise further operational improvements over the 2019-2020 financial year, and beyond, as it continues to implement its digital transformation strategy and other key initiatives.

Architects Regulation 2019 cont.

The new prescribed titles/names in Schedule 1 are:

"architectural building designer"	"commercial architect"	"infrastructure architect"	"project architect"
"associate architect"	"design architect"	"in-house architect"	"residential architect";
"BIM (building information modelling) architect"	"graduate architect"	"interior architect"	"senior architect"
"CAD (computer aided design) architect"	"grand architect"	"principal architect"	"student architect"
"architectural"	"architectural planning and design"	"architecturally"	"interior architecture"
"architectural building design"	"architectural plans"	"architecturally designed"	"residential architecture".
"architectural building design"	"architectural project"	"architecture"	
"architectural experience"	"architectural project design"	"architecture design"	
"architectural fee"	"architectural skill"	"commercial architecture"	

The new prescribed words in Schedule 1 are:

What do architects need to do?:

While the BOAQ mainly prosecutes persons who are not architects for offences related to "holding out" as architects when they are not, the BOAQ has become concerned with the increase in matters it has had to deal with involving architectural practices which are also guilty of the misuse of titles and related terms in association with employees who are, in fact, not architects.

1. Audit your architectural practice and ensure no misuse of titles and terms

Architects with managerial responsibility for a Queensland architectural practice should ensure that a comprehensive audit is undertaken of all titles and associated representations used to describe staff who are not registered Queensland architects, and (with reference to Schedule 1) remove any representations or misuse of titles and terms which may be in breach of the **Act** (ie. any titles on the list above, and any words that are used in a context which suggests they are an architect when they are not).

For example, titles such as 'graduate architect', 'interior architect', or 'project architect' must not be used to describe any person who is not an architect, under any circumstances. Words like 'architecture', 'architectural', or 'architecturally' must not be used with reference to any person who is not an architect in a context in which it might suggest that they are an architect. (Refer to Schedule 1 of the Regulation for the full list of prescribed titles and terms.)

Also, ensure that you clarify the roles of non-architects accurately in representations to clients about them and their involvement in projects.

Any of your staff members who are interested in finding out about the various pathways to registration as an architect in Queensland should contact the Registry, on telephone 07 3069 2397, or email at mail@boaq.qld.gov.au.

Please note that there are now pathways for experienced individuals such as the Locally Experienced Practitioner or Overseas Experienced Practitioner pathways, which do not require eligible applicants to complete the Architectural Practice Examination, as they are based on assessment of the individual's portfolio of built work.

2. Take care when recruiting for staff not to misuse any protected titles

Architectural practices should ensure that their firm's HR staff are aware of the requirements of the Act, so they do not inadvertently recruit someone for a position with an illegal job title. Commonly misused titles are "interior architect", "graduate architect" and "project architect".

If you are recruiting for a position that does not require a registered architect, do not use a title that either would misrepresent them as being an "architect" (ie. any use of the title "architect" either by itself or in combination with another word or words), and be also careful about the use of any other title that might suggest they are an architect when they are not given the context of their position.

Penalty Infringement Notices (PINs)

The third key change introduced with the 2019 Regulation are new provisions under the State Penalties Enforcement Act 1999 which will empower the BOAQ to issue Penalty Infringement Notices (PINs) from 1 January 2020 for various offences against the Architects Act 2002, as specified in amendments made to the State Penalties Enforcement Regulation 2014 (Schedule 1 -infringement notice offences and fines for nominated laws). (Refer to sections 30-31 of the Architects Regulation 2019)

From 1 January 2020, the BOAQ will be able to issue PINs for offences by both architects, as well as persons "holding out" to be architects or offering to provide architectural services when they are not architects.

Please note the list of offences here.

What do I need to do?:

Take the time to review the Architects Act 2002 and Architects Regulation 2019, noting the offence provisions, and consider any changes to your procedures and processes you may need to make to avoid offending against the Act.



APE Candidate Briefing

Following on from the success of last year's APE Candidate briefing session, the BOAQ will be hosting another APE Candidate briefing session on Wednesday 27 November 2019, commencing 6.30pm, at St Leo's College, University of QLD.

Please pass this information on to any of your graduates or anyone else you think may be interested in learning about the APE process.

Places are limited so please book here <https://www.trybooking.com/BGQRL>

Revised Code Highlights

• CPD

The revised Code includes the Board's expectations on CPD, as referenced in the Act, and as detailed in the Board's CPD Policy and CPD Information Sheet: A practising architect must take all reasonable steps to maintain and improve the skills and knowledge necessary for the provision of services that the architect normally provides, and abide by: (a) the Board's requirements in relation to continuing professional development, as published by the Board, to demonstrate the maintenance and improvement of an architect's skill and knowledge and (b) any other codes, standards, guidelines or other information issued by the Board.

A practising architect must, if required by the Board, report to the Board on the steps taken by the architect to maintain and improve the skills and knowledge necessary for the provision of the services that the architect normally provides

• Client Architect Agreement

The changes in relation to client/architect agreements are meant to clarify issues relating to cost and other responsibilities, which are common areas of complaint to the Board from clients.

• Duties to the public and the profession

This enhanced section emphasises the Board's expectations that architects will act in the broader public interest and in the interest of the profession, in practising in such a way as to always uphold the standards of the profession.



NEW! BOAQ Code of Practice 2019

Please note that the Architects Regulation 2019 (the Regulation) introduced a revised BOAQ Code of Practice (Code), from 8 July 2019. (Download copy [HERE](#).)

This new Code of Practice replaces the previous Code.

The changes to the Code reflect issues raised in complaints about architects the Board has had to consider over the past few years.

The new Code provides further guidance as to the BOAQ's expectations regarding:

- minimum standards for client architect agreements,
- supervision of non-registered persons and
- continuing professional development (CPD).

Under the Act, the BOAQ is required to make a Code to provide guidance to architects as to appropriate professional conduct or practice, and to review the Code at least once every three years.

Failure to comply with the Code may amount to "unsatisfactory professional conduct", defined in the Act as:

- a) Conduct that is of a lesser standard than that which might reasonably be expected of the architect by the public or the architect's professional peers
- b) Conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgement or care, in the practice of architecture
- c) Misconduct in a professional respect
- d) Fraudulent or dishonest behaviour in the practice of architecture or
- e) Other improper or unethical conduct.

Where the BOAQ has reason to believe that an architect may have behaved in ways that amount to unsatisfactory professional conduct, the Board may, under the Act:

- a) start a disciplinary proceeding against the architect in the Queensland Civil and Administrative Tribunal ("QCAT")
- b) enter into an undertaking agreed with the architect about a matter relating to the architect carrying out architectural services, including, for example, to submit to an audit of the architect's practice of architecture
- c) caution or reprimand the architect
- d) impose a condition, agreed to by the architect, on the architect's registration and/or
- e) take no further action about the matter.

Further, QCAT has jurisdiction, upon an application from the Board, to conduct a disciplinary proceeding to decide whether a disciplinary ground is established. Under the Act, if QCAT is making a decision about whether an architect has behaved in a way that constitutes unsatisfactory professional conduct or practice, QCAT must have regard to the Code, and the Code is admissible as evidence of appropriate professional conduct or practice in a disciplinary proceeding brought against an architect registered under the Act.

Supervision

In relation to the issue of supervision, please take note the Board's policy, now expressed in the revised Code, is that

If an architect is supervising and approving services being undertaken by a non-registered person as part of a project, the architect (the supervising architect) must ensure that:

- the non-registered person is supervised by the supervising architect and
- the supervising architect takes full professional responsibility for the services.

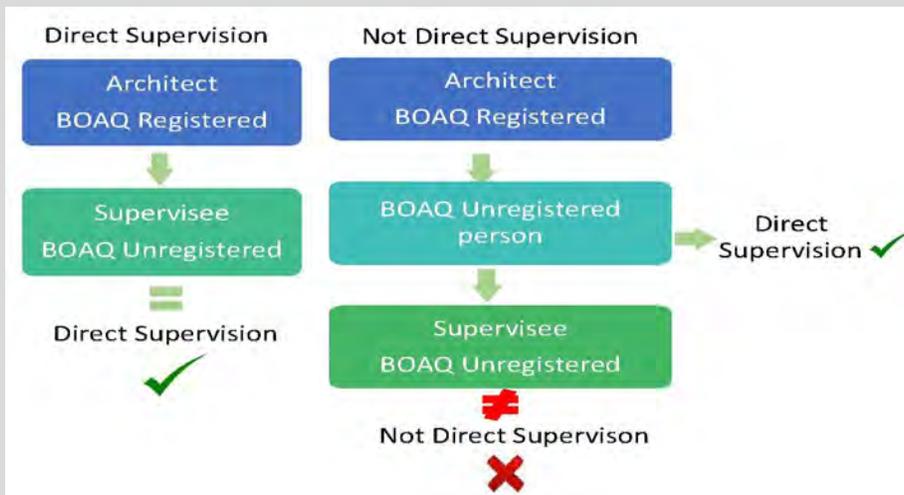
To be clear, the Code also says in relation to supervision of architectural work that:

- An architect must not sign as checked, approved or supervised, any drawings or other documents which the architect has not checked, approved or supervised and
- An architect must not permit the architect's name to be used in relation to any services, document or publication to misleadingly imply authorship of, responsibility for or agreement with the content or form of the services, document or publication.

The Board's position on supervision is that it takes to "supervise" as meaning the architect supervising and approving services (the supervising architect):

- directs the supervised person in carrying out the service
- oversees the carrying out of the service by the supervised person and
- evaluates the carrying out of the service by the supervised person.

The way architectural projects are structured by persons (including companies) offering



architectural services should in all instances ensure that these architectural services are delivered by or under the close supervision of architects.

Furthermore, the Board expects persons (including companies) offering and providing architectural services to ensure that through either its acts or omissions a client or prospective client is not reasonably led to the belief that a member of staff or management is an architect when they are not an architect.

Disclosure of professional qualifications, registration and awards

This enhanced section emphasises the Board's expectations that architects will act honestly and ethically in relation to the accuracy of stated information about their accomplishments, so as not to misrepresent to clients or others their involvement in projects.

What do I need to do?:

Review the revised Code, take note of the changes and revise your knowledge about the Board's expectations for the standard of professional practice for registered Queensland architects, and make any necessary changes to your systems and processes to ensure the way you practise architecture is in compliance with the requirements of the Code.

Contact Us

Give us a call for more information

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