

**EXTRACTS FROM THE ARCHITECTS ACT 2002 (QLD)**  
21 April 2010

**Part 7 Other offence provisions**

**113 Claims about being an architect**

- (1) A person who is not an architect must not—
- (a) claim, or hold himself or herself out, to be an architect; or
  - (b) allow himself or herself to be held out as an architect.

Maximum penalty—1000 penalty units.

- (2) A person must not hold out another person as an architect if the person knows or ought reasonably to know the other person is not an architect.

Maximum penalty—1000 penalty units.

**114 Using titles or names etc.**

- (1) A person who is not an architect must not use—
- (a) the title ‘architect’ or ‘registered architect’; or
  - (b) another title or name, prescribed under a regulation, that in the context in which the title or name is used suggests that the person is an architect.

Maximum penalty—1000 penalty units.

- (2) A person who is not a practising architect must not use any of the following words to advertise or otherwise promote services provided by the person unless the services are to be provided using a practising architect—

- (a) ‘architectural services’, ‘architectural design services’ or ‘architectural design’;
- (b) other words, prescribed under a regulation, that in the context in which the words are used suggest that the services to which the words relate are to be provided using a practising architect.

Maximum penalty—1000 penalty units.

**114A Exemption for corporations**

- (1) This section applies to a corporation.
- (2) The corporation does not commit an offence against section 113(1) merely because the corporation uses a title or name referred to in section 114(1) if—
- (a) the corporation has given the board a notice under section 141A(2) in relation to the provision of architectural services by the corporation; and
  - (b) the notice is a current notice.
- (3) The corporation does not commit an offence against section 114(1) if—
- (a) the corporation has given the board a notice under section 141A(2) in relation to the provision of architectural services by the corporation; and
  - (b) the notice is a current notice.

**115 Claims about provision of architectural services**

- (1) This section applies if a person claims, or holds out, that the person provides architectural services at a place using an architect.

- (2) If the person provides the services, the person must ensure an architect—
- (a) is at the place while the services are provided; and
  - (b) carries out, or is responsible for the carrying out of, the services.

Maximum penalty—1000 penalty units.

- (3) In this section—

**place** does not include a place at which a person provides architectural services for a single construction site.

*Example of a place*— a site office for a construction project

**116 Providing information about architects**

- (1) This section applies to a person who claims, or holds out, that the person will provide architectural services to someone (the *other person*) using an architect.

- (2) The person must inform the other person of the name and contact details of the architect responsible for the carrying out of the services.

Maximum penalty—300 penalty units.

- (3) If the person informs another person of the name and contact details of an architect under subsection (2), the person also must inform the other person of the name and contact details of any other architect who becomes responsible for the carrying out of the services.

Maximum penalty—300 penalty units.

## 117 Information on correspondence about architectural services

(1) This section applies to a person who provides, or intends to provide, architectural services to someone (the *other person*) using an architect.

(2) The person must ensure the name and contact details of the architect who is, or will be, responsible for the carrying out of the services are stated on all correspondence about the services from the person to the other person.

Maximum penalty—300 penalty units.

## Part 10 Other matters

### 140 Performance and carrying out of architectural services by particular entities

(1) This section applies to—

(a) a person who is not an architect if the person, in performing, or undertaking to perform, architectural services for someone (the *client*)—

(i) claims, or holds himself or herself out, to be an architect; or

(ii) allows himself or herself to be held out as an architect; or

(b) another person if—

(i) the person, in providing, or undertaking to provide, architectural services for someone (also the *client*) claims, or holds out, that the services are carried out, or to be carried out, by or under the supervision of an architect; and

(ii) the services are not carried out by or under the supervision of an architect.

(2) Despite any agreement between the person and the client, the person is not entitled to any monetary or other consideration for the performance or carrying out of the architectural services.

(3) A person mentioned in subsection (1)(a) is not taken to claim, or hold himself or herself out, to be an architect, or allow himself or herself to be held out as an architect, merely because the person uses a title or name referred to in section 114(1) if—

(a) the person has given the board a notice under section 141A(2) in relation to the provision of architectural services by the person; and

(b) the notice is a current notice.

### 141A Notice and record for businesses

(1) This section applies if a business provides architectural services at 1 or more places using an architect.

(2) The business may give the board a notice in the approved form.

(3) The approved form must provide for the inclusion of—

(a) the business's name, business address and telephone number; and

(b) the name of each place at which the business provides the services; and

(c) the name and signature of each architect who is responsible for carrying out architectural services for the business at each of the places mentioned in paragraph (b).

(4) The notice is taken not to have been given under subsection (2) unless the notice—

(a) includes the information mentioned in subsection (3); and

(b) is accompanied by the fee prescribed under a regulation.

(5) Subsection (6) applies if a business gives the board a notice under subsection (2) and a change happens in any 1 or more of the following—

(a) the business's name, business address and telephone number; and

(b) the name of a place at which the business provides architectural services using an architect; and

(c) the name of an architect who is responsible for carrying out architectural services for the business at a place.

(6) The business must, within 21 days after the change happens, notify the board, in the approved form, about the change.

(7) If the change is in an architect responsible for carrying out architectural services for the business, the notice about the change is not given under subsection (6) unless the notice states the new architect's name and signature.

(8) If a business gives the board a notice under subsection (2) or (6), the board must—

(a) keep a record of the information given in the notice; and

(b) keep the record open for inspection, free of charge, at the board's office by members of the public during ordinary office hours; and

(c) give a person a copy of the record, or a part of it, on payment of the fee prescribed under a regulation.

(9) If the board receives information (*received information*), other than under subsection (6), that leads the board to reasonably suspect information kept on the record may have changed, the board may note the received information on the record.

(10) The board may make the record available for inspection on its website.

(11) In this section—

*business* means a corporation, partnership or other unincorporated association.