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K Woodward
Chief Parliamentary Counsel
Dated 21 November 2023



TASMANIA

ARCHITECTS ACT 1929

No. 42 of 1929

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ARCHITECTS ACT 1929

No. 42 of 1929

An Act to provide for the registration of architects and to regulate the practice of architecture

[Royal Assent 16 December 1929]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART I – PRELIMINARY

1. Short title and commencement

- (1) This Act may be cited as the *Architects Act 1929*.
- (2) This Act shall come into operation on 1st January 1930.

2. Interpretation

In this Act –

architect means –

- (a) a person who is registered as an architect in accordance with Part IV; and
- (b) a person who is entitled to hold deemed registration as an architect;

architect or ***architecture*** does not include naval architect or naval architecture or landscape architect or landscape architecture;

Board means the Board of Architects of Tasmania established by this Act;

complainant means a person who has made a complaint;

complaint means a complaint, made under section 20A, that has not been withdrawn;

continuing professional development requirement means a continuing professional development requirement determined by the Board under section 20G;

deemed registration means an entitlement to automatic deemed registration, within the

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meaning of the *Mutual Recognition Act 1992* of the Commonwealth;

Institute means the Tasmanian Chapter of the Royal Australian Institute of Architects or any other institute which may hereafter be substituted therefor;

member means member of the Board;

professional misconduct, in relation to a person, means –

- (a) substantial or persistent unprofessional conduct by the person; or
- (b) conduct of the person, whether or not occurring in connection with the practice of architecture, that would justify concluding that the person is not a fit and proper person to be an architect;

register means the register of architects kept by the Registrar in accordance with Part III;

Registrar means the Registrar appointed under section 7;

unprofessional conduct, in relation to a person, means conduct by the person, in the course of the practice of architecture by the person, that falls short of the standard of competence and diligence that a member of the public is entitled to

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expect of a reasonably competent person
engaging in the practice of architecture.

2A. Act does not affect mutual recognition

Nothing in this Act derogates from the effect of
the *Mutual Recognition (Tasmania) Act 1993*,
the *Mutual Recognition Act 1992* of the
Commonwealth or the *Trans-Tasman Mutual
Recognition Act 1997* of the Commonwealth.

PART II – THE BOARD

3. Establishment of Board of Architects of Tasmania

- (1) For the purposes of this Act there shall be established a Board, to be called the “Board of Architects of Tasmania”.
- (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.

4. Constitution of Board

- (1) The Board consists of 5 members as follows:
 - (a) the President of the Institute;
 - (b) 2 persons appointed by the Governor, at least one of whom is recommended by the Minister as representing the interests of consumers;
 - (c) 2 practising architects elected by the council of the Institute in a manner determined by the council.
- (2) The Board shall elect one of its members as chairman of the Board, and any 3 members of the Board shall be a quorum for the conduct of business.
- (3) The President of the Institute shall hold office so long as he or she is such President, and every other member shall hold office for a term of 3

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years, and shall be eligible for re-appointment or re-election, as the case may be.

- (4) The Governor may remove any member for neglect of duty, incompetence, dishonourable conduct, or other cause which he or she considers sufficient.
- (5) If the office of a member becomes vacant during the term for which he or she is appointed or elected, a member shall be appointed or elected in his or her place who shall hold office for the remainder of such term.
- (6) If a member is likely from any cause to be absent from meetings of the Board for more than 3 months, the Governor may appoint a deputy to act for the member during the member's absence, and such deputy shall have the same powers, rights, and duties as the member in whose place he or she is appointed.
- (7) If at any time the President of the Institute fails to act as a member, or if the council of the Institute fails to elect its representatives to the Board within the prescribed time, or if such representatives fail to act as members, the Governor may appoint any person to be a member to fill the vacancy occasioned by any such failure, and any person so appointed shall for all purposes be deemed to have been duly appointed or elected as a member.
- (8) A member of the Board is entitled to be paid the remuneration and travelling allowances fixed by

the Minister from time to time in respect of that member.

4A.

5. Business

Subject to this Act, the Board shall meet at such times and conduct its business in such manner as the members may decide, or as may be prescribed.

6. Vacancies

- (1) The office of a member shall become vacant if he or she—
 - (a) becomes bankrupt or compounds with his or her creditors;
 - (b) is absent without leave of the Board from 3 consecutive meetings of which due notice has been given to him or her either personally or by post;
 - (c) resigns his or her office by writing under his or her own hand addressed to the Governor; or
 - (d) is removed from office by the Governor.
- (2) The validity of any act or resolution of the Board shall not be affected by any informality or irregularity in its constitution, and a quorum of

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the Board may exercise all the powers and authority of the Board notwithstanding that the office of a member may be vacant.

7. Registrar and other officers

- (1) The Board shall appoint a Registrar, and such other officers as the Board thinks necessary, and may pay to any person so appointed such salary or remuneration as the Board thinks fit.
- (2) The Registrar shall be charged with the custody of the register.

8. Funds of Board

- (1) All moneys received by the Board or the Registrar under this Act shall be paid into the funds of the Board.
- (2) The remuneration of the Registrar, and the officers appointed by the Board, and all other expenses of and incidental to the administration of this Act, shall be paid by the Board out of its funds.
- (3) Any surplus moneys in the funds of the Board which are not required for the purposes of subsection (2) may be expended by the Board for the purposes of the advancement of architecture in such manner as the Board may determine.

PART III – REGISTER

9. Register of architects

- (1) The Registrar is to keep a register of architects in a form that the Registrar considers appropriate.
- (2) The register is to contain details of the following matters relating to each architect:
 - (a) the name and business or other address of the architect;
 - (b) the class of registration and the conditions, if any, imposed on the registration;
 - (c) in the case of a person registered as an architect in accordance with Part IV, the date and description of the qualification in respect of which the registration is granted;
 - (d) in the case of a person who is an architect due to holding deemed registration, any details that the Registrar considers necessary in relation to the architect;
 - (e) any other matter that the Registrar considers appropriate;
 - (f) any prescribed matter.
- (3) If the Registrar becomes aware of any change to a matter entered in the register in respect of an architect, the Registrar is to amend that particular accordingly.

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- (3A) If the registration of a person is cancelled under this Act, the Registrar must remove the name of the person from the register.
- (3B) The Registrar, on the application of an architect, may, with the approval of the Board, alter the class of registration or the conditions imposed on the registration, or both, entered, in relation to the architect, in the register.
- (3C) If the class of registration of an architect, or the conditions of registration of an architect, are altered under subsection (3B), the class or conditions are taken to be imposed, on the day on which the register is so altered, on the registration of the architect.
- (4) The register shall be made available at all reasonable times for inspection by any person at the office of the Board.

10. Publication of list of registered architects

The Registrar may, if he or she considers it appropriate, publish in the *Gazette* the registered number, name, and address of every architect whose name is in the register referred to in section 9 at that time.

11. Restoration of registration and name on register

- (1) The Board –
 - (a) may register, and restore to the register the name of, any person whose registration has been cancelled, if the

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cancellation of the registration was in error; and

- (b) if a magistrate so orders under the *Magistrates Court (Administrative Appeals Division) Act 2001*, must register, and restore to the register the name of, any person whose registration has been cancelled.
- (2) The registration of a person, and the restoration of the name of the person to the register, under subsection (1) is to be done –
- (a) if the Board so directs, or the magistrate so orders, without payment of any fee; or
 - (b) in any other case, upon payment of the prescribed fee.

PART IV – ARCHITECTS

11A. Application of Part

Sections 12, 13, 14, 15 and 16 do not apply to a person who is an architect by virtue of holding deemed registration.

11B. Deemed registration as an architect

(1) In this section –

occupation has the meaning it has in section 4(1) of the *Mutual Recognition Act 1992* of the Commonwealth;

participating jurisdiction has the meaning it has in section 4(1) of the *Mutual Recognition Act 1992* of the Commonwealth.

(2) A person who intends to carry out work as an architect in the State by virtue of holding deemed registration must give to the Registrar notice of the person's entitlement to hold deemed registration before carrying out the work.

Penalty: Fine not exceeding 10 penalty units.

(3) A notice under subsection (2) –

(a) must be in a manner approved by the Registrar; and

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- (b) must be in a form approved by the Registrar; and
 - (c) is to contain any information that the Registrar considers necessary.
- (4) If any of the information provided by a person in a notice to the Registrar under subsection (2) changes, the person must, as soon as practicable, give a notice to the Registrar, in a form approved by the Registrar, setting out the change.

Penalty: Fine not exceeding 10 penalty units.

- (5) A person who is an architect by virtue of holding deemed registration must not carry out work as an architect in this State unless the work is within the scope of the work that the person is authorised to carry out for that occupation in the relevant participating jurisdiction.

Penalty: Fine not exceeding 10 penalty units.

- (6) If a person is found guilty of an offence against subsection (2), (4) or (5), the Registrar may –
- (a) suspend or cancel the deemed registration held by the architect; and
 - (b) disqualify the person from holding deemed registration as an architect for a specified period or until the person fulfils a specified condition.
- (7) The Registrar may, at any time, request a person, who is an architect by virtue of holding deemed registration, to provide to the Registrar any

information that the Registrar requires in relation to the maintenance of the person's skills and any continuing professional development undertaken by the person.

11C. Insurance for holders of deemed registration

- (1) A person who is an architect by virtue of holding deemed registration must, before the person proposes to carry out any work as an architect in this State, give to the Registrar a notice, in an approved form, containing approved evidence that the person is covered by approved insurance.

Penalty: Fine not exceeding 10 penalty units.

- (2) A person who is an architect by virtue of an entitlement to hold deemed registration must not carry out any work as an architect in this State unless the person is covered by approved insurance.

Penalty: Fine not exceeding 10 penalty units.

- (3) If a person who is an architect is found guilty of an offence against subsection (1) or (2), the Registrar may –
- (a) suspend or cancel the deemed registration held by the person; and
 - (b) disqualify the person from holding deemed registration as an architect for a specified period or until the person fulfils a specified condition.

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- (4) If any of the information provided by a person in a notice to the Registrar under subsection (1) changes, the person must, as soon as practicable, notify the Registrar, in a form approved by the Registrar, of the change.

Penalty: Fine not exceeding 10 penalty units.

12. Application for registration

- (1) A person may apply to the Board for registration as an architect.
- (2) An application for registration is to be –
- (a) made to the Board in a manner approved by the Board; and
 - (b) supported by the evidence that the Board requires; and
 - (c) accompanied by the prescribed fee, if any.

13. Determination of application

- (1) The Board, on receiving an application made by a person under section 12, may register, or refuse to register, the person as an architect.
- (2) The Board must register as an architect a person who has made an application under section 12 if the Board is satisfied that –

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- (a) the person is professionally competent under subsection (5) or (6) to be registered as an architect; and
 - (b) the person is a fit and proper person to be registered as an architect; and
 - (c) the registration of the person is not suspended under section 20E(1)(g); and
 - (d) an order made under section 20E(1)(h) that is in force does not prevent the registration of the person at the relevant time; and
 - (e) the person has the sufficient level of professional indemnity insurance, if any, that the person is required by section 16(1) to have.
- (3) Despite subsection (2), the Board may refuse to register a person as an architect if the Board is satisfied that the registration of the person as an architect under a law of another State or a Territory has been cancelled (or, in effect, cancelled) on grounds on which the registration of the person under this Act could be cancelled under section 20E.
- (4) The Board must refuse to register as an architect a person who has made an application under section 12 if the Board may not register the person under subsection (2).
- (5) A person is professionally competent to be registered as an architect if –

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- (a) the person –
 - (i) holds the architectural qualifications that are prescribed by the regulations; or
 - (ii) has successfully completed a course of study that is recognised by the Board as meeting criteria prescribed by the regulations for the purposes of this paragraph; and
- (b) the person has –
 - (i) passed an examination or interview, arranged or approved by the Board, to assess the person's competency to practise architecture; and
 - (ii) paid any fee, set by the Board, for that examination or interview.
- (6) A person is professionally competent to be registered as an architect if the Board is of the opinion that the person, by reason of his or her ability and competence in the field of architecture, is a person whom it is appropriate to register as an architect.
- (7) If the Board refuses to register a person as an architect, the Board must give notice of the refusal in writing to the person setting out the reasons for the refusal.
- (8) The Board –

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- (a) may provide for different classes of registration; and
 - (b) may impose conditions on the registration of a person, and such conditions may, but are not required to, relate to the class of registration of the person.
- (9) Conditions of registration may relate to –
- (a) the duration of registration; and
 - (b) the aspects of the practice of architecture in which the person may be engaged; and
 - (c) the extent to which an architect must comply with any continuing professional development requirement; and
 - (d) any other matter that the Board considers to be appropriate.
- (10) The registration of an architect expires 3 years after the day on which the registration of the architect is entered in the register or such shorter period, if any, as may be specified in a condition imposed on the architect's registration.

14. Annual registration fee

- (1) Every architect must, on or before 31 January in each year, pay to the Registrar the prescribed registration fee in respect of that year.
- (2) If an architect fails to pay the prescribed annual registration fee within the time specified in

subsection (1) or within such further time as the Board in any case may allow, the Board may, under this subsection, cancel the registration of the architect and remove the name of the person from the register.

- (3) The Board must issue to an architect who has paid the prescribed annual registration fee for a year a statement specifying that the person is registered as an architect for the year.

15. Renewal of registration

- (1) A person may, before, or within 30 days after, the expiration of his or her registration as an architect, apply to the Board for renewal of his or her registration as an architect.
- (2) An application under subsection (1) for renewal of registration as an architect is to be –
 - (a) made to the Board in a manner approved by the Board; and
 - (b) supported by the evidence that the Board may require; and
 - (c) accompanied by the prescribed fee, if any.
- (3) The Board may renew, or refuse to renew, the registration as an architect of a person who has made an application under subsection (1) for renewal of registration as an architect.

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- (4) The Board must renew under subsection (3) the registration of a person as an architect if the Board is satisfied that the person –
- (a) is, under section 13, professionally competent to be registered as an architect; and
 - (b) has complied with each of the continuing professional development requirements, except if a condition of the registration of the person does not require compliance with such a requirement or section 25A(8) applies; and
 - (c) is a fit and proper person to be registered; and
 - (d) has complied with all relevant Codes of Practice; and
 - (e) has the sufficient level of professional indemnity insurance, if any, that the person is required by section 16(1) to have; and
 - (f) satisfies any other prescribed requirements.
- (5) The Board must refuse under subsection (3) to renew the registration of a person as an architect if the Board may not renew the registration of the person under subsection (4).
- (6) If the Board renews the registration of a person as an architect under subsection (3), the registration is renewed from the day on which

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the person's current registration would expire or has expired.

- (7) When the Board renews the registration of a person as an architect under subsection (3), the Board may alter the class of registration or the conditions imposed on the registration, or both.
- (8) If the Board refuses under subsection (3) to renew the registration of a person as an architect, the Board must give notice of the refusal in writing to the person setting out the reasons for the refusal.

16. Insurance

- (1) The Board is not to register a person as an architect, or renew the registration of a person as an architect, unless the Board is satisfied that the person has a sufficient level of professional indemnity insurance.
- (2) Subsection (1) does not apply in relation to a person who is to be registered, or re-registered as an architect, in a class of registration to which a determination under subsection (5) relates.
- (3) A person who is required under subsection (1) to have a sufficient level of professional indemnity insurance must notify the Board of any significant change in his or her professional indemnity insurance within 7 days of that change occurring.
- (4) Without limiting the circumstances in which the Board may be satisfied that a person has a

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sufficient level of professional indemnity insurance, a person is taken, for the purposes of this Act, to have a sufficient level of professional indemnity insurance if –

- (a) he or she is employed or engaged by a company, firm or authority to carry out architectural work; and
 - (b) an insurance policy held by that company, firm or authority covers that work.
- (5) The Board may determine that all architects who are registered in a class of registration specified in the determination are not required to have a sufficient level of professional indemnity insurance.

17. Certificates of registration

- (1) In the case of a person who is registered as an architect in accordance with Part IV, the Board may, on the application of an architect and on payment of the prescribed fee, issue a certificate of registration in relation to the architect.
- (2) A certificate of registration issued under subsection (1) is to be in the form approved by the Board.
- (3) A person must, as soon as practicable after ceasing to be an architect, return to the Board a certificate of registration in relation to the architect.

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Penalty: Fine not exceeding 10 penalty units.

- (4) In the case of a person who is an architect by virtue of holding deemed registration, the Board may, in a form approved by the Board, issue a certificate of registration to the person specifying any information that the Board considers relevant.
- (5) If any of the information specified in a certificate of registration in accordance with subsection (4) changes, the architect must, within 14 days after the change, notify the Board, in writing, of the change.

Penalty: Fine not exceeding 10 penalty units.

17A - 17B.

18. Right of appeal if registration or renewal of registration refused

A person who has been refused registration, or renewal of registration, under this Act on a ground other than that he or she has not passed the examination referred to in section 13(5)(b)(i), may appeal to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court (Administrative Appeals Division) Act 2001* against the decision to refuse registration, or renewal of registration.

19. Prohibited practices

- (1) No person shall use or publish in connection with architecture, or the practice of architecture, any title, name, words, or letters which indicate that he or she is qualified for, or entitled to, registration as an architect other than such title, name, words, or letters as truly indicate a qualification which he or she in fact holds.
- (2) No architect shall accept any commission or substantial service or favour from any person who has contracted to execute or is engaged in the execution of any work in connection with any building designed or supervised by such architect, or from any person who has offered or agreed to supply any materials, fittings, or appliances to be used in or in connection with such building.
- (3) A person who is not an architect shall not, in respect of any practice, trade, or business carried on by him or her, any office or employment held or exercised by him or her, or any work done by him or her, take or use to describe himself or herself—
 - (a) the word “architect”;
 - (b) any other word or combination of letters that sounds or looks like the word “architect”; or
 - (c) any other title, description, or addition that indicates or may indicate to the public that he or she is registered or

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entitled or qualified to be registered as an architect–

whether alone or in combination with other words or combinations of letters.

- (3A) A person who is not an architect shall not in respect of building operations, plans, drawings, or specifications thereof, or proceedings under the Building Regulations in relation thereto, take or use to describe himself or herself any title, description, or addition indicating that he or she has anywhere obtained a professional or legal qualification of an architectural nature.
- (3B) Nothing in subsection (3A) affects the use of the expressions “engineer”, “structural engineer”, “architectural draughtsman”, “architectural designer”, “master builder”, “builder”, or other expression in use before the commencement of this subsection to describe members of the engineering profession or persons in the building industry having qualifications generally understood to be other or lower than those of architects.
- (4) A person must not contravene a provision of this section.

Penalty: In the case of –

- (a) a body corporate, a fine not exceeding 150 penalty units; or
- (b) an individual, a fine not exceeding 75 penalty units.

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- (4A) If a person is found guilty of an offence against subsection (4) consisting of a breach of subsection (2), the court may direct the Board to remove the name of the person from the register.
- (5) Nothing in this section affects –
- (a) naval architects or landscape architects in respect of their respective professions; or
 - (b) a person practising architecture as an employee of the Crown or the Commonwealth at the commencement of the *Architects Act 1970*, while continuing so to practise.

20. Continued use of name

Where two or more architects practise architecture in partnership and one of them ceases by death, agreement, or otherwise to be a partner, the remaining partner or partners and any other architects joining in partnership with him, her or them may, subject to any agreement, retain the name of the former partner in the name of their firm.

**PART IVA – COMPLAINTS AND DISCIPLINARY
MATTERS**

20A. Person may make complaint

- (1) Any person (including the Board) may make a complaint against an architect –
 - (a) in respect of the architect’s conduct as an architect; or
 - (b) if the person is of the opinion that there are grounds on which an order could be made in relation to the architect under section 20E.
- (2) A complaint (other than a complaint made by the Board) is to be made to the Board and is to be lodged with the Registrar.
- (3) A complaint –
 - (a) is to be in writing; and
 - (b) must identify the complainant; and
 - (c) must contain particulars of the allegations on which it is founded.
- (4) The Board may require the complainant to provide further particulars of a complaint.
- (5) The Board may direct the Registrar to provide, to a person specified by the Board or to each member of a class of persons that is specified by the Board, reasonable assistance in making a complaint.

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Part IVA – Complaints and Disciplinary Matters

20B. Withdrawal and dismissal of complaint

- (1) A complaint may be withdrawn by the complainant at any time.
- (2) The Board may dismiss a complaint if the Board is satisfied that the complaint –
 - (a) is frivolous or vexatious or otherwise lacking in merit; or
 - (b) is in respect of a matter that has already been dealt with under this Act; or
 - (c) is trivial in nature.

20C. Board to notify person against whom complaint is made

- (1) As soon as practicable after a complaint is made, the Board is to give the architect against whom it is made written notice of –
 - (a) the making of the complaint; and
 - (b) the nature of the complaint; and
 - (c) the identity of the complainant.
- (2) A notice under subsection (1) must invite the architect to make, within the period, of not less than 7 days, that the Board specifies in the notice, the representations to the Board, in respect of the complaint, that the architect thinks fit.

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- (3) Notice is not required to be given under subsection (1) if the giving of the notice will or is likely to –
- (a) prejudice the investigation of the complaint; or
 - (b) place the health or safety of a person at risk; or
 - (c) place the complainant or another person at risk of intimidation or harassment.

20D. Board may investigate complaint

- (1) The Board may conduct an investigation of a complaint.
- (2) The Board may determine the manner in which a complaint is to be investigated and may appoint any person to assist in the investigation of a complaint.
- (3) Without limiting the generality of subsection (1) or (2), the Board may conduct a hearing for the purposes of an investigation of a complaint.
- (4) In conducting an investigation of a complaint, the Board may regulate its own proceedings and is not bound to observe the rules of evidence but may inform itself of any matter in the manner it thinks fit.

20E. Determination of complaint

- (1) The Board may, after completing an investigation of a complaint in relation to an architect, determine the complaint by making any one or more of the following orders:
 - (a) an order dismissing the complaint;
 - (b) an order administering a caution or reprimand to the architect;
 - (c) an order requiring the architect to complete a course of training specified by the Board;
 - (d) an order adding a condition to the registration of the architect, or adding to, or altering, the conditions of registration of the architect;
 - (e) an order requiring the architect to ensure the rectification of work, carried out by the architect, that is defective;
 - (f) an order requiring the architect to pay the reasonable costs of the Board related to carrying out the investigation of the complaint;
 - (g) an order suspending the registration of the architect for a period not exceeding the unexpired period of registration or until the architect complies with another order made under this subsection in relation to the architect;

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- (h) subject to subsection (3), an order cancelling the registration of the architect.
- (2) Without limiting the grounds on which an order suspending the registration of an architect may be made under subsection (1)(g), the registration of a person as an architect may be suspended if –
- (a) the registration of the person as an architect under a law of another State or a Territory has been suspended or cancelled on grounds on which the registration of the person under this Act could be suspended or cancelled; or
 - (b) the person has engaged in professional misconduct or unprofessional conduct; or
 - (c) the person has failed to comply with any condition imposed on his or her registration.
- (3) The Board may only make an order under subsection (1)(h) cancelling the registration of an architect if –
- (a) the grounds on which he or she was taken to be professionally competent to be registered as an architect under section 13(5) no longer exist or never existed; or
 - (b) the architect has failed to comply with a summons issued to the architect under section 22; or

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- (c) the architect is convicted in Tasmania of an indictable offence that is punishable by imprisonment for 12 months or more, or is convicted elsewhere than in Tasmania of an indictable offence that, if committed in Tasmania, would be an offence so punishable; or
 - (d) the architect has been registered by means of any false or fraudulent representation or declaration made either orally or in writing; or
 - (e) the architect is a mentally incapacitated person; or
 - (f) the architect has failed to comply with a continuing professional development requirement; or
 - (g) the architect does not have a sufficient level of professional indemnity insurance, within the meaning of section 16, that the architect is required to have; or
 - (h) the architect has engaged in unprofessional conduct; or
 - (i) the architect has failed to comply with an order made under subsection (1).
- (4) If an order is made under subsection (1)(h) cancelling the registration of a person, the order must specify –

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- (a) that the person must not be registered under this Act during any period; or
 - (b) the period, of not more than 5 years, in which the person must not be registered under this Act.
- (5) The Board must, after determining a complaint under subsection (1) in relation to a person, give notice in writing of that determination, any orders contained in the determination, the findings of the Board, and the reasons for the determination, to –
- (a) that person; and
 - (b) all other State, Territory and national registration authorities; and
 - (c) the Administrator, within the meaning of the *Occupational Licensing Act 2005*; and
 - (d) the complainant, unless the complainant is the Board.

20F. Appeal against determination of complaint

A person who has made a complaint, or an architect against whom a complaint is made, may appeal to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court (Administrative Appeals Division) Act 2001* against –

- (a) the dismissal of the complaint under section 20B(2); or

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- (b) the determination of the complaint, and the making of any order, under section 20E.

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20G. Continuing professional development requirements

- (1) The Board may determine the continuing professional development requirements for the purposes of this Act.
- (2) As soon as practicable after determining under subsection (1) the continuing professional development requirements for the purposes of this Act, the Board –
 - (a) is to provide to architects a copy of the requirements or a notice of the determination of the requirements and of the electronic address at which a copy of the requirements may be viewed as required under paragraph (b); and
 - (b) is to ensure that a copy of the professional development requirements is available for viewing at an electronic address of the Board at all times while the requirements remain in force.
- (3) The Board may revoke a determination under subsection (1).
- (4) As soon as practicable after revoking under subsection (3) a determination under subsection (1), the Board –
 - (a) is to notify architects of the revocation of the determination; and

- (b) is to ensure that notice of the revocation of the determination is available for viewing at an electronic address of the Board for not less than 12 months after the revocation is made.

21. Power of Board to examine on oath

The Board, for the purposes of this Act, may examine any person on oath, or take a statutory declaration from any person.

22. Power to summon witnesses

- (1) The Board, by notice in writing under the hand of the chairman, may summon any person to attend before the Board for the purpose of being examined with respect to any matter within the jurisdiction of the Board.
- (2) Any person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him or her, or refuses to be sworn or to make a statutory declaration, or to answer any lawful question, shall be liable to a penalty of 125 penalty units.

23. Board to publish statement of receipts and expenditure

The Board, as soon as practicable after 31st December in every year, shall publish in the *Gazette* a statement, made up to that date, showing the receipts and disbursements of the

Board during the year ending on that date, certified as correct by the Auditor-General.

23A. Indemnity for members of Board, &c.

A member of the Board, the Registrar, or an officer of the Board shall not incur any personal liability in respect of any act, matter, or thing done, or omitted to be done, in good faith in the execution or purported execution of the provisions of this Act.

24. Evidence

- (1) In any proceeding by or on behalf of the Board under this Act, it shall not be necessary to prove the appointment or election of the members, chairman, or Registrar of the Board.
- (2) A copy or extract, certified by the Registrar to be a true copy of, or a true extract from, any register, book, certificate, or other official document or record, in the custody of the Board or of any officer of the Board, shall be evidence of the original of which it purports to be a copy or extract, and shall be receivable in evidence to the same extent as the original.

25. Recovery of penalties

- (1) All fees payable, and all penalties imposed, pursuant to this Act may be recovered upon complaint, and any such complaint may be made at any time within 12 months after the date of the

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offence or the date when the fee became payable.

- (2) The amount of all moneys recovered as aforesaid shall be paid to the Board.

25A. Transitional provisions

- (1) In this section –

amending Act means the *Architects Amendment Act 2020*;

commencement day means the day on which section 14 of the amending Act commences.

- (2) A person who was, immediately before the commencement day, registered under this Act, is to be taken, on and from that day, to have had his or her registration renewed under this Act on that day.
- (3) If, before the commencement day, a person had paid the annual registration fee, referred to in section 11 as in force before that day, for a calendar year, the person is to be taken to have paid the annual registration fee under section 14 for that year.
- (4) A certificate of registration issued under this Act as in force immediately before the commencement day is to be taken to be a certificate of registration issued under this Act as in force after the commencement day.

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- (5) Part IVA of this Act as inserted by the amending Act applies in relation to an architect as if the Part, as so inserted, applied before the commencement day.
- (6) If an application for registration made under this Act as in force before the commencement day has not been determined by the Board before that day, the application is to be taken to have been made under section 12 on the commencement day.
- (7) An order made under section 16 of this Act as in force before the commencement day is to be taken after the commencement day to be an order made under section 20E.
- (8) The Board may not refuse under section 15(5) to renew the registration of an architect within the 2-year period after the commencement day on the ground that the person has not, within that period, complied with section 15(4)(b).
- (9) A complaint may be made in relation to an activity or behaviour of an architect whether the activity or behaviour occurred before or after the commencement day.

26. Regulations

The Governor, upon the recommendation of the Board, may make regulations for giving effect to this Act, and in particular for –

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- (a) regulating the appointment and election of members, and the proceedings of the Board;
- (b) regulating the duties of officers;
- (ba)
- (c) prescribing fees payable under this Act.

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NOTES

The foregoing text of the *Architects Act 1929* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 November 2023 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Architects Act 1929</i>	No. 42 of 1929	1.1.1930
<i>Statute Law Revision Act 1934 and proclamations thereunder</i>	No. 78 of 1934	13.12.1934
<i>Architects Act 1943</i>	No. 68 of 1943	25.11.1943
<i>Architects Act 1950</i>	No. 86 of 1950	21.12.1950
<i>Architects Act 1956</i>	No. 9 of 1956	16.5.1956
<i>Architects Act 1958</i>	No. 34 of 1958	11.7.1958
<i>Statute Law Revision Act 1958</i>	No. 36 of 1958	24.7.1958
<i>Statute Law Revision Act 1961</i>	No. 41 of 1961	15.12.1961
<i>Decimal Currency Act 1965</i>	No. 55 of 1965	14.2.1966
<i>Architects Act 1970</i>	No. 59 of 1970	23.12.1970
<i>Age of Majority Act 1973</i>	No. 21 of 1973	1.8.1973
<i>Architects Act 1974</i>	No. 28 of 1974	5.6.1974
<i>Statute Law Revision Order (No. 7) 1977</i>	S.R. 1977, No. 321	17.11.1977
<i>Architects Amendment Act 1984</i>	No. 87 of 1984	30.11.1984
<i>Statutory Authorities (Gazettal of Registration Lists) Act 1987</i>	No. 58 of 1987	18.8.1987
<i>Building (Consequential Amendments) Act 2003</i>	No. 26 of 2003	3.9.2003
<i>Building (Consequential Amendments) Act 2016</i>	No. 12 of 2016	1.1.2017
<i>Architects Amendment Act 2020</i>	No. 32 of 2020	1.11.2023
<i>Occupational Licensing (Automatic Mutual Recognition Consequential Amendments) Act 2022</i>	No. 29 of 2022	1.11.2023

TABLE OF AMENDMENTS

Provision affected	How affected
Section 2	Amended by 7 Geo. VI No. 68, s. 2, 25 Geo. V No. 78, No.

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Provision affected	How affected
	59 of 1970, s. 2, No. 32 of 2020, s. 4 and No. 29 of 2022, s. 4
Section 2A	Inserted by No. 32 of 2020, s. 5
Section 4	Amended by No. 36 of 1958, s. 4 and Sched. 3, No. 41 of 1961, s. 5 and Sched. 4, 25 Geo. V No. 78, No. 55 of 1965, s. 5 and No. 59 of 1970, s. 3 and No. 32 of 2020, s. 6
Section 4A	Inserted by No. 26 of 2003, s. 4 Repealed by No. 12 of 2016, Sched. 1
Section 6	Amended by No. 32 of 2020, s. 7
Section 8	Amended by No. 86 of 1950, s. 3
Section 9	Amended by No. 58 of 1987, s. 3 and Sched. 1, No. 32 of 2020, s. 8 and No. 29 of 2022, s. 5
Section 10	Substituted by No. 58 of 1987, s. 3 and Sched. 1
Section 11	Substituted by No. 32 of 2020, s. 9
Section 11A	Inserted by No. 29 of 2022, s. 6
Section 11B	Inserted by No. 29 of 2022, s. 6
Section 11C	Inserted by No. 29 of 2022, s. 6
Section 12	Amended by No. 21 of 1973, s. 5 and Sched. 1 Substituted by No. 32 of 2020, s. 10
Section 13	Substituted by No. 59 of 1970, s. 5 Subsection (2) added by No. 28 of 1974, s. 2 Amended by No. 87 of 1984, s. 4 Substituted by No. 32 of 2020, s. 10
Section 14	Substituted by No. 32 of 2020, s. 10
Section 15	Amended by No. 59 of 1970, s. 6 Substituted by No. 32 of 2020, s. 10
Section 16	Substituted by No. 9 of 1956, s. 2 Subsection (6), formerly (5), renumbered by No. 41 of 1961, s. 5 and Sched. 4 Amended by No. 55 of 1965, s. 5 Substituted by No. 32 of 2020, s. 10
Section 17	Substituted by No. 9 of 1956, s. 2, No. 32 of 2020, s. 10 Amended by No. 29 of 2022, s. 7
Section 17A	Inserted by No. 9 of 1956, s. 2 Repealed by No. 32 of 2020, s. 10
Section 17B	Inserted by No. 59 of 1970, s. 7 Repealed by No. 32 of 2020, s. 10
Section 18	Amended by 25 Geo. V No. 78 Substituted by No. 32 of 2020, s. 10
Section 19	Amended by No. 34 of 1958, s. 2, 25 Geo. V No. 78, No. 55 of 1965, s. 5, No. 59 of 1970, s. 8 and No. 32 of 2020, s. 11
Section 20	Substituted by No. 59 of 1970, s. 9 Amended by No. 32 of 2020, s. 12
Section 20A	Inserted by No. 32 of 2020, s. 13
Section 20B	Inserted by No. 32 of 2020, s. 13
Section 20C	Inserted by No. 32 of 2020, s. 13

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Provision affected	How affected
Section 20D	Inserted by No. 32 of 2020, s. 13
Section 20E	Inserted by No. 32 of 2020, s. 13
Section 20F	Inserted by No. 32 of 2020, s. 13
Section 20G	Inserted by No. 32 of 2020, s. 14
Section 22	Amended by No. 55 of 1965, s. 5 and No. 32 of 2020, s. 15
Section 23A	Inserted by No. 87 of 1984, s. 5
Section 25A	Inserted by No. 32 of 2020, s. 16
Section 26	Amended by 7 Geo. VI No. 68, s. 2, No. 87 of 1984, s. 6 and No. 32 of 2020, s. 17
