

Architects Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 sets out the purpose of the Act.

Clause 2 makes the Act operative on a day or days to be proclaimed.

Clause 3 sets out the definitions of words and phrases used in the Act.

PART 2—PROHIBITED CONDUCT

Clause 4 creates offences relating to the misuse of the title “architect” by a natural person.

Clause 5 creates offences relating to the misuse of the title “architect” by an unincorporated body or a partnership.

Clause 6 creates offences relating to the practise of architecture by a body corporate.

Clause 7 creates exceptions to the above offences.

Clause 8 creates offences relating to the use of the term architect in published material.

PART 3—REGISTRATION AND APPROVAL

Division 1—Registration of Architects

Clause 9 sets out the the procedure for applications for registration.

Clause 10 sets out the qualifications for registration an an architect.

Clause 11 enables the Board to register or refuse to register an applicant.

Division 2—Approval of Architectural Partnerships and Architectural Companies

Clause 12 sets down the procedures for applications for approval.

Clause 13 sets out conditions for approval as an architectural partnership.

Clause 14 sets out conditions for approval as an architectural company.

Division 3—Annual Fees

Clause 15 obliges architects, approved architectural partnerships and approved architectural companies to pay fees.

Division 4—The Register

Clause 16 makes provision for the existence of a Register.

Clause 17 sets out the Board’s duties in relation to publication of the Register.

PART 4—DISCIPLINARY PROCEEDINGS

Division 1—Powers of Inquiry

Clause 18 empowers the Board to inquire into an architect's professional behaviour.

Division 2—Tribunal

Clause 19 makes provision for a Tribunal to conduct an inquiry.

Clause 20 defines the kinds of inquiries to be conducted by a Tribunal.

Clause 21 stipulates the membership of a Tribunal.

Clause 22 provides for the remuneration of Tribunal members.

Clause 23 enables the Board to nominate a Chairperson.

Clause 24 stipulates procedures for the Tribunal.

Division 3—Procedure on Inquiry

Clause 25 sets out rules relating to the appearance of parties.

Clause 26 enables the Tribunal to direct a public enquiry.

Clause 27 obliges the Board to give notice to the subject of an inquiry.

Clause 28 enables the Tribunal to appoint assisting counsel.

Clause 29 limits the eligibility of a Board member to be a Tribunal member.

Clause 30 lays down procedure for an inquiry.

Clause 31 prescribes the powers of the Tribunal under the **Evidence Act 1958**.

Division 4—Determinations of Tribunal

Clause 32 defines grounds for disciplinary action against an architect.

Clause 33 provides for the commencement and notice of a determination.

Clause 34 obliges the Registrar to publish a notice of a determination.

Clause 35 makes provision for the enforcement of a determination.

Division 5—Board's Powers

Clause 36 empowers the Board to cancel or suspend registration on withdrawal of qualification.

Clause 37 empowers the Board to cancel or suspend approval.

Clause 38 lays down the conditions regarding return of documents on cancellation or suspension.

Clause 39 defines the effect of a suspension or variation.

Clause 40 enables the Board to revoke a suspension.

Clause 41 makes provision for the Board to publish details of a suspension or cancellation.

PART 5—REVIEW BY ADMINISTRATIVE APPEALS TRIBUNAL

Clause 42 enables a person to appeal to the Administrative Appeals Tribunal.

Clause 43 enables a company or member of a partnership to appeal to the Administrative Appeals Tribunal.

Clause 44 sets out the procedure for appeal to the Administrative Appeals Tribunal.

PART 6—ARCHITECTS REGISTRATION BOARD OF VICTORIA

Clause 45 provides for the establishment of a Board.

Clause 46 sets out the powers and duties of the Board.

Clause 47 makes provision for membership of the Board.

Clause 48 enables the Minister to nominate any appropriate person to be a member of the Board.

Clause 49 provides for the term of appointment of members.

Clause 50 makes provision for remuneration to members.

Clause 51 sets out conditions relating to vacancies.

Clause 52 makes provision for a Chairperson.

Clause 53 makes provision for a Deputy Chairperson.

Clause 54 sets out procedure of the Board.

Clause 55 sets out the effect of a vacancy or defect in appointment of members.

Clause 56 provides immunity for individual members and the Registrar.

Clause 57 enables the Board to appoint a Registrar:

PART 7—FINANCIAL PROVISIONS

Clause 58 makes provision for the Board to receive fees and penalties under the Act.

Clause 59 obliges the Board to apply any money received for specified purposes.

Clause 60 prescribes accounts and records to be kept by the Board.

Clause 61 obliges the Board to prepare an annual report.

Clause 62 requires the Board's financial statement to be audited by the Auditor-General.

PART 8—ENFORCEMENT

Clause 63 empowers a charge for an offence to be filed by the Registrar or an authorised officer.

Clause 64 is an evidentiary provision.

Clause 65 establishes the evidence of the Register.

Clause 66 makes provision for a statement of the Registrar to be evidence of the matters stated.

Clause 67 creates offences regarding false statements.

Clause 68 establishes that individuals involved in the management of body corporate guilty of an offence against this Act are also guilty of that offence.

PART 9—REGULATIONS

Clause 69 empowers the Board to make regulations.

PART 10—REPEALS, SAVINGS, TRANSITIONAL

Clause 70 repeals the **Architect Act 1958**.

Clause 71 establishes the new Board as successor to the old Board.

Clause 72 enables the Registrar under the **Architects 1958** to become the first Registrar of the new Board.

Clause 73 allows a registered person or company or partnership included in the Register under the **Architects Act 1958** to be registered or approved under this Act.

Clause 74 enables the new Board to deal with applications for registration commenced under the old Act.

Clause 75 makes provision for the Register existing under the old Act to become part of the Register established under the new Act.