

AUSTRALIAN CAPITAL TERRITORY.

No. 3 of 1959.

AN ORDINANCE

To provide for the Registration of Persons engaged in the Practice of Architecture and to control Architectural Practice.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this sixteenth day of March, 1959.

W. J. SLIM

Governor-General.

By His Excellency's Command,

GORDON FREETH

Minister of State for the Interior.

ARCHITECTS ORDINANCE 1959.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Architects Ordinance* 1959.* Short title.
2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*. Commencement.
3. This Ordinance is divided into Parts, as follows:— Parts.
 - Part I.—Preliminary (Sections 1-4).
 - Part II.—The Architects Board (Sections 5-13).
 - Part III.—Registration and Qualifications (Sections 14-27).
 - Part IV.—The Conduct of Architectural Practice (Sections 28-30).
 - Part V.—Miscellaneous (Sections 31-40).

* Notified in the *Commonwealth Gazette* on 2nd April, 1959.

Definitions.

4. In this Ordinance, unless the contrary intention appears—
- “member” means a member of the Board;
 - “registered architect” means a person whose name is for the time being entered in the Register;
 - “the Board” means the Architects Board constituted under this Ordinance;
 - “the Chairman” means the Chairman of the Board;
 - “the Minister” means the Minister of State for the Interior;
 - “the Register” means the Register of Architects kept in accordance with section fourteen of this Ordinance.

PART II.—THE ARCHITECTS BOARD.**The Architects Board.**

- 5.—(1.) For the purposes of this Ordinance there shall be a board, which shall be known as the Architects Board.
- (2.) The Board may sue and be sued in its own name.
- (3.) The Treasurer shall satisfy, out of moneys legally available for the purpose, all orders made by a court against the Board.

Members of the Board.

- 6.—(1.) The Board shall consist of five members who shall be appointed by the Minister.
- (2.) The Minister shall appoint one of the members of the Board to be the Chairman of the Board.
- (3.) Two of the members of the Board shall be persons nominated by the Canberra Area Committee of the Royal Australian Institute of Architects, being—
- (a) persons who are registered architects; or
 - (b) in the case of the two members first appointed in accordance with this sub-section, persons who were, immediately before the commencement of this Ordinance, licensed as architects under the Canberra Building Regulations.
- (4.) One of the members of the Board, not being the members nominated by the Committee referred to in the last preceding sub-section, shall be a person who is—
- (a) a registered architect; or
 - (b) in the case of a member first appointed in accordance with this sub-section, a person who was, immediately before the commencement of this Ordinance, licensed as an architect under the Canberra Building Regulations.
- (5.) The members of the Board shall elect one of their number to be the Deputy Chairman of the Board during the pleasure of the Board.
- (6.) The Chairman shall be the executive officer of the Board.

7.—(1.) A member appointed by the Minister holds office for a term of three years and is eligible for reappointment. Tenure of office.

(2.) Where the office of a member becomes vacant before the expiration of his term of office, the person appointed to fill the vacancy holds office for the unexpired portion of the term of office of the member whose office has become vacant.

8.—(1.) Subject to this section, a member is not entitled to be paid for duties or functions performed by him in pursuance of this Ordinance. Remuneration.

(2.) There may be paid to the Chairman such remuneration for his services under this Ordinance as the Minister directs.

(3.) A member of the Board is entitled to receive in reimbursement of his travelling and other expenses such sums as are determined by the Minister or in accordance with the Minister's directions.

9. The Minister may at any time terminate the appointment of a member for misbehaviour or incapacity. Removal of member from office.

10.—(1.) A member shall be deemed to have vacated his office— Vacation of office by member.

- (a) if his appointment is terminated by the Minister in pursuance of this Ordinance;
- (b) if he becomes bankrupt;
- (c) if he becomes of unsound mind;
- (d) if he is convicted of an indictable offence;
- (e) if he resigns his office in writing addressed to the Minister and the resignation is accepted by the Minister; or
- (f) if he is absent without leave of the Board from two consecutive meetings of the Board.

11. In the event of the illness or absence from the Territory of a member, or of the temporary inability of a member to perform the duties of his office, or in the event of the office of a member becoming vacant before the expiration of his term of office, the Minister may appoint a person to act as a member during that illness, absence or temporary inability, or until the appointment of a new member, as the case may be, and a person so acting has all the powers and shall perform all the duties of a member. Temporary appointments.

12.—(1.) Subject to the next succeeding sub-section, a meeting of the Board shall be convened by the Chairman by notice in writing to the other members of the Board, and shall be held at the time and place specified in the notice. Convening of meetings of the Board.

(2.) The Minister may, by notice in writing to each member, direct that a meeting be held at the time and place specified in the notice.

Procedure at
meetings.

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13.—(1.) The Chairman of the Board shall preside at all meetings of the Board at which he is present.

(2.) In the absence of the Chairman from a meeting the Deputy Chairman shall preside.

(3.) At a meeting of the Board, the Chairman or Deputy Chairman and two other members constitute a quorum.

(4.) All questions before a meeting of the Board shall be decided by a majority of votes of the members present.

(5.) The member presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(6.) Subject to this Ordinance the procedure of the Board shall be as the Board determines.

PART III.—REGISTRATION AND QUALIFICATIONS.

Register.

14. The Board shall keep a register called "The Register of Architects".

Mode of
registration.

15.—(1.) Where the Board has authorized the registration of a person, the registration shall be effected by entering in the Register—

- (a) his name;
- (b) his professional address or addresses (if any) in the Territory or, if he has no such professional address, his place of residence (whether in the Territory or elsewhere);
- (c) particulars of his qualifications;
- (d) a registration number allotted to him;
- (e) the date of his registration; and
- (f) such other particulars (if any) as are prescribed.

(2.) An entry in the Register shall be signed by the Chairman or Deputy Chairman of the Board.

(3.) Where a person is registered as an architect, the Board shall, upon payment of a fee of Three guineas, cause to be issued to him a certificate of registration in a form approved by the Board, under the hand of the Chairman or Deputy Chairman of the Board.

Persons
entitled to
registration.

16.—(1.) The Board shall authorize the registration of a person as an architect if he satisfies the Board that he is not less than twenty-one years of age and is a fit and proper person to be registered as an architect, and that—

- (a) he holds a degree or diploma in architecture granted by a university in the Commonwealth;

(b) he, not being a person who holds a degree or diploma in architecture granted by a university in the Commonwealth, is registered as an architect under the law in force in a State or Territory of the Commonwealth and the Board is satisfied that he possesses the required knowledge and skill for the competent practice of architecture; or

(c) he holds—

(i) a degree or diploma in architecture granted by a university in a country outside the Commonwealth; or

(ii) a diploma, certificate, licence, letters testimonial or other document granted by an institution in a State or Territory of the Commonwealth or a country outside the Commonwealth,

being a document recognized by the Board as sufficient evidence that he possesses the required knowledge and skill for the competent practice of architecture.

(2.) The Board may require an applicant for registration to attend personally before the Board and, if he fails to attend as required, may refuse the application.

17.—(1.) If the Board refuses to authorize the registration of a person, the Board shall, if required by that person, state in writing the reason for the refusal.

Appeal in case of refusal by the Board to register a person.

(2.) A person whose application for registration is refused by the Board may appeal to the Supreme Court against the decision of the Board.

(3.) The Board shall be the respondent upon the appeal.

(4.) The appeal shall be in the nature of a re-hearing, but the Supreme Court may have regard to material that was before the Board.

(5.) If the Supreme Court allows the appeal, it may order that the appellant shall be registered under this Ordinance.

(6.) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

(7.) This section does not apply in relation to an application under section twenty-six of this Ordinance.

18.—(1.) A certificate of registration issued under this Ordinance is evidence that the person specified in the certificate was registered under this Ordinance on the date specified in the certificate and has continued to be so registered.

Proof of registration.

(2.) Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman of the Board appearing on a certificate of registration referred to in the last preceding subsection and of the fact that the person by whom the certificate purports to have been signed was, at the time the certificate was signed, the Chairman or Deputy Chairman as the case may be.

Fraudulent
registration.

19. A person shall not, in connexion with an application for registration under this Ordinance, make a false or misleading statement or produce a false certificate, testimonial or other document.

Penalty: One hundred pounds.

Change of
address to be
notified.

20.—(1.) A registered architect who changes his professional address in the Territory, or establishes a professional address, or an additional professional address, in the Territory, shall, within seven days after the change or establishment, notify the Chairman in writing accordingly.

(2.) A registered architect, not having a professional address in the Territory, who changes his place of residence shall, within seven days after the change, notify the Chairman in writing accordingly.

Penalty: Fifty pounds.

Alteration of
Register.

21.—(1.) The Board shall cause to be removed from the Register the names of all registered architects who have died and may cause to be made such alterations to the particulars recorded in the Register as are necessary.

(2.) The Board may, by notice to a registered architect, posted or otherwise delivered to him at his professional address or at one of his professional addresses recorded in the Register, or at his last-known place of residence, inquire whether his professional address or addresses in the Territory, or his place of residence, is or are still the address or addresses shown in the Register.

(3.) If an answer to a notice under the last preceding subsection is not returned within six months after the date of the posting or of the delivery of the notice, the Board may cause the name of the architect to be removed from the Register.

(4.) A name removed from the Register under this section may be restored by authority of the Board.

Cancellation of
registration for
fraud and on
other grounds.

22.—(1.) The Board shall cause to be removed from the Register the name of a person—

(a) whose registration has been obtained by fraud or misrepresentation;

- (b) whose degree, diploma or other evidence of qualification is withdrawn or cancelled by the university, college or other body by which it was conferred;
- (c) who is convicted, whether in the Territory or elsewhere, of an indictable offence or of any other offence which, in the opinion of the Board, renders him unfit to practise;
- (d) who is certified insane; or
- (e) who is found by the Board to have been guilty of—
 - (i) habitual drunkenness or addiction to a narcotic drug;
 - (ii) accepting a commission or substantial valuable consideration from a person who has offered or agreed to execute, or is engaged in the execution of, any work in connexion with a building designed or supervised by the registered architect or from a person who has offered or agreed to supply any material, fittings or appliances to be used in or in connexion with a building designed or supervised by the registered architect;
 - (iii) allowing a person, other than a registered architect, to practise in his name as an architect; or
 - (iv) directly or indirectly giving or offering or agreeing to give or offer to a person any valuable consideration for securing or attempting to secure for the registered architect employment or work as an architect.

(2.) The Board may, instead of causing to be removed from the Register the name of a person who has been found guilty of conduct or an act referred to in paragraph (e) of subsection (1.) of this section, reprimand the person or suspend the registration of the person for such period, not exceeding six months, as the Board thinks fit.

(3.) If the Board causes the removal of a person's name from the Register, the Board shall, if so required by that person, state in writing the reason for the removal.

23.—(1.) Before taking action in relation to a person in pursuance of the last preceding section, the Board shall hold an inquiry. Inquiry to be held.

(2.) At the inquiry the person may be represented by counsel, a solicitor or an agent, who may examine witnesses and address the Board on his behalf.

(3.) In conducting the inquiry, the Board is not bound by rules of evidence or legal procedure, but may inform itself in such manner as it thinks fit.

(4.) The Attorney-General may appoint counsel or a solicitor to assist the Board.

(5.) Pending the holding of the inquiry, the Board may suspend the registration of the person registered.

Surrender of
certificate on
removal of
name from
Register.

24.—(1.) Where the name of a person is removed from the Register or the registration of a person is suspended, the Board may, by notice in writing posted or otherwise delivered to that person at his professional address or at one of his professional addresses as last recorded in the Register, or at his last-known place of residence, require him, within fourteen days after receipt of the notice, to deliver his certificate of registration to the Board for cancellation.

(2.) A person shall not fail to comply with a notice served on him under the last preceding sub-section.

Penalty: Five pounds for every day after the period of fourteen days during which the certificate is not surrendered.

Appeal.

25.—(1.) A person whose name has been removed from the Register or whose registration has been suspended in pursuance of section twenty-two of this Ordinance may appeal to the Supreme Court against the decision of the Board.

(2.) The Board shall be the respondent upon the appeal.

(3.) The appeal shall be in the nature of a re-hearing, but the Supreme Court may have regard to material that was before the Board.

(4.) If the Supreme Court allows the appeal, the Board shall forthwith cause the original registration of the appellant to be restored and shall either return his certificate of registration to him, or, if the certificate of registration has been cancelled, cause a new certificate of registration to be issued to him as from the date of his original registration.

(5.) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

Application for
re-registration.

26. Where the name of a person has been removed from the Register in pursuance of section twenty-two of this Ordinance, he may apply for re-registration, but is not entitled to be again registered unless the Board in its absolute discretion thinks fit to authorize the re-registration.

Collection of
fees.

27. The Board may demand and collect in advance such fees as are prescribed.

PART IV.—THE CONDUCT OF ARCHITECTURAL PRACTICE.

28. A person other than a registered architect shall not take or use, either alone or in combination with any other words or letters, the title of “architect” or “architectural practitioner” or a name, title, addition or description (including initials or letters placed after his name) indicating or implying that he is an architect or that he carries on the practice of architecture.

Only registered architects to use title of “architect”.

Penalty: One hundred pounds and, in addition, Five pounds for every day during which the offence continues.

29. Upon the death of a registered architect who was at the time of his death carrying on business as an architect, an executor, administrator or trustee of his estate may continue the business for a period of two months or for such longer period as is permitted by the Board if the practice of architecture in the business is carried on by a registered architect.

Administration of estate of deceased architect.

30. For the purposes of this Part, a person who was licensed under the Canberra Building Regulations to practise as an architect immediately before the date of commencement of this Ordinance shall be deemed to be a registered architect during the period of one month after that date and if, before the expiration of that period, he applies for registration, he shall be deemed to be a registered architect pending the decision of the Board upon that application.

Licensed architects deemed to be registered for certain period.

PART V.—MISCELLANEOUS.

31.—(1.) The Chairman or Deputy Chairman of the Board may, by writing under his hand, summon a person to attend the Board at a time and place specified in the summons and then and there to give evidence and produce any books, documents or writings in his custody or control which he is required by the summons to produce.

Power to summon witnesses.

(2.) A summons under this section shall be served—

- (a) by delivering it personally to the person to be served;
- (b) by sending it by prepaid registered letter addressed to him at his place of abode or business last-known to the Chairman or Deputy Chairman; or
- (c) by leaving it at his place of abode or business last-known to the Chairman or Deputy Chairman with some person apparently an inmate of that place and apparently not less than sixteen years of age.

32. A member of the Board may administer an oath to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and the witness may be examined on oath.

Power to examine on oath.

Affirmation
in lieu of oath.

33.—(1.) Where a witness to be examined before the Board conscientiously objects to taking an oath, he may make an affirmation that he conscientiously objects to taking an oath, and that he will state the truth, the whole truth and nothing but the truth, in answering all questions that may be asked him.

(2.) An affirmation so made is of the same force and effect, and entails the same liabilities, as an oath.

Failure to
attend or
produce
documents.

34.—(1.) A person served with a summons to attend the Board shall not fail, without reasonable excuse, to attend the Board or to produce the books, documents or writings in his custody or control which he is required by the summons to produce.

Penalty: Fifty pounds.

(2.) It is a defence to a prosecution for failing without reasonable excuse to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the Board's proceedings.

Refusal to
be sworn or
give evidence.

35.—(1.) A person appearing as a witness before the Board shall not refuse to be sworn or to make an affirmation or to answer a question relevant to the proceedings put to him by a member of the Board.

Penalty: Fifty pounds.

(2.) A statement or disclosure made by a witness to the Board is not, except in proceedings for an offence against section thirty-eight of this Ordinance, admissible in evidence against him in civil or criminal proceedings in a court.

Protection of
witnesses.

36. A witness before the Board has the same protection as a witness in a matter before the Supreme Court.

Allowances to
witnesses.

37.—(1.) A witness summoned to attend before the Board shall be paid fees in accordance with the scale of fees payable in respect of attendance before the Supreme Court or, in special circumstances, such fees as the Board directs.

(2.) The fees are payable by the person at whose request the summons was issued, or if the summons was issued otherwise than at the request of a person, by the Commonwealth, and may be recovered as a debt in a court of competent jurisdiction.

False
testimony.

38. A witness before the Board shall not knowingly give false testimony.

Penalty: Imprisonment for one year.

39. The Board may inspect books, documents or writings before it, and may retain them for such reasonable period as it thinks fit and may make copies of such portions of them as are relevant to a matter before the Board.

Board may
inspect books,
&c.

40. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for prescribing matters providing for and in relation to—

Regulations.

- (a) the fees (if any) to be charged and paid in respect of any application, registration, certificate or other proceeding, act or thing provided for or required under this Ordinance or the Regulations; and
- (b) the imposition of penalties, not exceeding a fine of Twenty pounds, for offences against the Regulations.