

Australian Capital Territory

# Architects Board Appointment 2015 (No 1)

**Disallowable instrument DI2015—36**

made under the

***Architects Act 2004, Subsection 70(2)***

## **EXPLANATORY STATEMENT**

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Section 64 of the Act provides for the establishment of the Board. The principal functions of the Board are:

- to register architects;
- to investigate complaints about registered people and people who have been registered;
- to take disciplinary action where necessary;
- to consider and report to the Minister about issues referred to the Board by the Minister;
- to advise the Minister in relation to the practice of architecture;
- to further common legislative approach through cooperation with other jurisdictions;
- to accredit courses of study in architecture; and
- to provide general advice to consumers about professional conduct and standards of competence expected to registered architects.

Under section 66 the Board must exercise its functions independently, impartially and in the public interest. However the Board is still required to respond to Ministerial directions to the Board.

Section 70 of the Act requires the Minister to appoint five members to the Board and stipulates the requirements for each position:

- one member must be nominated in writing by a representative body;
- one member must be or have recently been an academic architect;
- one member must be a registered architect;
- one member must be a commercial lawyer; and
- one member is to represent community interests, and must not be a registered architect.

Under section 71 of the Act the appointments are for a period not longer than three years. None of the appointments to the Board are ACT Public Servants.

This disallowable instrument appoints the member who is an academic architect to the Australian Capital Territory Architects Board (the Board) for a period not longer than three years. It also revokes the appointment of the current occupant.

The *Architects Act 2004* (the Act) does not require a nomination be sought in relation to this position. Upon receiving the current occupant's intentions to resign from the academic architect position on the board, the Registrar reviewed previous submissions from other board appointments. The appointee applied for a position on the board in the past and the Registrar noted her experience would qualify her for consideration to the academic architect position.

Section 70(3) defines academic architect as a person who teaches architecture at an educational institution. After consideration of the appointee's resume and qualifications, the Minister agreed with the Registrar and determined that the appointed member meets the eligibility requirements under the Act.

The current occupant of the position expressed his wish that he would resign from the board when a suitable person was appointed to replace him. This is reflected in the disallowable instrument by revoking the current occupant's appointment made in 2013 at the same time as appointing the appointee in an effort to provide continuity of appointments for the academic architect position and the ACT Architects Board.

In accordance with section 228 of the *Legislation Act 2001* the appointments were referred to the Legislative Assembly Standing Committee on Planning, Environment and Territory and Municipal Services for Comment. The Committee had no comment regarding the appointment.