

ARCHITECTS ACT.

Act No. 8, 1921.

An Act to provide for the registration and to regulate the practice of architects ; and for purposes connected therewith. [Assented to, 28th November, 1921.] George V,
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BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Architects Act, 1921," and shall come into force on a date to be proclaimed by the Governor in the Gazette. Short title
and com-
mencement.

2. This Act is divided into Parts as follows :— Parts.

PART I.—PRELIMINARY—*ss.* 1-3.

PART II.—THE BOARD—*ss.* 4-8.

PART III.—REGISTER—*ss.* 9-11.

PART IV.—ARCHITECTS—*ss.* 12-20.

PART V.—MISCELLANEOUS—*ss.* 21-25.

3. In this Act, except where the context or subject-matter otherwise indicates or requires,— Definitions

"Architect" means a person registered as an architect in accordance with this Act.

"Architect" or "architecture" does not include naval architect or naval architecture.

"Board"

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- “Board” means the Board of Architects of New South Wales established by this Act.
- “Member” means member of the board.
- “Minister” means Minister of the Crown entrusted with the administration of this Act.
- “Person” includes corporation, company, society, association, and firm.
- “Practise” and similar expressions, in relation to architecture, refer to practising architecture as a principal for fee or reward, or as an officer of the Public Service of New South Wales or of the Commonwealth, or as an employee of any statutory authority constituted for public purposes.
- “Prescribed” means prescribed by this Act or regulation thereunder.
- “Registrar” means registrar of the board.

PART II.

THE BOARD.

Incorporation
of board.

4. (1) A board, to be called the “Board of Architects of New South Wales,” is hereby established.

(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.

Constitution
of board, and
election of
president.

5. (1) The members of the first board shall be the head of the Faculty of Architecture in the University of Sydney, the President of the Institute of Architects of New South Wales, the President of the Architects Association of New South Wales, the Lecturer in charge of the Department of Architecture at the Sydney Technical College, and four other persons appointed by the Governor.

(2) The members of the first board shall hold office for three years and thereafter the board shall consist of eight members. Two of such members shall be appointed by the Governor; two of such members shall be architects in practice who shall be elected in the
manner

manner prescribed; the head of the Faculty of Architecture in the University of Sydney, the President of the Institute of Architects of New South Wales, the President of the Architects Association of New South Wales, and the Lecturer in charge of the Department of Architecture at the Sydney Technical College, shall be, ex officio, the other four members.

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(3) One of the members shall be elected by the members as president of the board.

(4) If the said institute and the said association combine in one body the president and vice-president of that body shall be ex officio members of the board in substitution for the presidents of the said institute and the said association.

6. (1) The members other than ex officio members, shall hold office for a term of three years, but shall be eligible for reappointment or re-election, as the case may be.

Tenure and
remuneration
of members.

The Governor for sufficient cause may remove any member.

(2) If the office of a member becomes vacant during the term for which he is appointed or elected, a deputy shall be appointed or elected for the remainder of such term.

(3) If a member is likely from any cause to be absent from meetings of the board for more than three months, the Governor may appoint a deputy to act for such member during his absence.

(4) A deputy shall have the same powers, rights, and duties as the member in whose place he is appointed or elected.

(5) Each member shall be paid a fee of one guinea for each meeting of the board which he attends, provided that the fees paid to any member during any year shall not exceed twenty-five guineas.

7. (1) The office of a member shall become vacant if such member—

Vacancies.

- (a) becomes bankrupt or compounds with his creditors; or
- (b) is absent without leave of the board from three consecutive meetings of which due notice has been given to him either personally or by post; or

(c)

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(c) resigns his office by writing under his own hand addressed to the Governor; or

(d) is removed from office by the Governor.

Validity of
acts.

(2) The validity of any act or resolution of the board shall not be affected by any informality or irregularity in its constitution, and the fact that the office of any or every member is vacant shall not of itself operate to dissolve the corporation.

Registrar and
other officers.

8. (1) The Governor may from time to time, in accordance with the Public Service Act, 1902, or any Act amending the same, appoint a registrar and such other officers as the Governor may think fit for carrying out the provisions of this Act, and may at any time remove any persons so appointed.

Payment of
salaries and
fees.

(2) The fees of members and the salaries and emoluments of the officers so appointed as aforesaid, and all other expenses of and incidental to the administration of this Act, shall when approved by the Minister, be paid without further appropriation out of the Consolidated Revenue Fund.

PART III.

REGISTER.

Keeping
register.

9. (1) There shall be a register of architects to be kept as prescribed.

(2) On payment of the prescribed fee, the registrar shall enter in the register—

(a) the full name and address of all persons registered as architects;

(b) the date and description of the qualification in respect of which such registration is granted;

(c) such other particulars as may be prescribed.

Architects
roll.

10. (1) The registrar shall in the month of January in each year transmit a copy of the register certified to be correct up to the thirty-first day of December of the preceding year to the Minister, who shall thereupon cause the same to be published in the Gazette as the "Architects Roll of New South Wales for the year _____," followed by the number of the year in which it is published. (2)

(2) A copy of the Gazette shall be prima facie evidence in all legal proceedings that the persons mentioned in the roll, and no others, are registered as architects for the year in question. George V,
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11. (1) Every architect shall before or in the month of July in each year pay to the registrar the prescribed roll fee. Roll fee.

(2) If any architect does not pay the prescribed roll fee before or in the month of July in any year the board may remove his name from the register.

(3) If the name of any architect is removed from the register under this section the board may restore his name to the register upon payment of the prescribed fee.

PART IV.

ARCHITECTS.

12. No person shall be entitled to be registered as an architect unless he has attained the age of twenty-one years and satisfies the board that he is of good fame and character. Good
character and
age.

13. (1) Subject to the provisions of this Act, a person shall be entitled to be registered as an architect who— Qualifications
for registra-
tion.

- (a) has passed the prescribed examination ; or
- (b) holds a prescribed degree, diploma, or license of competency from the University of Sydney or the Sydney Technical College ; or
- (c) holds a prescribed degree, diploma, or license of competency from some university, institute, college, or school outside New South Wales approved of by the board, and also either passes the prescribed examination or shows to the satisfaction of the board that in the country or State where such degree, diploma, or license was issued persons registered as architects under this

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this Act are entitled to practise architecture by virtue of such registration and without further examination; or

- (d) holds a degree, diploma, or license of competency from some architectural college, school, or public institution in a British possession, or in some foreign country approved of by the board, and also satisfies the board that he possesses the requisite knowledge and skill for the practice of architecture; or
- (e) has, prior to the commencement of this Act, completed a term of not less than five years as an articled pupil or assistant to a practising architect in New South Wales, or, has prior to the first day of November, one thousand nine hundred and twenty-one, practised as an architect in New South Wales as his sole or main source of livelihood; or
- (f) satisfies the board that he is engaged in the acquirement of professional knowledge in architecture and passes within three years of the commencement of this Act the prescribed examination; or
- (g) satisfies the board that, during four years preceding the commencement of this Act, he has been a competent teacher of architecture.

(2) No person shall be entitled to be registered under the provisions of paragraphs (d) (e) (f) or (g) of subsection one of this section unless he applies to the board to have his name recorded as a person entitled to the benefit of this section within six months from the commencement of this Act:

Provided that the board, if satisfied that for some sufficient reason such person was unable to make such application within the said six months, may permit such application to be made at a later date.

(3) Notwithstanding any other provision of this section, all absences on active military or naval service by a British subject shall be accounted as part of the periods mentioned in this section, and shall be excluded from the period prescribed for the passing of any examination.

- 14.** Application to the board for registration shall— **George V,
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- (a) be made as prescribed;
 - (b) be supported by such evidence as the board may require; and
 - (c) be accompanied by the prescribed fee.

Application
for registra-
tion.

- 15.** The board may issue certificates of registration as prescribed.

Certificates of
registration.

- 16.** If the application of any person to be registered as an architect is refused by the board upon any ground other than the ground that he has not passed the prescribed examination, such person shall have the right of appeal to a court of petty sessions or to a district court, and such appeal shall be in the nature of a rehearing, and the decision of the court shall be final, and the board shall give effect thereto.

Refusal to
register.

- 17.** (1) The board may remove from the register the name of any person who—

Removal
from register.

- (a) has died; or
- (b) does not possess the qualifications in respect of which he was registered; or
- (c) is convicted of any felony or misdemeanour or of any offence which if committed within this State would be a felony or misdemeanour; or
- (d) is guilty of a breach of subsection two of section nineteen of this Act.

- (2) Any such person shall not have his name removed from the register—

- (a) until he has been called upon by the board to explain any objection raised against him; or
- (b) on account of a conviction for an offence which, though within the provisions of this section, does not, either from the trivial nature of the offence or from the circumstances under which it was committed, render it expedient in the public interest that he should be debarred from practising architecture.

- (3) In the case of the removal of any person's name from the register he shall have the right of an appeal to a court of petty sessions or a district court: such appeal shall be in the nature of a rehearing, and the decision of the court shall be final and the board shall give effect thereto.

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Restoration
of name.

18. (1) Where the board removes the name of any person from the register, the name of that person shall not be again entered on the register except by direction of the board or by order of a court of competent jurisdiction.

(2) The board may, if it thinks fit in any case, restore to the register any name removed therefrom without payment of fee or on payment of such fee, not exceeding the registration fee, as the board may direct.

Prohibited
practices.

19. (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 is qualified or entitled to registration as an architect other than such title, name, words, or letters as truly indicate a qualification which he in fact holds.

(2) An architect shall not 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) No person other than an architect or a person practising architecture as an officer of the Public Service of New South Wales or of the Commonwealth or as an employee of any statutory authority constituted for public purposes shall take or use the name "architect," or any abbreviation thereof, either alone or in connection with any other name, title, or business:

Provided that nothing in this subsection shall prohibit a person practising naval architecture from using the name "naval architect."

(4) Any person who commits a breach of any of the provisions of this section shall be liable for each offence to a penalty not exceeding twenty pounds, and where the breach is a breach of subsection two of this section he shall also be liable to have his name removed from the register.

Continuation
of name of
deceased
architect.

20. Notwithstanding any other provision of this Act, upon the death of an architect the board may permit his name to remain upon the register, and may authorise
his

his executor, administrator or trustee to carry on in the name of the deceased architect the practice formerly carried on by him provided that the practice shall be carried on under the personal superintendence of an architect whose name shall be registered as superintendent of the practice.

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PART V.

MISCELLANEOUS.

21. (1) The board may, for the purposes of this Act, examine any person on oath or take a statutory declaration from any person.

Power of
board to
examine on
oath.

(2) If any such person wilfully makes any false statement, or declaration, or utters or attempts to utter or put off as true before the board any false, forged or counterfeit certificate, diploma, license, letter, testimonial, or other document, he shall be liable to imprisonment, with or without hard labour, for any period not exceeding twelve months.

22. (1) The president of the board, or by consent of the majority of the members present at any meeting of the board, a member may in writing under his hand 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.

Power to
summon
witnesses.

(2) Every person duly summoned as aforesaid who does not attend after reasonable expenses have been paid or tendered to him, or refuses to be sworn or to make a statutory declaration, or to answer any lawful question, shall be liable to a penalty not exceeding twenty pounds.

23. Any person who wilfully makes or causes to be made any false entry in or falsification of the register, and any person who wilfully procures or attempts to procure

Penalty for
forging
registration.

**George V;
No. 8.** procure himself or any other person to be registered under this Act by making or producing, or causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing, and any person aiding or assisting therein shall be liable to imprisonment with or without hard labour for a term not exceeding twelve months.

Fees payable
to Treasury,

24. (1) The fees payable and all penalties recovered under this Act or any regulation made thereunder shall be paid to the registrar.

(2) The amount of such fees and penalties shall be paid by the registrar into the Treasury, and carried to the Consolidated Revenue Fund.

(3) The board shall, as soon as practicable after the thirtieth day of June in each year, publish in the Gazette a statement made up to that date, showing the receipts and expenditure of the board during the preceding year, certified as correct by the Auditor-General.

Regulations,

25. (1) The Governor, upon the recommendation of the board, may make regulations for carrying out the provisions of this Act, and in particular for—

- (a) regulating the appointment and election of members, and the proceedings of the board, and fixing the quorum of the board ;
- (b) regulating the duties of officers ;
- (c) prescribing what degrees, diplomas, licenses, certificates, or other documents shall be recognised by the board ;
- (d) providing for the appointment of examiners and regulating the holding of examinations and prescribing the subjects of and fees for such examinations ;
- (e) prescribing fees payable under this Act.

(2) Such regulations may prescribe a penalty not exceeding twenty pounds for any breach thereof.

(3) Such regulations shall—

- (a) be published in the Gazette ;
 - (b) take effect from the date of publication or from a later date to be specified in such regulations ;
- and

(c)

- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution disallowing any regulation, or part thereof, such regulation or part shall thereupon cease to have effect: Provided that notice of such resolution has been given at any time within fifteen sitting days after such regulations have been laid before such House.

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