

# Architects Regulation 2017

## What's changed? Architects Regulation comparison table

### Old 2012 Regulation

Clause 4 of the 2012 Regulation prescribed a list of four universities in NSW from which a Degree of Bachelor of Architecture, or any Masters degree in the discipline of architecture, constituted qualifications for registration as an architect.

Clause 5 of the 2012 Regulation set the criteria for accreditation of courses of study including detailed information about the requirements for the content of courses as provided in the Australian and New Zealand Architecture Program Accreditation Procedure published by the Architects Accreditation Council of Australia and the Australian Institute of Architects.

Clause 6 of the 2012 Regulation expanded the list of particulars that could be recorded in the Register of Architects. The Register needed only to include the postcode and suburb of the architect, in specified circumstances, if a separate record of the full address was maintained elsewhere.

Clause 7 of the 2012 Regulation prescribed a list of four universities in NSW considered relevant educational institutions for the purposes of appointing academic members to the Board.

Clause 8 of the 2012 Regulation outlined the order in which governing bodies of four universities in NSW could appoint the next academic member of the Board based on the previous academic member vacating office.

Clause 10 of the 2012 Regulation stated that the Board cannot charge a fee in relation to making an enquiry about complaints.

Clause 15 of the 2012 Regulation exempted persons from needing to verify complaints by statutory declaration.

### New 2017 Regulation

Clause 4 of the 2017 Regulation removes this prescribed list and instead recognises any degree in the discipline of architecture accredited by the Architects Accreditation Council of Australia as well as any other requirements determined by the Architects Registration Board (the Board).

Clause 4 of the 2017 Regulation removes the requirements for the content of courses of study and instead refers to the Australian and New Zealand Architecture Program Accreditation Procedure as published from time to time and requires the course is included in the list of accredited architectural qualifications maintained by the Architects Accreditation Council of Australia.

Clause 5 of the 2017 Regulation adds that the registration number and email address of an architect is to be recorded in the Register as well as such other particulars that the Registrar considers relevant and the architect consents to being included. The Registrar may publish all or part of the particulars recorded in the Register on the Board's website unless the architect makes a specific request in writing to the Registrar.

Clause 6 of the 2017 Regulation removes this prescribed list and instead allows any university in NSW defined in the Universities Governing Bodies Act 2011 that offers an accredited degree in the discipline of architecture to be a Board member.

Clause 7 of the 2017 Regulation removes this specificity and instead requires that the academic members on the Board are appointed on rotation and the Board is to determine the order in which this is undertaken.

The 2017 Regulation removes this limitation as the Board already can decide whether or not to charge a fee for all other matters.

The 2017 Regulation removes this requirement following the recent repeal of section 36 (2) (f) of the Architects Act 2003.

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### Election of Architects to the Board

Schedule 1, Part 5 of the 2012 Regulation provided only one process for election of architects to the Board, that is, a postal ballot process. Schedule 1, Clause 1 of the 2012 Regulation defined returning officer to mean the Electoral Commissioner of NSW or a delegated staff member of the Electoral Commission.

Schedule 1, Clause 2 and 12 of the 2012 Regulation required notices of election and ballots to be published in a newspaper circulated throughout the State.

Schedule 1, Part 3, Clause 6 of the 2012 Regulation required a candidate for election to the Board to be nominated by at least 5 persons, other than the candidate.

Schedule 1, Part 3, Clause 9 of the 2012 Regulation allowed candidates for election of architect members to the Board to submit information of no more than 100 words in length for inclusion in the candidate information sheet.

Schedule 1, Clause 14 of the 2012 Regulation tied the order of candidates on the ballot paper to the process under the Parliamentary Electorates and Elections Act 2012.

Schedule 1, Clauses 15, 17 & 18 of the 2012 Regulation required voters to put their name, address and signature on the back of the voting envelope.

Schedule 1, Part 6, Clause 20 and 21 of the 2012 Regulation provided the process for appointing scrutineers.

Schedule 1, Part 5, 6, 7 and 8 of the 2017 Regulation adds electronic options for conducting elections, that is, voting by email or voting website, as well as simplifying the general election process.

Schedule 1, Clause 1 of the 2017 Regulation expands the definition to include the Registrar or a fee-for-service election provider nominated by the Board.

Schedule 1, Clause 2 and 11 of the 2017 Regulation instead requires that such notices be published on the Board's website and sent to registered architects by email or post.

Schedule 1, Part 3, Clause 5 of the 2017 Regulation reduces this requirement to nomination by at least 2 persons, other than the candidate.

Schedule 1, Part 3, Clause 6 of the 2017 Regulation increases this requirement to allow for up to 200 words in the candidate information sheet, bringing NSW into line with other jurisdictions.

Schedule 1, Clause 14 of the 2017 Regulation simplifies the process by allowing the returning officer to determine the order by drawing lots.

Schedule 1, Clause 17 & 18 of the 2017 Regulation only requires the name and registration number on the back of the voting envelope for privacy reasons.

The 2017 Regulation removes these unnecessary provisions.

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#### NSW Architects Code of Professional Conduct

Clause 7 of the 2012 Code stated that architects should enter into a written agreement with the client before commencing to provide the architectural service concerned. An exception applied if the service was urgent in which case a written agreement was needed within 10 business days.

Clause 7(2) of the 2012 Code listed the matters that the architect must ensure are included in the written agreement.

Clause 7(3) of the 2012 Code requires the cost payable under the agreement to accurately reflect the amount of work to be done for the client (including any variations to the architectural services).

Clause 15 of the 2012 Code required an architect to provide each client with a copy of the Code before commencing to provide the service.

Clause 17(2) of the 2012 Code linked continuing professional development (CPD) reporting to the annual registration renewal process.

Clause 7 of the 2017 Code now states that an architect must enter into a written agreement before the service is provided unless it is not reasonable to do so in the circumstances. If the service is urgent a written agreement is now required within a reasonable time of commencing rather than 10 business days.

Clause 7(2) of the 2017 Code clarifies that this only applies where the agreement is prepared by or on behalf of the architect.

Clause 7(3) of the 2017 Code retains this requirement but also requires the cost to provide for any liabilities to pay employees overtime.

The obligation to provide copies of the Code has been removed. Clause 7(2)(o) of the 2017 Code requires the written agreement to draw attention to the existence of the Code and how the client can obtain a copy (e.g. from the Board's website).

Clause 16(2) of the 2017 Code enables the Board to request details of CPD progress at any time.