

## An introduction to the Architects Act REFERRING TO 'ARCHITECTS' IN MEDIA

MAY 2015

We've all met someone at a party who wanted to be an architect. But did you know that use of the title 'Architect' is protected by law in every State and Territory? It is an offence to represent someone as an architect when they are not. Real estate and property media is a regular offender. Fines of up to \$113,000 apply\*. Make sure you know if the person or company you're referring to can use the title, or you may be liable for that fine.

NSW  
Architects  
Registration  
Board



Every State and Territory in Australia regulates the use of the title 'Architect' via an 'Architects Act' or equivalent.

The primary objective of this legislation is to ensure that the public is informed about the qualifications and competence of individuals or organisations holding themselves out as architects.

In each State and Territory, the Act is administered by a Board, including;

- NSW Architects Registration Board
- Board of Architects Queensland
- Architects Registration Board Victoria
- Architectural Practice Board of South Australia
- Architects Board of Western Australia
- Northern Territory Architects Board
- ACT Architects Board
- Board of Architects of Tasmania

Boards around the country regularly see advertising and editorial content that breaches the Act – generally by claiming someone is an architect when they are not. Common examples include a property that claims to be 'architect-designed' when it is not.

Confirming a person is an architect is easy, so there's no excuse. Each State and Territory Board makes the register of architects available on the relevant Board's webpage.

### Who can use the title 'architect'?

To be registered as an architect an individual must have a university qualification in architecture, or other qualification that the Board deems equivalent.

In addition to an approved qualification, an individual must have at least two years approved experience, pass the Architects Accreditation Council of Australia's Architectural Practice Examination (APE) held by the relevant Board and apply to the relevant Board to be enrolled before they are registered. Registration is renewed annually.

### Architect corporations or firms

Laws differ between States and Territories on precisely what is permitted when referring to a company as an Architectural Practice.

Just as an individual can't pretend to be an architect without the right license, most States and Territories have rules about a company pretending to be an architectural practice without registered architects being involved.

A good rule of thumb is to check if the company has a nominated architect, and/or has architects as Directors of the business.

### Examples of 'representing' as an architect

The title *architect* or *registered architect*, or stating or inferring that an individual or corporation or firm can provide *architectural services* are examples of representing as an architect.

The title or description *architectural designer*; or the use of the term *architectural design* as a description of services provided constitutes a representation that the person, corporation or firm is an architect.

The Act also prohibits the use of another title, name or description that indicates, or is capable of being understood to indicate, or is calculated to lead a person to infer, that a person is an architect.

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## Are there exceptions?

'Architect' can be used to describe the form or structure of a thing, a sector or field. Angela Merkel may refer to the 'architecture of Europe'. Tim Berners-Lee might describe the 'architecture of the internet'. No one is suggesting this could be confused with offering architectural services.

In broad terms, use of the term is only restricted where it relates to services being provided in the built environment; in design, architecture, building and construction or the like.

Generally, the various State and Territory Acts allow an employee of an architect to use the title or description of "architectural assistant", "architectural technician" or "architectural drafter". Titles or descriptions of "landscape architect", "naval architect" or "computer systems architect" are also allowed.

A person who holds an architectural qualification may of course describe himself or herself as holding that qualification; and a person or an organisation may use the word "architectural" if describing the business of supplying goods in connection with architecture; like 'architectural stone columns' or 'architectural tiles'.

## Checking whether an individual is an architect or an organisation is an architect corporation or firm

The best way to ensure you don't inadvertently breach the Act is to contact the relevant Board in your State or Territory. You can find links to those Boards on <http://australianarchitect.org.au/>

*\*Fines vary according to State and Territory*

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