

# FACT SHEET

## *Architects Amendment Bill 2020*

The Architects Amendment Bill 2020 amends the *Architects Act 1929* to modernise legislation that has been in operation for 90 years, to increase consumer protection and to reform disciplinary and complaints processes regarding registered architects.

It fulfils community expectations of consumer protection that are essential in modern licensing legislation. All reforms have the support of the Australian Institute of Architects (Tasmanian Chapter) and the Board of Architects Tasmania.

Provisions of the Bill will commence on days to be proclaimed.

Key reforms proposed in the Bill are as follows:

### **Building Confidence Report response**

The Building Confidence Report, by Peter Shergold and Bronwyn Weir in 2018, made major recommendations for improving the national building regulation framework. Reforms in this Bill will assist the Tasmanian Government in implementing the Report's recommendations relating to architects' registration, in these areas:

- all registered architects are to be covered by mandatory professional indemnity insurance and must also undertake a mandatory program of continuing professional development activities;
- registration authorities (including architects boards) to implement a fit and proper person test for persons who want to be registered as an architect and to monitor the performance of architects with appropriate powers to investigate complaints;

### **Complaint handling and disciplinary powers**

- New processes and procedures for the Board to receive and investigate consumer complaints against an architect. This reform will bring the Act into line with Tasmania's *Occupational Licensing Act 2005* which provides for quick and efficient complaints and disciplinary proceedings. The architect registration acts in all other jurisdictions provide for modern processes for consumers to make complaints and for their investigation, followed by appropriate actions by the registration authority.
- Provide for a wider range of sanctions that may be imposed on an architect found guilty of unprofessional conduct or professional misconduct. Under current provisions, the Board can only issue a nominal fine or deregister an architect. It is proposed that increased fines, mandatory education courses and conditions placed on registration, also be included.
- Increasing the inadequate and outdated penalties for all offences in the Act and specifying them as penalty units instead of in dollar amounts.
- Decisions of the Board regarding an architect found guilty, may be notified to other architect registration bodies.
- These proposals significantly modernise the Act and improve the Board's ability to regulate architects. The proposals reflect the powers held by similar bodies in other jurisdictions and

the Administrator of Occupational Licensing (who regulates building, electrical and gas practitioners and contractors) in Tasmania.

### Qualifications and skills

- Updating provisions that allow the Board of Architects to establish the qualifications or examinations required to be registered in Tasmania, to allow for consistency of registration requirements across all jurisdictions.
- Introduce provisions that allow the Board of Architects to introduce continuing professional development requirements for architects.
- The Board may set the fee for conducting an examination of an applicant for registration.
- Allowing the Board of Architects to register architects in different categories, with different practising requirements. This will support the introduction of mandatory continuing professional development, by allowing the Board to create categories of architect for which different rules apply (i.e. non-practising and retired architects).

### Insurance arrangements

- Inclusion of a requirement for registered architects to be covered by a policy of professional indemnity insurance, as one of the requirements for them to be registered by the Board. This is consistent with the requirements of the *Occupational Licensing Act 2005* and for architect registration in other jurisdictions.

### Governance arrangements

- Representation of consumer's interests on the Board of Architects. This reform is consistent with all interstate architect registration Acts providing for public interest members to sit on their architect registration board.
- The Minister to set Board members' fees, for sitting and travel reimbursement. This is to replace current provisions that limit payment of Board members to \$50 per annum.
- The Australian Institute of Architects is to arrange the election of two of its members, who may then sit on the Board. That will remove prescriptive and costly statutory requirements for an election held by a private body.

### Other matters

- Clarification that the operation of the Act does not affect Mutual Recognition Laws. This is a standard legal "doubts removal" clause and a similar provision is provided in the *Occupational Licensing Act 2005*.
- A "good character" requirement of an applicant for registration as an architect is replaced by a modern "fit and proper person" test.
- Removal of the outdated gender-specific language used in the Act, replaced with gender-neutral provisions.