

ARCHITECTS.

No. 76 of 1969.

AN ACT to amend the Architects Act, 1921-1965.

[Assented to 7th November, 1969.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Architects Act Amendment Act, 1969*.

Short title.
and citation.

(2) In this Act the Architects Act, 1921-1965 is referred to as the principal Act.

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approved for
reprint 18th
July, 1958,
and amended
by Acts NOS.
29 of 1960 and
74 of 1965.

(3) The principal Act as amended by this Act may be cited as the Architects Act, 1921-1969.

Commence-
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

S. 2
amended.

3. Section two of the principal Act is amended by deleting in lines three and four the words "The term includes the provisional Board."

Sections 3
and 4
repealed.

4. Sections three and four of the principal Act are repealed.

S. 5
amended.

5. Section five of the principal Act is amended—

(a) by substituting for the word, "nine" in line one of subsection (2), the word, "ten";

(b) by adding after the word, "Governor" in line three of subsection (2), the passage, "one to be nominated by the Western Australian Chapter of the Royal Australian Institute of Architects";

(c) by deleting subsection (3);

(d) by adding after subsection (3) a subsection as follows—

(3a) The member nominated by the Western Australian Chapter of the Royal Australian Institute of Architects shall hold office for a period of twelve months. ;

and

(e) by deleting the passage commencing with the word "The" in line five of subsection (4) down to and including the word "re-election" in the last line of the subsection.

S. 11A
added.

6. The principal Act is amended by adding after section eleven a section as follows—

Exemption
from
personal
liability.

11A. A person who is or has been a member of the Board is not personally liable for anything done, or omitted to be done, in good faith in, or in connection with, the exercise or pur-

ported exercise of any power conferred, or the carrying out of any duty imposed, on him or the Board by this Act. .

7. Section twelve of the principal Act is ^{S. 12} amended—_{amended.}

(a) by deleting from line one of subsection (1) the words "The provisional Board shall open" and inserting in lieu the words "The Board shall keep"; and

(b) by deleting subsection (4).

8. Section thirteen of the principal Act is ^{S. 13} repealed._{repealed.}

9. Section fourteen of the principal Act is ^{S. 14} amended—_{amended.}

(a) by deleting in lines one and two of this section the words "After the provisional Board shall have ceased to exist," ; and

(b) by deleting paragraphs (a) to (f), both inclusive and the proviso, and substituting the following passage—

(a) has completed a course of studies in architectural subjects approved by the Board at a college, school or other educational institution approved by the Board;

(b) has passed the examinations in architectural subjects conducted by the Board and has had not less than—

(i) in the case of a person who has, on or before the first day of December nineteen hundred and sixty-nine, given notice to the Board of his intention to present himself as a candidate in the examinations conducted by the Board and

has on or before that date satisfied the Board that he is eligible to be such a candidate—four years' experience in the work of an architect; or

(ii) in the case of a person not referred to in sub paragraph (i) of this paragraph—six years' experience in the work of an architect; or

(c) is a member of a prescribed institute or is registered as an architect by a prescribed body or authority,

and satisfies the Board, by examination or otherwise as the Board thinks necessary in any particular case, that he possesses sufficient knowledge of matters concerning the practice of architecture.

S. 15
amended.

10. Section fifteen of the principal Act is amended—

- (a) by deleting the words “of the provisional Board until the establishment” in lines three and four of subsection (1);
- (b) by deleting the words “and thereafter shall be addressed to the latter Board” in lines five and six of subsection (1); and
- (c) by substituting for the words, “four guineas” in line two and again in line three of subsection (4) the words, “twenty dollars”, in each case.

S. 16
amended.

11. Section sixteen of the principal Act is amended—

- (a) by deleting the passage, “to the Supreme Court until the coming into operation of the Architects Act Amendment Act, 1956, and thereafter,” in lines four, five and six of subsection (1);
- (b) by deleting the words, “Magistrate of the” in line eight of subsection (1);

- (c) by substituting for the passage, "Supreme Court or Magistrate, as the case may be," in lines one and two of subsection (2), the words "Local Court";
- (d) by substituting for the passage, "Supreme Court or Magistrate, as the case may be," in lines one and two of subsection (3), the words, "Local Court"; and
- (e) by substituting for the words, "the Court or Magistrate" in lines three and four of subsection (3), the word, "it".

12. Section eighteen of the principal Act is amended— S. 18 amended.

- (a) by adding after the word, "pay" in line one of subsection (1), the passage, ", on or before the thirty-first day of March in every year,";
- (b) by substituting for the passage, "five guineas, and at such time as" in lines three and four of subsection (1), the passage "twenty dollars, as is"; and
- (c) by substituting for the words, "is in arrear for twelve months in the payment of the annual subscription fee payable by him" in lines two, three and four of subsection (2), the words, "has failed to pay the annual subscription fee payable by him within the time required by subsection (1) of this section".

13. Sections twenty and twenty-one of the principal Act are repealed. Sections 20 and 21 repealed.

14. Subsection (1) of section twenty-two of the principal Act is amended by substituting for the passage, "Supreme Court, or of the Board or the Magistrate" in lines four and five, the words, "Board or the Local Court". S. 22 amended.

S. 22A
amended.

15. Section twenty-two A of the principal Act is amended—

(a) by repealing subsection (1) and re-enacting that subsection with amendments, as follows—

(1) In this section, “misconduct” means the doing by a person registered under this Act as an architect of any of the following things—

- (a) allowing any person except a registered architect in partnership with himself to practise in his name as an architect;
- (b) directly or indirectly sharing his professional remuneration with any person not being a registered architect in partnership with him, or directly or indirectly accepting any share of the professional remuneration of such a person, or any commission or bonus thereon;
- (c) signing accounts, statements, reports, specifications, plans, or other documents purporting to represent any architectural work performed by himself, where the work has not been performed under his personal supervision or direction;
- (d) directly or indirectly paying a person a commission for bringing him work, or giving any person monetary or other consideration as a remuneration for bringing him work, or for inducing other persons to give him work;
- (e) performing any architectural work in connection with any matter which is the subject of dispute or litigation upon condition that only in the event of

the dispute or litigation ending favourably for the party for whom the work is performed shall payment be made for the work;

- (f) receiving, or accepting any promise of any direct or indirect reward for his services as an architect, in connection with any architectural work, other than his professional remuneration;
- (g) accepting any architectural work on condition or promise that he will give or receive, or because he has given or received, any remuneration, discount, gift or commission directly or indirectly to or from any person, other than his professional remuneration to be received by him from the person by whom he has been engaged to perform that architectural work;
- (h) failing to disclose to any person who engages his professional services as an architect in connection with any architectural work that he has a direct or an indirect pecuniary interest in any building material, device, invention or patented matter, if he proposes that it be used or applied in or in connection with, the work; or using it or causing it to be used in, or in connection with, the work, without the written approval of the person; except in either case where he has that interest as, and in common with, the other members of a limited liability company of not less than fifty-one members;

- (i) advertising, by any means, that he offers his services as an architect or that his services as such are available, unless the Board approves the advertising, whether in a particular case by written approval issued by the Board, or generally by by-law made under this Act;
 - (j) if he is registered because of qualification conferred on him by any institution or other body, and that qualification has been withdrawn or cancelled by that institution or body, failing as soon as practicable after the withdrawal or cancellation of that qualification to apply to the Board for removal of his name from the register and for cancellation of his registration;
 - (k) obtaining registration by fraud or misrepresentation;
 - (l) committing, whether in the State or elsewhere, and being convicted of, an offence of so serious a nature, that he should not, in the opinion of the Board, be permitted to continue to have his name on the register;
 - (m) being guilty of negligence or incompetence in the performance of any contract, or of fraudulent conduct in regard to carrying out his duties, as an architect; or
 - (n) any other thing that constitutes infamous or improper conduct in a professional respect. ;
- (b) by repealing subsection (2);
- (c) by deleting paragraph (a) of subsection (5) and substituting the following paragraphs—
- (a) that the person be reprimanded;

- (ab) that the registration of the person be suspended for such period, not exceeding twelve months, as the Board thinks fit and specifies in the order; or:
- (d) by deleting the paragraph designation, "(a)" in line one of subsection (8);
- (e) by substituting for the words, "Magistrate of the Local Court at Perth who" in line seven of subsection (8), the words, "Local Court at Perth which";
- (f) by substituting for the word, "he" appearing in line ten and again in line thirteen of subsection (8), the word, "it" in both cases;
- (g) by deleting paragraph (b) of subsection (8); and
- (h) by substituting for the passage, "Supreme Court, the Magistrate," in line two of subsection (9), the words "Local Court".

16. Section twenty-six of the principal Act is repealed and re-enacted with amendments, as follows—

S. 26
repealed and
re-enacted.

26. (1) The Board shall appoint a committee to be known as the Committee of Architectural Education, and the members of the committee shall be—

Committee of
architectural
education.

- (a) the chairman and two other members of the Board;
- (b) a person nominated by the University of Western Australia;
- (c) a person nominated by the Western Australian Institute of Technology;
- (d) the chairman of the Board of Education of the Western Australian Chapter of the Royal Australian Institute of Architects; and
- (e) such other persons as the Board appoints as members of the committee.

(2) Each member of the Committee of Architectural Education shall be appointed for a term of twelve months.

(3) The functions of the Committee of Architectural Education are—

- (a) to advise, and submit recommendations to, the Board on matters concerning the education of students of architecture; and
- (b) to review, and to report to the Board at least once in every two years upon, the standard of courses in architecture conducted in Western Australia.

S. 30
amended.

17. Section thirty of the principal Act is amended by substituting for the passage commencing with the word, "shall" in line thirty-two and ending with the word, "months", being the last word in the section, the words "commits an offence and is liable on conviction to a fine of one hundred dollars or to imprisonment for three months" .

S. 31
amended.

18. Section thirty-one of the principal Act is amended by substituting for the words "Supreme Court" in line two, the words, "Local Court".

S. 32
repealed.

19. Section thirty-two of the principal Act is repealed.

First
Schedule
amended.

20. The First Schedule is amended by deleting the whole of Clause 1 of the Schedule.

Second
Schedule
amended.

21. The Second Schedule is amended by deleting from Clause 1 of the Schedule—

- (a) the passage commencing with the word "The" in line one down to and including the word "member" in line six; and
- (b) the word "subsequent" in line six.