

ARCHITECTS.

12° GEO. V., No. XLVII.

No. 13 of 1922.

AN ACT to make provision for the Registration of Architects.

[Assented to 31st January, 1922.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

1. This Act may be cited as the *Architects Act*, 1921.

Short title.

2. In this Act, subject to the context—

Interpretation.

“Board” means The Architects Board of Western Australia constituted under this Act. The term includes the provisional Board.

“By-law” means a by-law made under the authority of this Act.

“Register” means the Register of Architects kept under this Act.

“Registered” means registered under this Act.

“Supreme Court” means the Supreme Court of Western Australia or a Judge thereof.

The Provisional Board.

The Provisional Board.

3. (1.) The Governor shall, as soon as practicable after the commencement of this Act, appoint a provisional Board consisting of nine architects, and a notification of such appointment shall be published in the *Government Gazette*.

(2.) Any vacancy on the provisional Board may be filled by the appointment in like manner of some other qualified person.

(3.) Until the Architects Board of Western Australia is established, the powers conferred by this Act on such Board may be exercised by the provisional Board.

Proceedings of the Provisional Board.

4. (1.) The first meeting of the provisional Board shall be held at such time and place as may be determined by the Governor, and seven days' notice of the time and place so determined shall be given to each member of the Board.

(2.) At every meeting of the provisional Board five members shall, except as hereinafter provided, form a quorum, and no business shall be transacted at a meeting unless a quorum is present:

Provided that any question relating to the enrolment on the register shall be determined by at least six members of the Board present and voting at a duly convened meeting.

(3.) The provisional Board shall at its first meeting elect one of its members to be chairman.

(4.) The chairman when present shall preside at all meetings of the provisional Board.

(5.) In the absence of the chairman from any meeting, or if after being present he retires, the members present may elect one of their number to be chairman of that meeting or for the remainder of that meeting.

(6.) Each member of the provisional Board, including the chairman, shall have one vote, and in the case of equality of votes the chairman shall have a second or casting vote.

(7.) Subject as aforesaid, the provisional Board may regulate its proceedings.

(8.) The provisional Board may appoint temporarily a registrar, and such other officers as it may deem necessary.

(9.) The provisional Board shall cease to exist on the first meeting of the Architects' Board of Western Australia.

The Architects' Board of Western Australia.

5. (1.) A Board to be called "The Architects' Board of Western Australia" shall be established, and such Board shall be a body corporate with perpetual succession and may have and use a common seal. The Architects' Board.

(2.) The Board shall consist of nine members, three to be appointed from time to time by the Governor and six to be elected from time to time by the registered architects from among their number in accordance with the by-laws, and until by-laws are made, in the manner prescribed in the First Schedule to this Act. First Schedule.

(3.) The first election shall be held within six months from the commencement of this Act, on a date to be fixed by the provisional Board constituted as hereinafter provided.

(4.) One of the appointed members and two of the elected members shall retire annually, on a date to be fixed by the by-laws, but shall be eligible for re-appointment or re-election.

The order of retirement of the members firstly appointed by the Governor shall be determined by lot among themselves; and as between two or more elected members who have been in office an equal time without re-election, the member who at his election receives the least number of votes shall go out of office, and if they receive the same number of votes, or there was no ballot, it shall be decided by lot as to which shall go out of office.

Subject as aforesaid, the three members to retire each year shall be those who have continued longest in office without re-appointment or re-election.

(5.) If any member of the Board—

- (a) dies, resigns, or ceases to reside in the State; or
- (b) absents himself from three consecutive meetings of the Board without leave obtained from the Board in that behalf; or
- (c) ceases to be registered under this Act, or is suspended from practising as an architect,

his seat shall become vacant.

(6.) The rules set out in the Second Schedule to this Act shall apply to the business and proceedings of the Board, but may be revoked or altered wholly or in part by the by-laws. Second Schedule.

Registrar and
Officers of the
Board.

6. (1.) The Board shall appoint a registrar, and may appoint such other officers as may be deemed necessary for the purposes of this Act.

(2.) The registrar and officers shall act under the control of the Board.

Board may hold
land.

7. It shall be lawful for the Board to acquire and hold land for offices or chambers for the use of the Board, or for any of the purposes of the Board.

Borrowing powers
of Board.

8. The Board may borrow money to be expended in the purchase of such land as is mentioned in the last preceding section, or in erecting offices or buildings for the use of the Board.

Powers of Board
with respect to
property.

9. The Board may sell, lease, exchange, or mortgage any real or personal property vested in it.

Power to examine
on oath.

10. The Board may for the purposes of any inquiry under this Act examine any person upon oath, and for such purpose any member of the Board may administer an oath.

Proceedings of
Board not
invalidated by
vacancy, etc.

11. (1.) No act or proceeding of the Board shall be invalid or illegal in consequence only of the number of the members of the Board not being complete at the time of such act or proceeding.

(2.) All acts and proceedings of the Board shall, notwithstanding the subsequent discovery of any defect in the appointment or election of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if such member had been duly appointed or elected and was qualified and entitled to act, and as if the Board had been properly and fully constituted.

Registration.

The Register.

12. (1.) The provisional Board shall open a register for the registration in the prescribed manner of persons as architects under this Act.

(2.) The register shall be called "The Register of Architects," and shall be kept by the registrar.

(3.) A person shall be registered by the entering in the register of his name and such other particulars relating to him as are prescribed.

(4.) The provisional Board may cause the names of its members to be enrolled on the register as registered architects under the Act.

13. (1.) It shall be the duty of the provisional Board to receive, consider, and determine all applications for registration until the Architects' Board of Western Australia is duly constituted.

Applications* to
provisional Board
for registration.

(2.) Any person who applies for registration within six months after the commencement of this Act, and proves to the satisfaction of the provisional Board that he resides in Western Australia, and is a person of good character and reputation; and

- (a) that he is a member of the Royal Institute of the Architects of Western Australia, or of some other institute or society of architects of equal standing; or
- (b) that he is and for the next preceding twelve months has been publicly and *bonâ fide* practising as an architect in Western Australia; or that he is, or at some other time prior to the commencement of this Act was engaged as an assistant to an architect in Western Australia, and has had at least seven years' experience; or
- (c) that he is possessed of qualification and experience deemed by the Board to be equal to those mentioned in one or other of the preceding paragraphs of this section; or
- (d) that he has any of the qualifications mentioned in the next following section,

shall be entitled to have his name enrolled on the register.

14. After the provisional Board shall have ceased to exist, no person shall, except as hereinafter provided, be registered as an architect unless he applies for registration to the Architects' Board of Western Australia, and proves to the satisfaction of the Board that he resides in Western Aus-

Registration by
the Board.

tralia, has attained the age of twenty-one years, and is a person of good character and reputation; and

- (a) that he has passed the examination for associateship of the Royal Institute of British Architects, or for membership of the Society of Architects of London, or the prescribed examinations conducted by the Board, or some other examination declared by the Board to be equivalent to any of such examinations, and in any case has had at least four years' practical experience in the work of an architect; or
- (b) that at or prior to the commencement of this Act he was registered as an associate licenciate or fellow of the Royal Institute of British Architects of London, or the Royal Institute of the Architects of Western Australia, or of some other institute or society of architects of equal standing; or
- (c) that he has completed a course of study in architectural subjects at any college, school, or educational institution, and has passed the examination set by the Board; or
- (d) that at or prior to the commencement of this Act he was—

articled or indentured for not less than three years to a practising architect as an architectural pupil; or

a student in architecture in a University or at any school for technical education; or

a student in architecture or a junior in course of training in architecture in any Government Department or in the employment of any municipality or of any public corporation constituted by statute, and who shall be certified by a qualified architect occupying the position of chief officer of such department, municipality, or corporation to have undergone such a training and completed such a course of study as may be considered needful in accordance with the rules and regulations of the Board;

and has completed such articles, indentures, or course of study or training in accordance with any agreement, express or implied, in respect to such

study or training, and operative at the commencement of this Act, and has passed the examination set by the Board; or

- (e) that he is an engineer with not less than three years' experience in architectural work, and who satisfies the Board as to his proficiency in the duties of an architect:

Provided that the Architects' Board of Western Australia may exercise the power conferred by the last preceding section on the provisional Board in respect of any application for registration duly made under that section and pending at the dissolution of the provisional Board.

15. (1.) Every application by any person to be registered shall be in the prescribed form, and shall be addressed to the chairman of the provisional Board until the establishment of the Architects' Board of Western Australia, and thereafter shall be addressed to the latter Board, and the statements made therein shall be verified by a statutory declaration made by the applicant.

Application for registration.

(2.) The Board may require the attendance before it of the person applying to be registered, or of any other person.

Attendance of applicant and other persons.

(3.) If not satisfied that the applicant is entitled to be registered, the Board may refuse the application or adjourn the same for further consideration.

Discretion of the Board.

(4.) Every such application shall be accompanied by a registration fee of two guineas, or such other fee not exceeding two guineas as may be prescribed, which shall be returned to the applicant if the application is refused.

Registration fee.

16. (1.) If any person who applies for registration is dissatisfied with the decision of the Board, it shall be lawful for him, within one month of the giving of the decision, to apply to the Supreme Court for an order directing the Board to register him.

Appeal.

(2.) The Supreme Court may order that the person applying be registered, or that he be registered conditionally or upon terms, or may decline to make such or any order.

Certificate of registration.

17. When any person has become registered, the registrar shall deliver to him a certificate of registration in the prescribed form.

Subscription fees.

18. (1.) Every registered architect shall pay an annual subscription to the funds of the Board of such amount, not exceeding three guineas, and at such time as prescribed by the by-laws, and the amount of such subscription shall be recoverable by the Board by action in any court of competent jurisdiction:

Provided that any registered architect who has ceased to practise may, with the approval of the Board, remain on the register without liability to pay such subscription, but he shall not be qualified to be a member of the Board or be allowed to vote at any meeting of registered architects held under this Act.

(2.) The Board may remove from the register the name of any registered architect who is in arrear for twelve months in the payment of the annual subscription fee payable by him; and on notice of such removal under the hand of the secretary being served on such member, he shall cease to be registered.

(3.) Any architect whose name is so removed from the register may, at any time after the date when notice thereof is served on him, pay to the Board all fees which are in arrear, or which would be in arrear if he had continued to be registered, and shall thereupon be entitled to have his name restored to the register.

(4.) Any architect to whom subsections two and three may apply may make representations to the Board with the object of obtaining remission of fees in arrear, and the Board may, if it should think fit, remit such fees in whole or in part.

Register may be altered to insert new or additional qualifications.

19. Every registered architect who obtains any degree or qualification other than that in respect of which he is registered shall be entitled, on payment of a fee of ten shillings, to have such other degree or qualification inserted in the register, in substitution for or in addition to the qualification therein stated.

Cancellation of registration.

20. The name of every person—

(a) whose registration has been obtained by fraud or misrepresentation; or

- (b) whose qualification has been withdrawn or cancelled by the institution or other body by which it was conferred; or
- (c) who, either before or after his registration, has been convicted of any crime or misdemeanour, or of any offence which, if committed in the State, would be a crime or misdemeanour,

may be removed from the register by order of the Supreme Court, on application made in that behalf by the Board, and such person shall upon the removal of his name cease to be registered: Provided that the name so removed may be restored by order of the Supreme Court, and thereupon such person shall again be a registered architect.

21. (1.) The following acts and practices on the part of an architect are hereby prohibited, and shall be deemed misconduct within the meaning of that term in this section:—

Suspension or removal from register.

- (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 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, which work shall not have 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 said dispute or litigation ending favourably for the party for whom the work is performed shall payment be made for such work.

**Inquiry into
alleged misconduct.**

(2.) If the conduct of an architect appears to the Board to require investigation, the Board may, subject to the by-laws, inquire into the matter of such misconduct, and the person charged shall be afforded an opportunity of defence either in person or by counsel.

**Application to
Court.**

(3.) If upon such inquiry the Board is of opinion that the architect is guilty of misconduct, the Supreme Court may, on application made in that behalf by the Board, suspend such architect from practice, or order the removal of his name from the register, and make such order as to the payment of costs as the Court may think fit.

Evidence.

(4.) On the hearing of such application the Court may receive the report of the Board, together with a copy of the evidence taken on the inquiry, as evidence of facts and findings therein mentioned or contained.

**Removal from
register.**

(5.) When 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 the Supreme Court.

Suspension.

(6.) During any period of suspension as aforesaid, an architect shall be deemed not to be registered.

(7.) If an architect is, by order of the Supreme Court, suspended from practice, he shall during the continuance of such suspension cease to practise as an architect, but he shall nevertheless be liable to pay any moneys due by him to the Board at the date of his suspension.

**Correction of
register.**

22. (1.) The Board shall from time to time erase from the register the names of all registered persons who have died, or whose names have been removed from the register by order of the Supreme Court, and shall make such alterations and amendments in the register as may be necessary for the purpose of making the same an accurate record of the names, addresses, and qualifications of all architects for the time being registered.

(2.) All such corrections of the register shall be recorded in the minutes of the Board, and a reference to the relevant minute shall be made on the register.

**Register to be
open to
inspection.**

23. The register shall be kept in the office of the registrar, and shall at all times be open to inspection by any person without fee.

24. A copy of the register shall be published in the *Gazette* annually.

Copy of register to be published annually.

25. It shall be lawful for any person whose name has been enrolled on the register, and whose professional conduct is not the subject of investigation, to resign by writing under his hand addressed and delivered to the Board, and thereupon his name shall be removed from the register, and he shall cease to be registered as an architect.

Resignation of architects.

Committee of Architectural Education.

26. (1.) The Board shall annually appoint a Committee of Architectural Education to deal with the education of students in architecture, and to conduct by examiners approved by the Board such examinations as may be required by the by-laws.

Committee of architectural education.

(2.) The committee shall not exceed seven in number, inclusive of the chairman of the Board, who shall be an *ex officio* member, and shall consist of such registered architects and such other persons, including a nominee of the University of Western Australia and of the Director of Technical Education, as the Board may appoint. The Board may, on the advice of the committee, invite other representative persons to act as advisory members of such committee.

(3.) The committee shall have power to elect its own officers from its members, and to draw up regulations for its procedure subject to the approval of the Board. The committee may conduct its own correspondence, but shall take no public action nor incur any pecuniary responsibility.

(4.) The committee shall submit any scheme it may devise for education and examination to the Board for its consideration; and if and when such scheme is approved by the Board, the committee shall have the supervision thereof, and shall annually report to the Board thereon, and may submit any suggestion for variations thereof to the Board for its consideration.

General Meeting of Architects.

27. (1.) The Board shall hold a general meeting of registered architects once at least in every year, at which meeting every registered architect shall be entitled to be present, and, subject to the proviso to subsection (1) of section eighteen and the by-laws, to vote in person or by proxy.

General meeting of architects.

(2.) The Board shall give to each registered architect fourteen days' notice in writing of the time and place of every such general meeting.

(3.) Unless and until otherwise provided by the by-laws, one-sixth of the number of registered architects present in person or represented by proxy at a general meeting and entitled to vote shall constitute a quorum, and all questions shall be determined by a majority of votes. The chairman shall have an original, and in case of an equality of votes, a second or casting vote.

By-laws.

By-laws.

28. (1.) The Board may make by-laws for any of the following purposes:—

- (a) regulating the nomination of persons for election, and the election of members of the Board, and the mode of filling casual vacancies;
- (b) regulating the meetings and proceedings of the Board and the quorum to be present;
- (c) regulating the time, mode, and place of summoning and holding ordinary and special general meetings of architects and the quorum to be present, and the mode of voting and the conduct of proceedings at such meeting;
- (d) the appointment, duties, and removal of officers of the Board;
- (e) fixing the amount of the annual subscription payable by architects and the time of payment of the same;
- (f) regulating the times and places for holding examinations of applicants for registration, and the subjects and the manner of conducting or holding any such examinations, and for fixing a reasonable fee to be paid by applicants, and the conditions on which the examiners shall hold office, and their remuneration;
- (g) and generally for prescribing such matters as it may be necessary or convenient to prescribe for the purposes of this Act.

(2.) No by-law, and no repeal, alteration, or amendment of any by-law shall be of any force or effect unless and until it has been confirmed by the Governor and published in the *Gazette*.

Miscellaneous.

29. (1.) After the expiration of six months from the commencement of this Act no person, unless he is registered under this Act, shall take, use, or adopt the title or description of architect or architectural practitioner, either alone or in conjunction with any name, title, words, letters, additions, or description implying or leading to the belief that he is registered under this Act, or that he is qualified to practise as an architect, or is carrying on the practice of architecture.

Unregistered persons not to practise as architects.

Penalty: Fifty pounds.

(2.) Subject to subsection (1) of this section nothing in this Act shall be deemed to prevent an engineer, builder, or other person from designing and superintending the erection of any building.

30. Any person who—

- (a) makes or causes to be made any falsification in the register or in any matter relating to the register; or
- (b) knowingly makes any false statement upon any examination before the Board, or in any document to be used in evidence before, or to be submitted to, the Board; or
- (c) utters or puts off, or attempts to utter or put off, as true before the Board any false, forged, or counterfeit degree, diploma, license, certificate, or other document or writing; or
- (d) procures or attempts to procure himself or any other person to be registered by making or producing, or causing to be made or produced, any false statement, declaration, or representation, either verbal or in writing; or
- (e) personates or represents himself as being the person referred to in any degree, diploma, license, certificate, document, or writing presented to the Board, or in any certificate granted under this Act; or
- (f) fraudulently or by false representation obtains any certificate of registration under this Act; or
- (g) falsely advertises or publishes himself as having obtained any such certificate, or as being registered under this Act, or permits any such advertisement or publication,

Penalty for falsifying register, or making false statements, etc.

shall after inquiry by the Board, and if the Board so direct, be liable to prosecution as for an offence, and on conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months.

Costs and
proceedings.

31. On any application under this Act to the Supreme Court, such order as to the costs of and incidental to the application may be made as to the Court may seem fit.

Expenses of
provisional
Board.

32. All expenses incurred by the provisional Board in the execution of its functions may be paid out of the registration fees received, and the residue shall be paid over to the Architects' Board of Western Australia when duly constituted.

The Board may, out of its funds, repay to the Royal Institute of the Architects of Western Australia the expenses incurred by that institution in promoting this Act.

Annual balance
sheet and audit.

33. The Board shall, in every year, prepare a balance sheet showing the income and expenditure of the Board for the period of twelve months to the thirty-first day of December then last past, and shall submit such balance sheet duly audited to the annual general meeting of architects.

The First Schedule.

ELECTION OF MEMBERS OF THE BOARD.

1. The first election of members of the Board shall be held within six months from the commencement of this Act on a date to be fixed by and under the supervision of the provisional Board.

2. For the purpose of every election, the Board shall appoint a day for receiving the nomination of candidates, and a subsequent day prior to the date of retirement of the retiring member, for the holding of the election.

3. The Board shall cause to be delivered or sent by post to every registered architect at his registered address a nomination paper with notice of the day appointed for receiving nominations.

4. Every nomination shall be in writing, and shall be signed by the person nominating himself, and must be received by the Board on or before the day appointed for the receipt of nominations.

5. The Board shall cause to be delivered or sent by post to every architect at his registered address a voting paper on which shall be written or printed a list of all candidates nominated, with notice of the day appointed for the election, and that one or more (as the case may be) members are to be elected, and that the elector must record his vote by striking out the names of all the candidates for whom he does not vote, and return the voting paper to the Board before the date fixed for the election.

6. Every voting paper shall be signed by the chairman of the Board or the registrar before it is issued.

7. As soon as may be after the day appointed for the return of the voting papers the Board shall hold a meeting and shall there examine and count the voting papers duly returned (rejecting all informal voting papers), and shall by resolution declare the result of the election.

8. The resolution so passed by the Board shall be notified in the *Gazette*, and shall be conclusive proof that the election has been in all respects duly conducted, and that the person or persons so declared to be elected is or are members of the Board.

9. In any case in which two or more candidates have received the same number of votes the Board shall determine, in such manner as it thinks fit, which of those candidates is to be elected.

10. If the number of persons nominated for election does not exceed the number to be elected, it shall not be necessary to send or return voting papers, and the Board may at the meeting convened to receive nominations decide by resolution that the person or persons so nominated has or have been duly elected, and the name or names of such person or persons shall be published in the *Gazette*.

11. These Rules shall, *mutatis mutandis*, apply to elections to fill casual vacancies on the Board.

The Second Schedule.

RULES FOR THE CONDUCT OF THE BUSINESS OF THE BOARD.

Board meetings. 1. The first meeting of the Architects' Board of Western Australia shall be held within one month after the election of the members thereof, at a time and place to be fixed by the chairman of the provisional Board, who shall cause fourteen days' notice thereof to be given to each member. Every subsequent meeting shall, subject to the by-laws, be held at the time and place appointed by the Board.

Quorum. 2. A quorum of the Board shall consist of five members; and no business shall be transacted at any meeting of the Board unless five of the members are present when such business is transacted.

Chairman. 3. The chairman shall preside at all meetings at which he is present. In the absence of the chairman from any meeting, or if after being present, he retires, the members present shall elect from their number a chairman for that meeting or for the remainder of the meeting.

The chairman shall have a vote, and, when there is an equal division of votes upon any question, he shall have a second or casting vote.

Voting. 4. All powers vested in the Board may be exercised by the majority of the members present at any meeting duly held, and all questions shall be decided by a majority and by open voting.

Provided that any question relating to enrolment on the register shall be determined by at least five members of the Board present and voting at a duly convened meeting.

At all meetings, save as herein otherwise provided, all members present shall vote.

If a member refuses to vote, his vote shall be counted for the negative.

Adjournment. 5. The members present at a meeting may, from time to time, adjourn the meeting.

If a quorum is not present within half an hour after the time appointed for a meeting, the members present, or any one member if only one is present, or the registrar if no member is present, may adjourn such meeting to any time not later than seven days from the date of such adjournment:

Provided that nothing herein contained shall be construed to prevent the adjournment of any meeting to a later hour of the same day on which such meeting was appointed to be held.

Notices. 6. All notices of any meeting shall be in writing and shall be delivered personally or sent by post or otherwise to the address of each of the members at least seven days previous to the meeting.

Authentication of documents. 7. Every appointment, order, certificate, or other document of the Board relating to the execution of this Act shall be sufficiently authenticated if signed by the chairman or any two members of the Board.
