

Information for Architectural Firms

The Architects Regulation 2019 was remade on 08 July 2019 and introduced a number of important amendments to assist the Board in upholding the standards of practice of the architectural profession and protecting the public.

Several key changes are outlined below.

Use of titles, names or words for positions within Architectural Firms

The Regulation inserted Schedule 1 to provide clarity and guidance what on titles, names or words can only be used by a registered architect.

A person who is not an architect must not use the following titles or names, as prescribed in Schedule 1 Part 1 Titles or names, in a context that suggests they are an architect:

- ‘architectural building designer’
- ‘associate architect’
- ‘BIM (building information modelling) architect’
- ‘CAD (computer aided design) architect’
- ‘commercial architect’
- ‘design architect’
- **‘graduate architect’**
- ‘grand architect’
- ‘infrastructure architect’
- ‘in-house architect’
- ‘interior architect’
- ‘principal architect’
- ‘project architect’
- ‘residential architect’
- ‘senior architect’
- **‘student architect’**

Architectural firms describing an employee to be an ‘architect’ or using any prescribed titles or names under the Regulation when the employee is not a registered architect, such as ‘Graduate Architect’ or ‘Student Architect’, will be liable for an offence under Part 7 of the Act. To avoid this, firms must ensure the title ‘architect’ is only used for employees who are registered with the BOAQ. If employees are in the process of gaining their architectural qualifications and are not an architect registered with the BOAQ, the following titles could be used:

- ‘student of architecture’
- ‘architectural student’
- ‘graduate of architecture’
- ‘architectural graduate’

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A person who is not an architect must not use the following terms, as prescribed in Schedule 1 Part 2 Words, in a context that suggests they are able to provide architectural design services:

- ‘architectural’
- ‘architectural building design’
- ‘architectural experience’
- ‘architectural fee’
- ‘architectural planning and design’
- ‘architectural plans’
- ‘architectural project’
- ‘architectural project design’
- ‘architectural skill’
- ‘architecturally’
- ‘architecturally designed’
- ‘architecture’
- ‘architecture design’
- ‘commercial architecture’
- ‘interior architecture’
- ‘residential architecture’

If there is uncertainty whether a specific title or word may be used to describe an employee’s job position or title, architectural firms should refer to Schedule 1 of the *Architects Regulation 2019* (Qld), or contact BOAQ for further clarification.

Search the Register

The Board reminds firms that any individual can perform a check of the Queensland Register of Architects - either by phoning (07) 3069 2397 or accessing: <https://www.boaq.qld.gov.au/> - to confirm the current registration status of individuals claiming to be architects or holding out to provide services of architectural design.

New Code of Practice

As of 08 July 2019 a new *Board of Architects of Queensland Code of Practice* came into effect, which replaces the previous Code. The Code contains amongst its additions, further guidance regarding client agreements and supervision of non-registered persons.

The Board requests firms to ensure all employees are familiar with the new Code, which can be accessed at the following link: <https://www.boaq.qld.gov.au/images/Documents/COP/Code%20of%20Practice.pdf>.

Penalty and Infringement Notices

The *Architects Regulation 2019* also amended the *State Penalties Enforcement Regulation 2014*, allowing the Board to issue Penalty and Infringement Notices (PINs) as of 01 January 2020. The Board will have the power to issue PINs for any breach of Part 7 including sections 113 and 114, which relate to holding out offences, and any other section expressed in Schedule 1 of the *Architects Act 2002* (Qld), which may result in an infringement notice fine of up to 20 penalty units (\$2,669).

Offences that will be subject to PINs relating to architects and persons providing architectural services are outlined below, along with their respective penalties. Please note, all monetary amounts are expressed according to the penalty unit value commencing 01 July 2019 and are subject to increase periodically.

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Offence Provision of <i>Architects Act 2002</i> (Qld)	Summary of Offence	Maximum Penalty
Section 32	An architect failing to notify the Board of a change of name or contact details within 21 days, without reasonable excuse.	\$133.45
Section 32A(1)	An architect failing to advise the Board of a relevant disciplinary action taken against them in another State or country, within 21 days of occurrence, without reasonable	\$667.25
Section 56(1)	A person failing to give information to the Board or the Board's investigator in relation to an investigation, without reasonable excuse.	\$667.25
Section 56(2)	A person failing to attend an interview or attend to produce a document to the Board or its investigator in relation to an investigation, without reasonable excuse.	\$667.25
Section 67(1)	A person obstructing or attempting to obstruct the Board or its investigator in exercising powers for the purpose of conducting an investigation.	\$667.45
Section 113(1)	A person who is not an architect claiming or holding out to be an architect, or allowing another person to hold him or her out as an architect.	\$2669.00
Section 113(2)	A person holding out another person to be an architect when they know or should reasonably know that the other person is not an architect.	\$2669.00
Section 114(1)	A person who is not an architect using the title or name 'architect', 'registered architect' or any other name prescribed in Schedule 1 of the <i>Architects Regulation 2019</i> , that suggests he or she is an architect in the context.	\$2669.00
Section 114(2)	A person who is not an architect using the words 'architectural services', 'architectural design services', or 'architectural design' to promote his or her services, or any other word prescribed in Schedule 1 of the <i>Architects Regulation 2019</i> , that suggests he or she is an architect in the context.	\$2669.00

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Offence Provision of <i>Architects Act 2002</i> (Qld)	Summary of Offence	Maximum Penalty
Section 115(2)	A person who claims to be providing architectural services using an architect failing to ensure the architect is at the place where the services are being provided, or that the architect is performing or responsible for carrying out the services.	\$2669.00
Section 116(2)	A person who claims to be providing architectural services using an architect failing to inform the client of the name and contact details of the responsible architect.	\$800.70
Section 116(3)	A person who claims to be providing architectural services using an architect failing to inform the client of the name and contact details of the responsible architect who has taken over from the original architect.	\$800.70
Section 117(2)	A person who is providing or will provide architectural services using an architect failing to state the name and contact details of the responsible architect on correspondence with the client.	\$133.45

DISCLAIMER

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