



Objectives of the Board of Architects of Queensland

The objectives of the Board of Architects of Queensland (the Board), as established under the *Architects Act 2002* include:

- protection of the public by ensuring architectural services of an architect are provided in a professional and competent way;
- maintenance of public confidence in the standard of services provided by architects;
- upholding of the standards of practice of architects.

In addition to the *Architects Act 2002* and the *Architects Regulation 2019*, Queensland architects must also adhere to a Code of Practice.

The *Architects Act 2002* provides a process whereby a person who is aggrieved by an architect's conduct in carrying out architectural services is able to make a complaint about the conduct to the Board, for investigation.

Part 7 of the *Architects Act 2002* also protects the title "architect" and "registered architect" and makes it an offence for someone who is not a registered architect in Queensland, to hold themselves out as an architect or offer architectural services. Schedule 1 of the *Architects Regulation 2019* contains specific terms that persons who are not registered as architects in Queensland cannot use in relation to their title or services. Strict penalties apply under the legislation.

The Act and regulations are available on the Queensland Government's website: www.legislation.qld.gov.au.

Complaints to the BOAQ **must** be in writing, clearly state the grounds for the complaint, and be supported by copies of any relevant documentation.

Complaints can be submitted to:

Mail: Registrar
Board of Architects of Queensland
GPO Box 316
BRISBANE QLD 4001

Email: registrar@boa.qld.gov.au.

The Investigation Process

If a complaint is made to the Board, the Board may or may not decide to conduct an investigation of the architect's conduct. The Board may conduct an investigation itself or appoint an investigator.

The Board may require the complainant to provide further information about the complaint or verify the complaint by making a Statutory Declaration.

Complaints may be rejected if the Board considers the complaint is frivolous, vexatious or trivial.

If a complaint is investigated, the Board will provide a copy of the complaint to the relevant architect, providing them the opportunity to make a submission about the matter.

After conducting an investigation under section 41(2) of the Act, the Board will take one of the following actions in relation to the matter:

- commence a disciplinary proceeding against the architect;
- enter into an undertaking agreed with the architect about a matter relating to the architect carrying out architectural services;
- caution or reprimand the architect;
- impose a condition agreed to by the architect, on the architect's registration;
- take no further action.

The Board will advise the architect and the complainant of its decision regarding investigation.

The Board does not have the power to order restitution or rectification.

Disciplinary Proceedings:

If the Board commences disciplinary action against the architect, the charge will be heard by the Queensland Civil and Administrative Tribunal (QCAT). The complainant may be required to provide relevant declarations or to appear before QCAT.

Under the Act, there are three grounds on which the Board may seek to have an architect disciplined by QCAT:

- if the architect has behaved in a way that constitutes unsatisfactory professional conduct;
- if the architect has failed to comply with a provision of the Act;
- if the architect has been convicted of an offence related to the practice of architecture.

Most complaints by consumers of architectural services concern "unsatisfactory professional conduct". Contractual disputes will not necessarily give rise to "unsatisfactory professional conduct" and only serious cases of "negligence" give rise to "unsatisfactory professional conduct".



BOARD OF ARCHITECTS
OF QUEENSLAND

BOAQ INFORMATION SHEET: 3 MAKING A COMPLAINT

VER 09/09/2019

Neither the Board, nor QCAT has power to give complainants legal advice about their complaint, or appoint a person to act for them. The Board does not provide mediation services or act to conciliate in commercial civil disputes.

Decisions, orders, hearing lists etc. of QCAT are available at www.qcat.qld.gov.au

If QCAT decides that a disciplinary ground has been established by the Board, it may:

- take no action against the architect; or
- order the architect to pay a fine; and do one or more of the following:
- reprimand the architect; or
- **cancel the architect's registration;** or
- disqualify the architect, indefinitely or for a stated period, from obtaining registration as an architect.

Civil Proceedings:

You may make a complaint to the Board at the same time as you take other civil legal proceedings. However, the procedures are quite different.

The Board's procedures in investigating, and laying charges if it decides to do so, may take some months to complete. The focus of the Board is on protection of the public, and the powers of QCAT to fine an architect or suspend an architect's registration reflect that obligation.