

IS 16: Board of Architects of Queensland Code of Practice

Overview of the Code

The *Architects Act 2002* (Qld) (“**the Act**”) requires the Board of Architects of Queensland (“**the Board**”) to make a Code of Practice to provide guidance to architects registered in Queensland as to minimum standards of professional conduct in the provision of architectural services and the practice of architecture. The Code is reviewed at least every three years to ensure it remains relevant in targeting areas of risk to the profession.

The *Board of Architects of Queensland Code of Practice* (“**the Code**”) was first approved under regulation on 9 June 2005. The Board’s current Code came into effect on 8 July 2019, approved under section 11 of the *Architect’s Regulation 2019* (“**the Regulation**”).

The Code is a statutory instrument within the meaning of the *Statutory Instruments Act 1992* (Qld). **Compliance with the Code is mandatory for all Queensland registered architects**, and the Board enforces the Code, together with the Act and Regulation.

Please note: Architects may additionally be members of the Institute, the Association of Consulting Architects, or another membership organisation promoting excellence in architecture which may also require them to be subject to a code of practice/conduct. However, adherence to any such codes relates solely to membership of that organisation and is secondary to compliance with the Board’s mandatory statutory Code for all Queensland architects.

A copy of the Board’s [Code](#) can be found on the Board’s [website](#), together with copies of the [Act](#), [Regulation](#) and further information about architects’ obligations under Queensland legislation and Board policies and information sheets (or click on the hyperlinks in the above text).

Disciplinary and Prosecution Actions that can result from non-compliance with the Code

A breach of the Code by an architect may be considered “unsatisfactory professional conduct” under the Act and may provide a ground for the Board to discipline the architect under section 36 of the Act. This includes using the Code in decision-making for matters referred by the Board to the Queensland Civil and Administrative Tribunal (“**QCAT**”).

“Unsatisfactory professional conduct” is defined in schedule 2 of the Act as:

- (a) conduct that is of a lesser standard than that which might reasonably be expected of the architect by the public or the architect’s professional peers;
- (b) conduct that demonstrates incompetence, or a lack of adequate knowledge, skill, judgement or care, in the practice of architecture;
- (c) misconduct in a professional respect;
- (d) fraudulent or dishonest behaviour in the practice of architecture; or
- (e) other improper or unethical conduct.

Should the Board form a reasonable belief that a disciplinary ground exists against an architect (eg. through consideration of a complaint), the Board may conduct an investigation of the architect’s conduct under section 41 of the Act. After having then considered the investigation report, the Board must decide to do one or more of the following (under section 73(2) of the Act):

- (a) start a disciplinary proceeding against the architect in the Queensland Civil and Administrative Tribunal (“**QCAT**”);
- (b) enter into an undertaking agreed with the architect about a matter relating to the architect carrying out architectural services, including, for example, to submit to an audit of the architect’s practice of architecture;
- (c) caution or reprimand the architect;
- (d) impose a condition, agreed to by the architect, on the architect’s registration;

(e) take no further action about the matter the subject of the investigation.

Penalty Infringement Notices (“PIN”s) may also be issued to architects under the *State Penalties Enforcement Regulation 2014*, for breaches of the Act, requiring the payment of significant fines. Further, under section 73(5) of the Act, the Board may also start proceedings to prosecute an architect in the Magistrates Court for an offence/s against the Act.

Objects

The Objects of the Code (clause 6) aim to:

- (a) ensure that architects provide architectural services in a professional and competent way;
- (b) provide guidance to architects as to appropriate standards of professional conduct and practice;
- (c) protect consumers of architectural services and ensure that they can fully inform themselves about the skills of architects and the nature of the architectural services to be performed;
- (d) promote and maintain high standards in the provision of services by architects; and
- (e) promote public confidence in the architectural services provided by architects.

Key Provisions of the Code

For the purpose of achieving these Objects, the Code sets out conduct and practice requirements for architects in the following areas:

Services

- Reasonable standards of conduct;
- Suitability to perform and knowledge of services;
- Continuing Professional Development;
- Approval of documents;
- Impartiality.

Client relations

- Client agreements;
- Professional fees and costs;
- Obligations to inform clients;
- Changes in circumstances;

- Record keeping and documents;
- Confidentiality;
- Conflicts of interest;
- Disclosure of promotions or endorsements;
- Gratuities and inducements;
- Refusal to act.

Architectural Practice

- Disclosure of professional qualifications, registration and awards;
- Insurance.

Duties to the Public and the Profession

Conduct areas strengthened in the new Code

Based on issues of conduct and practice identified through the Board’s compliance and enforcement activities, and following consultation with the profession, the current Code now more specifically addresses three key practice issues:

1. Supervision of non-registered persons;
2. Client architect agreements; and
3. Continuing professional development (CPD).

These three issues are discussed below.

1. Supervision

Supervision is a fundamental issue for architectural practice. Inadequate supervision of unregistered persons by architects and firms providing architectural services undermines the legislative framework governing the registration of architects, as it results in a failure to protect the interests of the public and clients, and a failure to uphold the standards of the profession. Therefore, inadequate supervision of the work of persons who are not architects but who are undertaking architectural work is conduct that can lead to prosecution under the Act for serious offences related to the provision of architectural services by persons not registered to practice as architects in Queensland (refer sections 113-117 and 140-141A of the Act).

The Code specifically defines the term “supervise” as meaning that the architect supervising and approving services (the supervising architect):

- (a) directs the supervised person in carrying out the service;
- (b) oversees the carrying out of the service by the supervised person; and
- (c) evaluates the service completed by the supervised person.

Clause 16 of the Code requires that:

If an architect is supervising and approving services being undertaken by a non-registered person as part of a project, the architect (the supervising architect) must ensure that:

- (a) the non-registered person is supervised by the supervising architect; and
- (b) the supervising architect takes full professional responsibility for the services.

The Code also requires that:

- (a) an architect must not sign as checked, approved or supervised, any drawings or other documents which the architect has not checked, approved or supervised and (clause 15); and
- (b) an architect must not permit the architect’s name to be used in relation to any services, document or publication to misleadingly imply authorship of, responsibility for or agreement with the content or form of the services, document or publication (clause 17).

Further, the above clauses complement sections 116-117 of the Act which require: that clients be kept informed of the name and contact details of any architect who is or becomes responsible for carrying out their architectural services; and that the name and contact details of the architect responsible for carrying out of the services are stated on all correspondence about the services.

2. Client Agreements

The Code (Division 2) requires that where an architect intends to provide services to a client or prospective client, the architect **must** enter

into a written agreement with the client. This agreement should be entered into **before** commencing the proposed services.

The Code lists 10 key areas which must be addressed in any agreement, which are:

- (a) parties to the agreement;
- (b) name, registration number and contact details of the architect responsible for carrying out the services at the architect’s place of business;
- (c) scope, nature and specific requirements of the services to be provided;
- (d) timeframes for provision of services, including contingencies;
- (e) professional fees and costs;
- (f) itemised estimates of disbursements;
- (g) payment of fees and costs, including disbursements;
- (h) identification of who will be responsible for monitoring of project budget and costs; engagement, monitoring and payment of other professionals, consultants or sub-consultants; and other relevant aspects of the project;
- (i) client authorisations, variations, progress reporting and termination of the agreement; and
- (j) withdrawal by architect.

Prior written client agreement is required for **all** services, regardless of the value of the services, including any variations or changes in scope.

3. Continuing Professional Development (CPD)

The Code (clause 13) outlines requirements for mandatory Continuing Professional Development (CPD) set by the Board pursuant to its powers under section 16 of the Act.

Meeting the Board’s minimum CPD requirements is the key means by which practising architects can demonstrate that they have maintained competency in the practice of architecture in Queensland. At renewal each year, all practising architects must be able to declare that they have met the Board’s minimum CPD requirements. CPD and other

continuing registration requirements are an essential component of the Board's responsibilities under the Act, which are all focused on achieving the Act's Objects:

- a) to protect the public by ensuring architectural services are provided in a professional and competent way;
- b) to maintain public confidence in the standard of services provided by architects; and
- c) to uphold the standards of practice of architects.

The Board's [CPD Policy](#), and [CPD Information Sheet](#), can also be accessed from the Board's website and provide more detailed guidance on CPD requirements for Queensland architects. Tools for record keeping are also available.

The minimum annual CPD requirement is 20 hours of which at least 10 hours must be formal hours. CPD must also be undertaken across a minimum of two areas of the nationally agreed competencies that make up the body of knowledge, skills and experience essential for architects, as detailed in the [National Standard of Competency for Architects](#) (NSCA). The Board's CPD reporting year is from 1 April to 31 March.

While records of CPD undertaken are not required to be submitted to the Board at renewal, they must be kept up to date and retained by architects for a minimum of five (5) years, and provided to the Board if requested. The Board undertakes an extensive CPD Audit Program of architects' CPD records each year, on both a random and targeted basis. Disciplinary action, renewal refusal, cancellation of registration and other actions can be taken by the Board for non-compliance where an architect cannot satisfy the Board that they have taken all reasonable steps to meet their CPD obligations.

The Board may also require a practising architect to report, at any time, on the steps they have taken to maintain and improve their skills and knowledge necessary for the provision of the services the architect normally provides (clause 14 of the Code).

Architects are, therefore, strongly encouraged to develop a personalised CPD Plan at the commencement of each CPD reporting period and proactively seek out CPD that addresses identified competency areas needed in order to maintain, develop and enhance their professional knowledge and skills. It is also recommended that architects discuss their CPD Plan with their employers and ensure they have the necessary up-to-date skills and knowledge to undertake planned projects.

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