



Queensland

Architects Amendment Regulation (No. 1) 2011

Explanatory Notes for SL 2011 No. 27

made under the

Architects Act 2002

General outline

Short title

Architects Amendment Regulation (No. 1) 2011.

Authorising law

Section 143 of the *Architects Act 2002*.

Policy objectives and the reasons for them

Previously the *Architects Act 2002* (the Act) only provided for the registration of practising architects. Amendments to the Act which commenced in April 2010 provide that a registered or formerly registered architect in Queensland or in an equivalent jurisdiction in Australia may apply to the Board of Architects of Queensland (the Board) to be registered as a non-practising architect if the Board is satisfied that the architect has retired from the practice of architecture or that the architect has declared that he/she will not practise as an architect within the next registration period. The category of non-practising architect is established in section 7A of the Act.

The new category of registration allows architects who move into retirement or otherwise cease practice for at least 12 months to continue to use the title architect and not be subject to the Board's continuing registration requirements in respect of continuing professional development. Non-practising architects are not entitled to offer or provide architectural services.

The objective of the proposal is to amend the *Architects Regulation 2003* (the Regulation) to introduce a new annual registration fee for non-practising architects.

Achievement of policy objectives

The regulation achieves its objectives by amending the Regulation to introduce a new annual registration fee for non-practising architects of \$75.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with its authorising Act.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The policy objective can only be achieved by regulatory amendment.

Benefits and costs of implementation

The introduction of the new category of non-practising architect has harmonised the registration process with other states of Australia, such as New South Wales and Victoria, where non-practising or retired categories already exist.

There are no additional costs to or other substantive impacts on the community or business. The introduction of the new fee will deliver financial savings to architects who are not practising but wish to continue to use the title architect, as they will only be required to pay the reduced annual registration fee rather than the full registration fee.

The Board has advised that there will be no significant financial or operational impacts as a result of the introduction of the new fee.

Consistency with fundamental legislative principles

The regulation is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Consultation

The Australian Institute of Architects and the Architects Accreditation Council of Australia were consulted during the preparation of the Bill which amended the Act in 2010. Both of these organisations supported the amendments, including the new category of non-practising architects. It is not proposed to consult with these industry groups regarding the introduction of the new fee.

The Board conducted briefings with registered architects throughout the state on the changes to the Act, including the proposed fee for non-practising architects. The proposed fee was supported at all briefings.

Queensland Treasury, Office of the Queensland Parliamentary Counsel, Department of the Premier and Cabinet and the Board of Architects of Queensland were consulted. All parties consulted support the Amendment Regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Public Works.