

# NORTHERN TERRITORY OF AUSTRALIA

## ARCHITECTS ACT

As in force at 1 March 2011

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 March 2011

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## ARCHITECTS ACT

**An Act to provide for the registration of persons who are qualified to practise architecture and the regulation of the practise of architecture, and for related purposes**

### **Part I Preliminary**

#### **1 Short title**

This Act may be cited as the *Architects Act*.

#### **2 Commencement**

This Act shall come into operation on a date to be notified by the Administrator by notice in the *Gazette*.

#### **3 Objects**

The objects of this Act are:

- (a) to establish the Northern Territory Architects Board;
- (b) to provide consumer protection and enhance the welfare, amenity and physical environment of communities in the Territory by ensuring properly qualified and competent persons offer and provide services as architects;
- (c) to provide for the registration of architects, architectural partnerships and architectural companies;
- (d) to establish and maintain a register of registered architects;
- (e) to regulate the professional conduct of registered architects, including by providing for the making and determining of complaints and for the holding of inquiries relating to registered architects; and
- (f) to regulate the use of the words ***architect***, ***architecture*** and ***architectural***.

## 4 Definitions

In this Act, unless the contrary intention appears:

***applicant*** means:

- (a) a natural person who makes;
- (b) persons in a partnership who jointly make; or
- (c) a company which makes,

an application under section 12A.

***approved*** means approved by the Board.

***architect*** means a natural person who is registered as an architect.

***architectural company*** means a company which is registered as an architectural company.

***architectural partnership*** means a partnership which is registered as an architectural partnership.

***Board*** means the Northern Territory Architects Board constituted by this Act.

***Chairman*** means Chairman of the Board.

***Deputy Chairman*** means Deputy Chairman of the Board.

***member*** means a member of the Board.

***practise***, and similar expressions, in relation to architecture, refer to practising architecture as a principal for fee or reward or as an employee as defined in the *Public Sector Employment and Management Act* or as an officer of the Public Service of the Commonwealth, or as an employee of any statutory authority constituted for public purposes.

***Register*** means the Register kept under section 12.

***registered*** means:

- (a) registered under Part III of this Act or by virtue of the *Mutual Recognition Act 1992* of the Commonwealth or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth; or

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- (b) having, in the Territory, deemed registration within the meaning of the *Mutual Recognition Act 1992* of the Commonwealth or the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth.

**registered architect** means an architect, architectural partnership or architectural company.

**the Institute** means the Royal Australian Institute of Architects.

## **Part II                      Administration**

### **5                      The Board**

- (1) For the purposes of this Act there shall be a board, which shall be known as the "Northern Territory Architects Board".
- (2) The Board shall be a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document or notice and shall deem that it was duly affixed.

### **5A                      Functions of Board**

- (1) The functions of the Board are:
  - (a) to establish and maintain a register or registers for registering architects, architectural companies and architectural partnerships under this Act;
  - (b) to accept applications for registration as architects, architectural companies or architectural partnerships, and to authorise the registration of architects, architectural companies and architectural partnerships, in accordance with this Act;
  - (c) to recommend to the Architects Accreditation Council of Australia courses conducted in the Territory which, in the Board's opinion, are suitable for qualifying persons to practise architecture;
  - (d) to hold inquiries and deal with complaints under this Act in relation to registered architects; and
  - (e) to perform any other functions conferred on it by this or any other Act.

- (2) For the purposes of the *Mutual Recognition Act 1992* of the Commonwealth and the *Trans-Tasman Mutual Recognition Act 1997* of the Commonwealth, the Board is the local registration authority for applications for registration under those Acts relating to registering persons as architects under the law of the Territory.

## **5B Powers of Board**

The Board has power to do all things that are necessary or convenient to be done for or in connection with or incidental to the performance of its functions.

## **6 Members of the Board**

- (1) The Board consists of 5 members.
- (1A) Three members are to be persons who are architects.
- (1B) Two members are to be persons who are not architects.
- (1C) The Minister must, by notice in the *Gazette*, appoint the members.
- (1D) The Minister must not appoint a person to be a member unless:
- (a) the Minister is satisfied that the person is a fit and proper person to be a member; and
  - (b) the person resides in the Territory.
- (2) At least one of the members of the Board shall be an architect practising as a principal for fee or reward and a person nominated by those members of the Institute who reside and practise in the Territory.
- (3) Where a vacancy occurs on the Board, whether by expiration of the term of a member or otherwise, the Minister shall appoint a member to fill the vacancy.
- (4) The members of the Board shall elect from among themselves a Chairman and a Deputy Chairman who shall each hold office during the pleasure of the Board.
- (5) The Chairman or, in his or her absence, the Deputy Chairman shall be the executive officer of the Board.

## **7 Tenure of office**

- (1) A member appointed by the Minister shall hold office for a term of 3 years but shall be eligible for re-appointment.



- (2) Where the office of a member becomes vacant before the expiration of his term of office, the person appointed to fill the vacancy holds office for the unexpired portion of the term of office of his predecessor in that office.

## **9 Temporary appointments**

- (1) The Minister may appoint a person to be the deputy of a member during the pleasure of the Minister.
- (2) A person so appointed shall, in the event of the absence from a meeting of the member of whom he or she is the deputy, be entitled to attend that meeting and, when so attending, shall be deemed to be a member.
- (3) Any act done by a deputy of a member as such shall not, in any proceedings, be questioned on the grounds that the occasion for the exercise of his or her powers or functions did not arise or had ceased.
- (4) The Minister shall not appoint a person to be the deputy of a member unless that person holds qualifications or has knowledge or experience similar to the member of whom he or she is to be the deputy.

## **10 Vacation of office by member**

A member shall be deemed to have vacated his office:

- (a) if he becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary or remuneration for their benefit;
- (b) if he becomes of unsound mind;
- (c) if he becomes permanently incapable of performing his duties;
- (d) if he is convicted of an indictable offence;
- (e) if he resigns his office in writing addressed to the Minister;
- (f) if he is absent from 3 consecutive meetings without leave of the Board; or
- (g) if he ceases to hold the qualification of a member.

## **11 Meetings of the Board**

- (1) Subject to subsection (2), a meeting of the Board shall be convened by the Chairman by notice in writing to the other members, and shall be held at the time and place specified in the notice.
- (2) The Minister may by notice in writing to each of the members direct that a meeting be held at the time and place specified in the notice and, if no Chairman or Deputy Chairman has been elected by the Board, may also direct that a member specified in the notice shall preside at the meeting until a Chairman or Deputy Chairman is elected by the Board.
- (3) The Chairman shall preside at all meetings of the Board at which he is present.
- (4) In the absence of the Chairman from a meeting, the Deputy Chairman shall preside.
- (5) Two members present at a meeting of the Board shall constitute a quorum of the Board.
- (6) All questions before a meeting of the Board shall be decided by a majority of votes of the members present.
- (7) The members presiding at a meeting of the Board shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.
- (8) The Board shall cause minutes to be kept of its meetings.
- (9) Subject to this Act, the procedure of the Board shall be as the Board determines.

## **Part III Registration and qualifications**

### **Division 1 Register**

#### **12 Board to keep register**

The Board shall keep a Register, in such form as it thinks fit, for the registration of:

- (a) architects;
- (b) architectural partnerships; and
- (c) architectural companies.

**12AA List of registered architects to be published each year**

The Board must, in April of each year, publish in the *Gazette* a list of the name and address for service of each registered architect specified in the Register at the end of February in that year.

**Division 2 Registration of architects etc.**

**12A Application for registration**

A person, partnership or company wishing to become registered shall apply in writing to the Board in the approved form.

**12B Determination of application**

- (1) Subject to subsection (2), the Board may determine an application under section 12A by:
  - (a) authorizing the registration of the applicant as an architect, architectural partnership or architectural company, as the case may be; or
  - (b) refusing to authorize the registration of the applicant.
- (2) Where the Board determines under subsection (1)(a) to authorize the registration of an applicant, it may authorize the registration of the applicant unconditionally or subject to such conditions as it thinks fit.

**13 Mode of registration**

- (1) Where the Board has authorized the registration of an applicant, the registration shall be effected by entering in the Register:
  - (a) the name;
  - (b) the address for service of notices to the applicant which, in the case of a proposed architectural company, is the address of the registered office of the company for the purposes of the Corporations Act 2001;
  - (c) the qualifications;
  - (d) the registration number;
  - (e) the date of registration; and
  - (f) such other prescribed particulars,of or in relation to the applicant.

- (2) Where an applicant is registered, the Board shall cause to be issued to the applicant a certificate of registration in an approved form and under the hand of the Chairman or Deputy Chairman.

#### **14                      Qualifications for registration as architect**

The Board must authorise the registration of a natural person as an architect if the person satisfies the Board that:

- (a) he or she holds, or is entitled to hold, a certificate from the Architects Accreditation Council of Australia that certifies that the person is suitably qualified to practise architecture; and
- (b) he or she is a fit and proper person to be registered as an architect.

#### **14A                   Qualifications for registration as architectural partnership**

The Board shall authorize the registration of an applicant that is a partnership as an architectural partnership where the Board is satisfied that:

- (a) the partnership has a place of business or is carrying on business within the Territory;
- (b) the partnership carries on business within the Territory under the names of the partners or a name registered under the *Business Names Act*;
- (c) at least one of the partners of the partnership is an architect and will be responsible for managing the architectural practice of the partnership in the Territory and supervising the provision of architectural services provided by the partnership in the Territory; and
- (d) if the partnership includes a company amongst its partners – the company is an architectural company.

#### **14B                   Qualifications for registration as architectural company**

The Board must authorise the registration of an applicant that is a company as an architectural company where the company satisfies the Board that:

- (a) it has a place of business or is carrying on business within the Territory;

- (b) its constitution or, in the case of a foreign company, its charter, statute or other instrument constituting or defining its constitution, is acceptable to the Board and contains provisions that:
  - (i) the Board be notified of an intention to amend the constitution, charter, statute or other instrument, as the case may be, and be furnished with a copy of a proposed resolution to give effect to that intention; and
  - (ii) a body corporate shall not be eligible to be a director of the company; and
- (c) at least one of the directors of the company or one of the employees of the company is an architect and will be responsible for managing the architectural practice of the company in the Territory and supervising the provision of architectural services provided by the company in the Territory.

## **15 Notice of refusal**

Where the Board determines to refuse to authorize the registration of an applicant, or authorizes the registration of an applicant subject to conditions, the Board shall serve on the applicant, within 28 days of its determination, a notice setting out the reasons of the Board for refusing to authorize the registration or authorizing the registration subject to the conditions.

## **15A Appeals**

- (1) Where an applicant is served with a notice under section 15, the applicant may appeal to the Supreme Court against the determination of the Board.
- (2) An appeal under subsection (1) shall be in the nature of a rehearing, but the Supreme Court may have regard to the material that was before the Board.
- (3) The Supreme Court has, by virtue of this section, jurisdiction to hear and determine an appeal.

## **Part IIIA Offences by and deregistration of architect**

### **16 Proof of registration**

- (1) A certificate of registration issued under this Act is evidence that the person specified in the certificate was registered under this Act on the date specified in the certificate.

- (2) Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman of the Board appearing on a certificate of registration referred to in subsection (1) and of the fact that the person by whom the certificate purports to have been signed was, at the time the certificate was signed, the Chairman or Deputy Chairman as the case may be.

**17      Fraudulent registration**

A person shall not, in connection with an application for registration under this Act, make a false or misleading statement or produce a false certificate, testimonial or other document.

Penalty:      2 penalty units.

**18      Change of particulars to be notified**

A registered architect shall within 7 days of a change of a particular recorded in the Register, notify the Board of that change of particular.

Penalty:      5 penalty units.

**19      Alteration of Register**

- (1) The Board shall cause to be removed from the Register the names of all registered architects who have died and in the case of an architectural partnership or architectural company which has ceased to exist and may cause to be made such alterations to the particulars recorded in the Register as are necessary.
- (2) The Board may, by notice to a registered architect, posted or otherwise delivered to the address recorded in the Register in respect of that registered architect, inquire whether any particular recorded in the Register is still correct or require payment of any annual fee which is overdue for payment.
- (3) If an answer to a notice under subsection (2) is not returned within 3 months, or if payment of an annual fee demanded under subsection (2) is not made within 28 days after the date of the posting or of the delivery of the notice, the Board may cause the name of the registered architect to be removed from the Register.
- (4) A name removed from the Register under this section may be restored by authority of the Board.

**19A Annual statement**

- (1) An architectural company and an architectural partnership shall in the month of July in each year lodge with the Board an annual statement in a form approved by the Board.
- (2) The annual statement referred to in subsection (1) shall contain:
  - (a) in respect of an architectural company:
    - (i) the full name and usual address of every person who on 30 June preceding the lodging of the annual statement was a director of the company;
    - (ii) in relation to each director, whether he is an architect; and
    - (iii) any other matter necessary or convenient to the administration of the Act, which is indicated in the form; and
  - (b) in respect of an architectural partnership:
    - (i) the full name and usual address of every person who on 30 June preceding the lodging of the annual statement was a member of the partnership;
    - (ii) in relation to each member, whether he is an architect; and
    - (iii) any other matter necessary or convenient to the administration of the Act, which is indicated in the form.

**20 Cancellation of registration for fraud and on other grounds**

- (1) The Board shall cause to be removed from the Register the name of a person:
  - (a) whose registration has been obtained by fraud or misrepresentation;
  - (b) whose degree, diploma or other evidence of qualification is withdrawn or cancelled by the university, college or other body by which it was conferred;
  - (c) who is convicted, whether in the Territory or elsewhere, of an indictable offence or of any other offence which, in the opinion of the Board, renders him unfit to practise;
  - (d) who becomes of unsound mind; or

- (e) who is found by the Board to have been guilty of:
  - (i) habitual drunkenness or addiction to a narcotic drug;
  - (ii) accepting a commission or substantial valuable consideration from a person who has offered or agreed to execute, or is engaged in the execution of, any work in connection with a building designed or supervised by the registered architect or from a person who has offered or agreed to supply any material, fittings or appliances to be used in or in connection with a building designed or supervised by the registered architect;
  - (iii) allowing a person, other than a registered architect, to practise in his name as an architect; or
  - (iv) directly or indirectly giving or offering or agreeing to give or offer to a person any valuable consideration for securing or attempting to secure for the architect employment or work as an architect.
- (2) The Board may, instead of causing to be removed from the Register the name of a person who has been found guilty of conduct or an act referred to in subsection (1)(e), reprimand the person or suspend the registration of the person for such period, not exceeding 6 months, as the Board thinks fit.
- (3) If the Board causes the removal of a person's name from the Register, the Board shall, if so required by that person, state in writing the reason for the removal.

## **Part IIIB                      Deregistration of architectural partnerships**

### **20A                      Deregistration of architectural partnership**

- (1) Subject to subsection (2), where:
  - (a) the deed of partnership of an architectural partnership has been amended without the prior approval of the Board;
  - (b) an architectural partnership no longer fulfills the criteria under section 14A which enabled the Board to authorize the registration of the partnership;
  - (c) a requirement under this Act as to the lodging with the Board of an annual statement or other information has not been complied with; or
  - (d) a condition of registration has not been complied with,



the Board may cancel the registration of the architectural partnership by causing the name of the partnership to be removed from the Register.

- (2) Before the Board cancels the registration of an architectural partnership, it shall serve on the architectural partnership a notice of its intention to cancel the registration of that partnership not less than 14 days after the date of the notice.

## **20B      Dissolution of architectural partnership upon death, &c.**

- (1) Notwithstanding a contrary provision of the partnership deed of an architectural partnership or *The Partnership Act, 1891* of the State of South Australia in its application to the Territory as a law of the Territory, for the purposes of this Act, when a partner dies or ceases to be a partner, the partnership dissolves.
- (2) When a partnership dissolves by virtue of subsection (1), the partnership shall be deemed to continue for a period of 60 days or such further period determined by the Board.
- (3) Where an application for extension of the period in which a partnership is deemed to continue is made in an approved form, the Board may, as it thinks fit, determine a further period during which the partnership is deemed to continue.
- (4) At the expiration of 60 days or such further period determined by the Board referred to in subsection (2), the registration of the architectural partnership:
  - (a) if no variation of that registration has been approved – is cancelled; or
  - (b) if variation of that registration is approved – shall continue subject to the variation of the partnership as approved.
- (5) An application for variation of the terms of registration of an architectural partnership for the purposes of subsection (4) shall be in an approved form and accompanied by the prescribed fee.
- (6) Where variation of an architectural partnership is approved under subsection (4)(b), the Board shall issue such certificates of registration as are necessary to reflect the variation of the architectural partnership.

## **Part IIIC      Deregistration of architectural companies**

### **20C      Deregistration of architectural company**

- (1) Subject to subsection (2), where:
  - (a) the constitution or, in the case of a foreign company, its charter, statute or other instrument constituting or defining the constitution, of an architectural company has been amended without prior approval of the Board;
  - (b) an architectural company no longer fulfills the criteria under section 14B which enabled the Board to authorize its registration;
  - (c) a requirement under this Act as to the lodging with the Board of an annual statement or other information has not been complied with; or
  - (d) a condition of registration has not been complied with,

the Board may cancel the registration of the architectural company by causing the name of the company to be removed from the Register.
- (2) Before the Board cancels the registration of an architectural company, it shall serve on the architectural company a notice of its intention to cancel the registration of that company not less than 14 days after the date of the notice.

## **Part IIID      Inquiries**

### **21      Inquiry to be held**

- (1) Before taking action in relation to a registered architect in pursuance of section 20, 20B or 20C, the Board shall hold an inquiry.
- (2) At an inquiry under subsection (1), a registered architect may be represented by a legal practitioner or an agent, who may examine witnesses and address the Board on behalf of the registered architect.
- (3) In conducting an inquiry under subsection (1), the Board is not bound by rules of evidence or legal procedure, but may inform itself in such manner as it thinks fit.
- (4) The Minister may appoint a legal practitioner to assist the Board.

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- (5) Pending an inquiry under subsection (1), the Board may suspend the registration of the registered architect.

## **22 Surrender of certificate on cancellation of registration**

- (1) Where the name of a registered architect is removed from the Register or the registration of a registered architect is suspended, the Board may require the registered architect, by notice served on that registered architect, to deliver the certificate of registration to the Board for cancellation, within 14 days after the date of the notice.
- (2) A registered architect shall not fail to comply with a notice served on him or her under subsection (1).

Penalty: 5 penalty units and 0.5 penalty units for each day during which the offence continues after the first day on which it is committed.

## **23 Appeal**

- (1) A person, partnership or company whose name has been removed from the Register or whose registration has been suspended in pursuance of section 20 may appeal to the Supreme Court against the decision of the Board.
- (2) The Board shall be respondent upon the appeal.
- (3) The appeal shall be in the nature of a re-hearing, but the Supreme Court may have regard to material that was before the Board.
- (4) Where the Supreme Court allows an appeal under subsection (1), the Board shall, as soon as possible, cause the original registration of the appellant to be restored and return the appellant's certificate of registration or, where the certificate has been cancelled, cause a new certificate to be issued to the appellant, which shall be deemed to have been issued as from the date of the original registration.
- (5) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

## **Part IIIE Complaints**

### **23A Making complaint**

- (1) A person may make a complaint regarding the conduct or operations of a registered architect.

- (2) A complaint is to:
- (a) be in writing in an approved form;
  - (b) set out the grounds on which the complaint is made and the facts relied on by the person to constitute the grounds;
  - (c) be signed by the person making it; and
  - (d) be lodged with the Board.

**23B Opportunity to be given to registered architect to reply to complaint**

- (1) The Board must inform the registered architect against whom a complaint is made under section 23A of the complaint within 2 days after the Board receives it.
- (2) The Board must inform the registered architect by sending notice of the complaint to the registered architect's address for service.
- (3) The Board must give the registered architect sufficient opportunity to provide a written reply to the complaint.

**23C Consideration and decision of Board**

- (1) The Board must consider a complaint it receives under section 23A, taking into account the written reply of the registered architect, if any, and any other matter it considers relevant.
- (2) In considering a complaint, the Board:
  - (a) may conduct the investigations regarding the complaint it thinks appropriate; and
  - (b) if requested to do so by the complainant or the registered architect – must permit the complainant or registered architect to appear before it to make submissions or answer questions regarding the complaint.

**23D Determination of complaint**

- (1) On completing its consideration of and investigations into a complaint under section 23C, the Board must make a determination:
  - (a) that, in the opinion of the Board, the complaint is of a frivolous, irrelevant or malicious nature, or that the complaint does not set out sufficient grounds on which to base a complaint, and dismiss the complaint;

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- (b) that no further action is warranted;
  - (c) to reprimand the registered architect;
  - (d) to fine the registered architect an amount not exceeding the prescribed amount;
  - (e) to impose conditions on or vary the conditions imposed on the registered architect's registration;
  - (f) to suspend the registered architect's registration; or
  - (g) to cancel the registered architect's registration.
- (2) The Board must, as soon as practicable after it makes its determination, give notice of its determination to the complainant and the registered architect against whom the complaint was made.
  - (3) Notice of the determination is to be in writing and is to specify the Board's reasons for its determination.
  - (4) A fine imposed under subsection (1)(d) is recoverable as a debt due and payable by the registered architect to the Board.

### **23E Review of determination of complaint**

- (1) A complainant, or a registered architect against whom a complaint was made, who is aggrieved by the determination of the Board under section 23D may apply to the Minister to review the determination.
- (2) An application for review is to:
  - (a) be in writing;
  - (b) be signed by or on behalf of the applicant;
  - (c) set out the grounds on which the application is made and the facts relied on to establish the grounds; and
  - (d) be lodged with the Board within 14 days after the applicant received notice of the Board's determination.
- (3) The Minister must review the determination in a manner that is fair and expeditious and must give proper consideration to the issues.
- (4) On completing the review, the Minister must, by notice in writing to the applicant:
  - (a) affirm the determination;

- (b) vary the determination; or
  - (c) revoke the determination and substitute a determination that the Board may make under section 23D.
- (5) Notice under subsection (4) is to specify the Minister's reasons for his or her decision.

**23F      Appeal against outcome of review**

- (1) A complainant, or a registered architect against whom a complaint was made, who is aggrieved by the Minister's decision under section 23E may appeal to the Local Court against the decision on a question of fact, a question of law or a question of law and fact.
- (2) An appeal is to be made within 28 days after the complainant or registered architect receives notice of the Minister's decision.

**23G      Appeal proceeding may be closed to public**

The Local Court may order that the hearing of an appeal or part of an appeal is not to be heard in open court and, on the making of the order, persons other than the parties to the proceedings and the parties' counsel, solicitors or representatives are, unless permitted to be present by the Court, excluded during the hearing of the appeal or the part of the appeal.

**23H      Powers of Local Court**

- (1) In determining an appeal under this Part, the Local Court may in the manner in it considers appropriate:
  - (a) affirm or vary the decision appealed against;
  - (b) quash the decision appealed against and substitute a determination that the Board may make under section 23D; or
  - (c) remit the matter to the Board for further consideration.
- (2) In addition, the Court may make any other order (including orders as to costs) that it considers appropriate.

**Part IV              Miscellaneous**

**24              Application for re-registration**

Where the name of a person, partnership or company has been removed from the Register in pursuance of section 20, 20A or 20C respectively, that person, partnership or company, as the case may

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be, may apply for re-registration, but the Board may, on such grounds as it thinks fit, refuse to authorize the re-registration.

**25      Restriction on use of expression *architect*, *architectural* etc.**

- (1) Subject to subsection (2), a person, partnership or company, other than a registered architect, shall not take or use, either alone or in combination with any other words or letters, the title of ***architect***, ***architectural practitioner***, ***architectural consultant***, ***architectural designer*** or a name, title, addition or description (including initials or letters placed after the name of the person, partnership or company) indicating or implying that the person, partnership or company is a registered architect or that the person, partnership or company carries on the practice of architecture.

Penalty:      10 penalty units and 0.5 penalty units for each day during which the offence continues after the first day on which it is committed.

- (2) If a natural person, partnership or company is not a registered architect but holds a qualification that is usually described or indicated by using the word ***architecture*** or ***architectural*** (whether alone or in combination with any other words or letters) in a name, title or description, the person, partnership or company may describe or indicate that qualification or competence by using the word ***architect*** or ***architectural*** in the name, title or description.
- (3) The following are names, titles and descriptions that a person, partnership or company may use under subsection (2):
- (a) architectural draftsman;
  - (b) golf-course architect;
  - (c) landscape architect;
  - (d) naval architect.
- (4) Subsection (3) does not limit subsection (2).

**26      Administration of estate of deceased architect**

Upon the death of an architect who was at the time of his death carrying on business as a registered architect, an executor, administrator or trustee of his estate may continue the business for a period of 2 months or for such longer period as is permitted by the Board if the practice of architecture in the business is carried on by a registered architect.

**26A Regulatory offences**

An offence of contravening or failing to comply with section 18 or 22 is a regulatory offence.

**27 Power to summon witnesses**

- (1) The Chairman or Deputy Chairman of the Board may, by writing under his hand, summon a person to attend the Board at a time and place specified in the summons and then and there to give evidence and produce any books, documents or writings in his custody or control which he is required by the summons to produce.
- (2) A summons under this section shall be served:
  - (a) by delivering it personally to the person to be served;
  - (b) by sending it by prepaid registered letter addressed to him at his place of abode or business last-known to the Chairman or Deputy Chairman; or
  - (c) by leaving it at his place of abode or business last-known to the Chairman or Deputy Chairman with some person apparently an inmate of that place and apparently not less than 16 years of age.

**28 Power to examine on oath**

The Board may require a person appearing before it to give evidence on oath.

**30 Failure to attend or produce documents**

- (1) A person served with a summons to attend the Board shall not fail, without reasonable excuse, to attend the Board or to produce the books, documents or writings in his or her custody or control which he or she is required by the summons to produce.

Penalty: 1 penalty unit.

- (2) It is a defence to a prosecution for failing without reasonable excuse to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the Board's proceedings.



**31 Refusal to take oath or give evidence**

- (1) A person appearing as a witness before the Board:
- (a) shall not refuse to take an oath when required by the Board to do so; and
  - (b) shall not refuse to answer a question relevant to the proceedings put to him or her by a member of the Board.

Penalty: 1 penalty unit.

- (2) A statement or disclosure made by a witness to the Board is not, except in proceedings for an offence against section 34, admissible in evidence against him or her in civil or criminal proceedings in a court.

**32 Protection of witnesses**

A witness before the Board has the same protection as a witness in a matter before the Supreme Court.

**33 Allowances to witnesses**

- (1) A witness summoned to attend before the Minister shall be paid fees in accordance with the scale of fees payable in respect of attendance before the Supreme Court or, in special circumstances, such fees as the Minister directs.
- (2) The fees are payable by the person at whose request the summons was issued or, if the summons was issued otherwise than at the request of a person, by the Territory, and may be recovered as a debt in a court of competent jurisdiction.

**34 False testimony**

A witness before the Board shall not knowingly give false testimony.

Penalty: Imprisonment for one year.

**35 Board may inspect books, &c.**

The Board may inspect books, documents or writings before it, and may retain them for such reasonable period as it thinks fit and may make copies of such portions of them as are relevant to a matter before the Board.

**35A Offences and penalties**

A person who contravenes or fails to comply with a provision of this Act, the Regulations or an order of the Board for which a penalty is not provided by a provision of this Act or the Regulations, other than this section, is punishable upon a finding of guilt by a fine of 5 penalty units or imprisonment for 3 months.

**36 Moneys received to be paid into the Northern Territory government account**

All moneys received by the Board are Territory moneys.

**40 Board to furnish reports**

The Board shall, as soon as practicable after 30 June in each year, prepare and forward to the Minister for laying before the Legislative Assembly a report on the operations of the Board during the year ending on that date.

**41 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for prescribing matters providing for and in relation to:

- (a) the fees to be charged and paid in respect of any application, registration, certificate or other proceeding, act or thing provided for or required under this Act or the Regulations; and
- (b) the imposition of penalties, not exceeding a fine of 0.4 penalty units for offences against the Regulations.

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## ENDNOTES

**1****KEY**

Key to abbreviations

amd = amended  
 app = appendix  
 bl = by-law  
 ch = Chapter  
 cl = clause  
 div = Division  
 exp = expires/expired  
 f = forms  
 Gaz = Gazette  
 hdg = heading  
 ins = inserted  
 lt = long title  
 nc = not commenced

od = order  
 om = omitted  
 pt = Part  
 r = regulation/rule  
 rem = remainder  
 renum = renumbered  
 rep = repealed  
 s = section  
 sch = Schedule  
 sdiv = Subdivision  
 SL = Subordinate Legislation  
 sub = substituted

**2****LIST OF LEGISLATION*****Architects Ordinance 1963 (Act No. 58, 1963)***

Assent date	8 August 1963
Commenced	3 February 1965 (Gaz No. 5, 3 February 1965)

***Architects Ordinance 1964 (Act No. 72, 1964)***

Assent date	18 December 1964
Commenced	3 February 1965 (s 2, s 2 <i>Architects Ordinance 1963</i> (Act No. 58, 1963) and Gaz No. 5, 3 February 1965)

***Architects Ordinance 1967 (Act No. 8, 1967)***

Assent date	13 March 1967
Commenced	13 March 1967

***Architects Ordinance 1968 (Act No. 58, 1968)***

Assent date	18 September 1968
Commenced	18 September 1968

***Architects Ordinance 1971 (Act No. 41, 1971)***

Assent date	27 September 1971
Commenced	1 January 1972 (Gaz No. 50, 15 December 1971, p 454)

***Ordinances Revision Ordinance 1973 (Act No. 87, 1973)***

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

**Amending Legislation*****Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

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***Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)***

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

***Ordinances Revision Ordinance 1976 (Act No. 27, 1976)***

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

***Transfer of Powers Ordinance 1976 (Act No. 64, 1976)***

Assent date	22 December 1976
Commenced	ss 1 and 2: 22 December 1976; rem: 1 January 1977 (s 2(2) and (3))

**Amending Legislation**

***Transfer of Powers Ordinance (No. 2) 1976 (Act No. 65, 1976)***

Assent date	22 December 1976
Commenced	22 December 1976

***Architects Ordinance 1977 (Act No. 29, 1977)***

Assent date	5 July 1977
Commenced	5 July 1977

***Transfer of Powers (Self- Government) Ordinance 1978 (Act No. 54, 1978)***

Assent date	1 July 1978
Commenced	1 July 1978 (s 8)

***Statute Law Revision Act 1978 (Act No. 95, 1978)***

Assent date	5 September 1978
Commenced	5 September 1978

***Statute Law Revision Act 1979 (Act No. 98, 1979)***

Assent date	10 August 1979
Commenced	26 October 1979 (Gaz G43, 26 October 1979, p 1)

***Statute Law Revision Act (No. 2) 1979 (Act No. 128, 1979)***

Assent date	15 October 1979
Commenced	15 October 1979

***Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)***

Assent date	14 January 1980
Commenced	8 February 1980 (Gaz G6, 8 February 1980, p 6)

***Statute Law Revision Act 1980 (Act No. 6, 1981)***

Assent date	9 January 1981
Commenced	9 January 1981

***Architects Amendment Act 1983 (Act No. 53, 1983)***

Assent date	8 November 1983
Commenced	11 April 1984 (Gaz G14, 11 March 1984, p 7)

***Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)***

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), Gaz G46, 18 November 1983, p 11 and Gaz G8, 26 February 1986, p 5)

***Companies and Securities (Consequential Amendments) Act 1986 (Act No. 18, 1986)***

Assent date 30 June 1986  
Commenced 1 July 1986 (s 2)

***Corporations (Consequential Amendments) Act 1990 (Act No. 59, 1990)***

Assent date 14 December 1990  
Commenced 1 January 1991 (s 2, s 2 *Corporations (NT) Act 1990* (Act No. 56, 1990) and Gaz S76, 21 December 1990)

***Public Sector Employment and Management (Consequential Amendments) Act 1993 (Act No. 28, 1993)***

Assent date 30 June 1993  
Commenced 1 July 1993 (s 2, s 2 *Public Sector Employment and Management Act 1993* (Act No. 11, 1993) and Gaz S53, 29 June 1993)

***Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)***

Assent date 19 April 1996  
Commenced 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and Gaz S15, 13 June 1996)

***Statute Law Revision Act (No. 2) 1999 (Act No. 48, 1999)***

Assent date 10 November 1999  
Commenced 10 November 1999

***Corporations Reform (Consequential Amendments NT) Act 2001 (Act No. 17, 2001)***

Assent date 29 June 2001  
Commenced 15 July 2001 (s 2 and s 2 *Corporations Act 2001* (Cth Act No. 50, 2001) and Cth Gaz S285, 13 July 2001)

***Architects Amendment Act 2003 (Act No. 5, 2004)***

Assent date 7 January 2004  
Commenced 24 November 2004 (Gaz G47, 24 November 2004, p 5)

***Statute Law Revision Act 2005 (Act No. 44, 2005)***

Assent date 14 December 2005  
Commenced 14 December 2005

***Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)***

Assent date 18 November 2010  
Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and Gaz G7, 16 February 2011, p 4)

**3 SAVINGS AND TRANSITIONAL PROVISIONS**

s 16 *Architects Amendment Act 1983* (Act No. 53, 1983)  
s 5(4) *Statute Law Revision Act (No. 2) 1999* (Act No. 48, 1999)

**4 GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to: ss 6, 7, 10, 11, 14 – 27, 30, 31, 40 and 41.

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## 5 LIST OF AMENDMENTS

lt	amd No. 6, 1981, s 4 sub No. 5, 2004, s 4
ss 1 – 2	amd No. 6, 1981, s 4
s 3	rep No. 128, 1979, s 37 ins No. 5, 2004, s 5
s 4	amd No. 6, 1981, s 4; No. 53, 1983, s 4; No. 28, 1993, s 3; No. 5, 2004, s 6
s 5	amd No. 6, 1981, s 4
ss 5A – 5B	ins No. 5, 2004, s 7
s 6	amd No. 58, 1968, s 2; No. 64, 1976, s 4; No. 54, 1978, s 3; No. 53, 1983, s 5; No. 5, 2004, s 8
s 7	amd No. 58, 1968, s 3; No. 64, 1976, s 4; No. 54, 1978, s 3
s 8	amd No. 41, 1971, s 3; No. 98, 1979, s 5 rep No. 9, 1980, s 6
s 9	amd No. 58, 1968, s 4; No. 64, 1976, s 4; No. 54, 1978, s 3; No. 5, 2004, s 9
s 10	amd No. 64, 1976, s 4
s 11	amd No. 64, 1976, s 4; No. 54, 1978, s 3; No. 6, 1981, s 4
pt III	
div 1 hdg	ins No. 5, 2004, s 10
s 12	sub No. 53, 1983, s 6 amd No. 5, 2004, s 11
s 12AA	ins No. 5, 2004, s 12
pt III	
div 2 hdg	ins No. 5, 2004, s 13
ss 12A – 12B	ins No. 53, 1983, s 6
s 13	sub No. 53, 1983, s 6 amd No. 18, 1986, s 3; No. 59, 1990, s 4; No. 17, 2001, s 21
s 14	amd No. 8, 1967, s 2; No. 29, 1977, s 3; No. 6, 1981, s 4 sub No. 53, 1983, s 6; No. 5, 2004, s 14
s 14A	ins No. 53, 1983, s 6 amd No. 5, 2004, s 15
s 14B	ins No. 53, 1983, s 6 amd No. 48, 1999, s 3; No. 5, 2004, s 16
s 15	amd No. 6, 1981, s 4 sub No. 53, 1983, s 6
s 15A	ins No. 53, 1983, s 6
pt IIIA hdg	ins No. 53, 1983, s 6
s 16	amd No. 6, 1981, s 4; No. 53, 1983, s 15
s 17	amd No. 6, 1981, s 4; No. 53, 1983, s 15; No. 5, 2004, s 22
s 18	amd No. 6, 1981, s 4 sub No. 53, 1983, s 7 amd No. 5, 2004, s 22
s 19	amd No. 53, 1983, s 8
s 19A	ins No. 53, 1983, s 9 amd No. 44, 2005, s 35
s 20	amd No. 6, 1981, s 4; No. 53, 1983, s 15
pt IIIB hdg	ins No. 53, 1983, s 10
ss 20A – 20B	ins No. 53, 1983, s 10
pt IIIC hdg	ins No. 53, 1983, s 10
s 20C	ins No. 53, 1983, s 10 amd No. 48, 1999, s 3
pt IIID hdg	ins No. 53, 1983, s 10
s 21	amd No. 64, 1976, s 4; No. 54, 1978, s 3 sub No. 53, 1983, s 10

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s 22	amd No. 6, 1981, s 4 sub No. 53, 1983, s 10 amd No. 5, 2004, s 17
s 23	amd No. 54, 1978, s 3; No. 53, 1983, s 11
pt III E hdg	ins No. 5, 2004, s 18
ss 23A – 23H	ins No. 5, 2004, s 18
pt IV hdg	ins No. 5, 2004, s 19
s 24	amd No. 53, 1983, s 15
s 25	amd No. 6, 1981, s 4 sub No. 53, 1983, s 12 amd No. 5, 2004, s 20
s 26	amd No. 53, 1983, s 15
s 26A	ins No. 68, 1983, s 102
pt IV hdg	rep No. 5, 2004, s 21
s 28	sub No. 40, 2010, s 5
s 29	rep No. 6, 1981, s 4
s 30	amd No. 6, 1981, s 4; No. 53, 1983, s 15; No. 5, 2004, s 22
s 31	amd No. 6, 1981, s 4; No. 53, 1983, s 15; No. 5, 2004, s 22; No. 40, 2010, s 6
s 33	amd No. 64, 1976, s 4; No. 98, 1979, s 5
s 35A	ins No. 53, 1983, s 13 amd No. 17, 1996, s 6; No. 5, 2004, s 22
s 36	sub No. 72, 1964, s 3 amd No. 98, 1979, s 5; No. 53, 1983, s 14
ss 37 – 39	rep No. 72, 1964, s 3
s 40	amd No. 72, 1964, s 4; No. 64, 1976, s 4; No. 54, 1978, s 3; No. 6, 1981, s 4
s 41	amd No. 95, 1978, s 14; No. 6, 1981, s 4; No. 53, 1983, s 15; No. 5, 2004, s 22