

THE ARCHITECTS BOARD OF WESTERN AUSTRALIA

THE CHAIRMAN'S REPORT FROM 1 JANUARY 2005 – 30 JUNE 2006

THE ARCHITECTS ACT 2004

The Architects Act 2004 became a reality via proclamation on 15 November 2005.

This report is prepared for submission to the Minister for Housing and Works in accordance with the provisions of Section 28 of The Architects Act 2004.

(1) **STATE OF THE REGISTER OF ARCHITECTS**

(a) **Natural Persons**

The Register commenced as follows:

2005 year with 1,029 registered architects
2006 year with 1,039 registered architects

The following alterations were made to the Register:

Details	1/01/2005 - 30/06/2005	1/07/2005 - 31/12/2005	1/01/2006 - 30/06/2006
Deletions due to retirement, resignation, deceased or struck off for non-payment	33	5	14
New registrations and re-registrations	22	26	21
Total of registered natural persons as at last day of each six (6) month period	1018	1039	1046
Non-practising architects	69	67	68

An increase of twenty eight (28) registered architects from 1 January 2005 to 30 June 2006.

(b) **Corporations**

The Register commenced -

2005 with 140 registered practising corporations
2006 with 140 licensed practising corporations

The following alterations were made to the Register:

Details	1/01/2005 - 30/06/2005	1/07/2005 - 31/12/2005	1/01/2006 - 30/06/2006
Ceased operations	5	-	8
New Registration (until 31/12/2005) New Licence (from 1/01/2006)	1	4	2
Total of Architectural Corporations as at last day of each 6 month period	136	140	134

An overall decrease of two (2) architectural corporations from 1 January 2005 to 30 June 2006.

(c) Firms

Firms are no longer required to be registered or licensed. However, as at the date of proclamation of the Act, i.e. 15.11.2005, the register showed twelve (12) registered firms.

(2) ARCHITECTURAL PRACTICE EXAMINATION

Two (2) series of examinations were conducted during 2005 and the results were as follows:

- April/May: 8 candidates were accepted
 6 passed the written examination
 4 passed examination 3(A)
 2 failed examination 3(A)
 2 deferred examination 3(B)
- July/August: 13 candidates were accepted (plus 2 deferred from May for Part 3(B))
 13 passed the written examination
 12 passed examination 3(A)
 1 failed examination 3(A) - offered examination 3(B)
 2 passed examination 3(B) including 1 candidate who deferred from May 2005
 1 failed examination 3(B) - candidate who deferred from May 2005.

A total of 21 candidates for the 2005 year, 18 passed and 3 failed.

One (1) examination was conducted until 30 June 2006 and the results are as follows:

- April/May: 17 candidates were accepted
 16 passed the written examination
 11 passed examination 3
 2 failed examination 3
 3 offered supplementary examinations

The Board extends thanks to those architects who acted as examiners and in particular to Mr Rodney Mollett, who acted as Convenor.

Mr Mollett is also National Convenor of the AACA APE and is continuing with a review being undertaken of the APE process and would welcome comments from Architects.

(3) EDUCATION

Board nominees participated in the 2005 State Visiting Panel Assessments for Curtin University of Technology, Faculty of Built Environment, Art and Design, Department of Architecture and Interior Design and for The University of Western Australia, Faculty of Architecture, Landscape and Visual Arts.

The Board has accepted the Curtin University and UWA State Visiting Panels' Reports for 2005.

The Committee of Architectural Education was comprised of the following for 2005:

NAME	NOMINATED BY	CLASS OCCUPATION	SEX	INITIAL APPOINTMENT	CURRENT APPOINTMENT	EXPIRY DATE
SILBERT J	ACA	ARCHITECT	M	1.1.04	1.1.05	31.12.05
CALLOW B	BOARD	ARCHITECT	M	1.6.02	1.1.05	31.12.05
IVANOVICH S	BOARD	ARCHITECT	M	1.1.98	1.1.05	16.11.05
WRIGHT B	BOARD	ARCHITECT	M	1.1.99	1.1.05	31.12.05
TOUT E	CURTIN	ACADEMIC	M	1.5.05	1.1.05	31.12.05
NEILLE S	CURTIN	ACADEMIC	M	1.1.04	1.1.05	31.12.05
GOLDSWAIN P	CURTIN	ACADEMIC	M	1.5.05	1.1.05	31.12.05
FERGUSON K	CURTIN	STUDENT	M	1.1.01	1.1.05	31.12.05
DEFENDI K	MEMBER	ARCHITECT	F	1.1.99	1.1.05	31.12.05
SZKLARZ R	MEMBER	ARCHITECT	M	1.1.00	1.1.05	31.12.05
UNDERWOOD Z	MEMBER	ARCHITECT	F	1.1.00	1.1.05	31.12.05
BRENNAN N	MEMBER	ARCHITECT	F	1.9.02	1.9.05	31.12.05
PINDER P	RAIA	ARCHITECT	M	1.1.00	1.1.05	31.12.05
ANDERSON S	UWA	ACADEMIC	M	1.1.93	1.1.05	31.12.05
DOBSON M	UWA	STUDENT	F	1.1.03	1.1.05	31.12.05

The Committee of Architectural Education is comprised of the following for 2006:

NAME	NOMINATED BY	CLASS OCCUPATION	SEX	INITIAL APPOINTMENT	CURRENT APPOINTMENT	EXPIRY DATE
SILBERT J	ACA	ARCHITECT	M	1.1.04	1.1.06	31.12.06
JONES W	ACA	ARCHITECT	M	1.1.06	1.1.06	31.12.06
CALLOW B	BOARD	ARCHITECT	M	1.6.02	1.1.06	31.12.06
BODYCOAT S	BOARD	ARCHITECT	M	7.3.06	7.3.06	31.12.06
WRIGHT B	BOARD	ARCHITECT	M	1.1.99	1.1.06	31.12.06
TOUT E	CURTIN	ACADEMIC	M	1.5.05	1.1.06	31.12.06
NEILLE S	CURTIN	ACADEMIC	M	1.1.04	1.1.06	31.12.06
GOLDSWAIN P	CURTIN	ACADEMIC	M	1.5.05	1.1.06	31.12.06
FERGUSON K	CURTIN	STUDENT	F	1.1.05	1.1.06	31.12.06
HICKS S	CURTIN	STUDENT	M	1.1.06	1.1.06	31.12.06
SZKLARZ R	MEMBER	ARCHITECT	M	1.1.00	1.1.06	31.12.06
PINDER P	RAIA	ARCHITECT	M	1.1.00	1.1.06	31.12.06
GOONEWARDENE R	UWA	ACADEMIC	M	1.6.05	1.1.06	31.12.06
DE ARAJU L	UWA	STUDENT	M	1.1.06	1.1.06	31.12.06

(4) ELECTIONS, NOMINATIONS AND BOARD MEMBERSHIP

The Board membership for 2005 before proclamation of the new Act was as follows:

NAME	APPOINTED BY	CLASS OCCUPATION	SEX	INITIAL APPOINTMENT	CURRENT APPOINTMENT	EXPIRY DATE
BROWN D	ELECTED	ARCHITECT	F	2003	31.1.03	Resigned 2.8.05
CALLOW B	ELECTED	ARCHITECT	M	2000	31.1.03	31.1.06
IVANOVICH S	ELECTED	ARCHITECT	M	1998	31.1.04	31.1.07
MARSH J	GOVERNOR	ARCHITECT	F	2000	29.3.05	31.1.08
MOLLETT R	ELECTED	ARCHITECT	M	1980	31.1.04	31.1.07
PITMAN F	GOVERNOR	ENGINEER	M	1998	31.1.04	31.1.07
SUMMERHAYES G	ELECTED	ARCHITECT	M	1999	31.1.05	31.1.08
WELLINGTON P	RAIA	ARCHITECT	M	2003	31.1.05	31.1.06
WILKINS B	GOVERNOR	CONSUMER	M	2004	31.1.04	Resigned 5.7.05
WRIGHT B	ELECTED	ARCHITECT	M	1993	31.1.05	31.1.08

At a Preliminary Meeting preceding the Annual General Meeting on 1 March 2005 the following positions were decided by election:

Chairperson - Mr Brian Wright
Treasurer - Ms Janine Marsh

Following proclamation of the Architects Act 2004 the Board is now composed of 4 members elected from architects, 2 nominated by the W.A. Chapter of the R.A.I.A. and appointed by the Minister and 4 community representatives appointed by the Minister – 10 members in all.

Members of the Board following proclamation of the Architects Act 2004 are as follows:

NAME		APPOINTED BY	CLASS OCCUPATION	SEX	INITIAL APPOINTMENT	CURRENT APPOINTMENT	EXPIRY DATE
ANNEAR	D	MINISTER	COMMUNITY REPRESENTATIVE	F	16.11.05	16.11.05	16.11.06
BODYCOAT	S	ELECTED	ARCHITECT	M	16.11.05	16.11.05	16.11.06
CALLOW	B	ELECTED	ARCHITECT	M	31.01.00	16.11.05	30.06.07
CIFFOLILLI	A	MINISTER	COMMUNITY REPRESENTATIVE	F	16.11.05	16.11.05	16.11.07
KLOPPER	B	ELECTED	ARCHITECT	M	16.11.05	16.11.05	30.06.07
MARSH	J	RAIA NOM	ARCHITECT	F	29.03.00	16.11.05	16.11.06
McBAIN	J	MINISTER	COMMUNITY REPRESENTATIVE	M	16.11.05	16.11.05	16.11.06
MOLLETT	R	ELECTED	ARCHITECT	M	31.01.80	16.11.05	16.11.06
PITMAN	F	MINISTER	ENGINEER	M	31.01.98	16.11.05	16.11.07
WRIGHT	B	RAIA NOM	ARCHITECT	M	31.01.93	16.11.05	16.11.07

Pursuant to the Architects Act 2004 the office bearers are a Chairperson and Deputy Chairperson and at the Board meeting of 6 December 2005 the following positions for 2005/2006 were decided by election:

Chairperson - Mr Brian Wright
Deputy Chairperson - Mr Bruce Callow

(5) **ARCHITECTS ACCREDITATION COUNCIL OF AUSTRALIA (ACA)**
ANNUAL MEETING – CANBERRA 26/27 AUGUST 2005

The Chairperson, Mr B Wright, and the Registrar, Ms Mary-Eileen Scanlan, attended.

Agenda items included:

- Management issues – Governance Issues.
- National Issues – National Listing; CPD; ACA Feasibility W/Party; Report on Legislative Reforms; Review of Legislative Guideline; Review of ACA NCSA 01.
- APE Issues – APE Review; APE National Convenor’s Report; APE Eligibility Criteria for Successful NPrA Candidates.
- RAE Issues – Report on Briefing Seminars.
- NPrA – Report.
- Education – Revised Schools Accreditation/Recognition Issues; Establishment of Standing Panel; National Assessment Panel; NAP; New Schools of Architecture.
- International Issue – APEC Architect; Launch of APEC Architect Register; New Zealand; Presentation by NZ Chairperson; Licence Arrangements; Assessment of Overseas Qualifications; UIA - SA Board; Hong Kong.
- ACA Finances.
- Election of Office Bearers.
- ACA Committees and Panels.

A copy of the Minutes of the meeting is held by the Registrar and is available for elaboration of the above topics.

(6) **PRIZES**

There are four (4) educational prizes and awards with which the Board is associated and the results of these are:

- The Architectural Education Prize 2004 was awarded to Ms Amanda Blaise Christou.
- The Architectural Education Prize 2005 was awarded to Mr Gregory Niziskiotis.

- The Architects Travel Award 2004 was awarded to Mr William Thomson.
- The Architects Travel Award 2005 was awarded to Mr Anthony Duckworth.

- The W. H. Robertson Memorial Travel Grant 2004 was awarded to Mr Richard Bell.
- The W. H. Robertson Memorial Travel Grant 2005 was awarded to Mr Vincci Chow.

- The A.R.L. Wright Memorial Prize 2004 was awarded to Ms Charlotte Crombie.
- The A.R.L. Wright Memorial Prize 2005 was awarded to Mr Ryan Beelitz and Mr Paul Malcolm.

(7) **CONTRAVENTIONS OF THE ACT AND COMPLAINTS**

(a) **Contraventions of the Act 1 January 2005 to 30 June 2006**

In 2005 fourteen (14) letters were issued in respect of the Act advising of the option to prosecute, where non-architects held themselves out as architects.

Until 30 June 2006 three (3) letters were issued in respect of the Act advising of the option to prosecute, where non-architects held themselves out as architects.

One matter from 2005 is ongoing with the parties involved in legal proceedings. All other matters from 2005 until 30 June 2006 were resolved to the satisfaction of the Board.

(b) **Complaints Against Architects - 2005**

The Board received four (4) complaints in 2005 alleging misconduct by an architect.

In one case it was decided the architects had no case to answer. In one case legal proceedings were instigated by the complainant and the case with the Board was placed on hold. The Board referred one matter to State Administrative Tribunal and it was conciliated to a mutually agreed outcome. This matter involved legal costs, which were only partially able to be recovered. One case was lodged, withdrawn and then re-lodged. This case is ongoing in 2006.

One matter from 2004 has been finalised with the Board being awarded and accepting the negotiated amount for costs in September 2005.

(c) **Complaints Against Architects - 2006**

Until 30 June 2006 the Board has received three (3) new complaints alleging misconduct by an architect. In two cases it was decided that there was no case to answer and the third matter is still under review.

In the one ongoing case from 2005 the Board did not approve of the conduct and instigated a conciliation process between the parties to assist in resolving the matter with the conciliation organised for 21 July 2006. Subsequent to the end of June 2006 this matter has been finalised with the parties reaching a settlement and executing a confidential Deed of Settlement, which included an element of re-education. This case has taken up a large amount of time and Board resources.

(8) **GENERAL**

(a) **State Legislation**

The Architects Act 2004 was proclaimed in November 2005.

The State Administrative Tribunal (SAT) provisions with new procedures for disciplinary action are now in operation.

What this means is that any complaints against architects must firstly be taken to the Architects Board of WA. The Board determines if there is cause for disciplinary action or not. If the Board believes there is cause for action, the Board, may institute a conciliation process between the parties or refer the complaint/matter to SAT for hearing and determination. SAT will determine the matter and hand down any action against the architect.

If the Architects Board of WA believes there is no cause for disciplinary action, the complainant will be notified and the matter will not be referred to SAT. If the complainant is not satisfied with that decision he/she may appeal to SAT for a review of the decision.

Individuals are not able to take a complaint against an architect direct to SAT. They must approach the Board first. They may go direct to SAT with a complaint against a decision of the Board and SAT will review that decision.

The new Act has meant a lot of changes to the way we conduct our business and our relationship with our clients and the public in general. The Regulations to the new Act are still being refined with the Board seeking legal advice to ensure the inclusion by regulation of the joint AACA/RAIA Code of Conduct.

Greater consumer representation on the Board has ensured a greater level of protection to the consumers of architectural services. One of the stated objectives of the new Act is to “protect the consumers of architectural and related services in Western Australia”. This, of course, is a two edged sword as the new Act gives greater powers to the Board when pursuing Offences under the Act by those non-registered people holding out as being an Architect or offering architectural services.

Mandatory continuing education and professional indemnity insurance will be a part of the requirements for ongoing registration if you are offering your services to the public. This will also include employees and academics doing private jobs outside of work hours unless such work is expressly covered under their employers PI Insurance policy.

(b) **Board Award**

It is an honour to announce that the Architects Board Award for the year 2006 was awarded to Mr Warren Kerr. Mr Kerr was presented with his award by the Minister, the Hon. Michelle Roberts, at a function held at Lamonts Restaurant in East Perth.

(c) **Procedural Matters**

The Board and more particularly the Registrar deal on a regular basis with procedural matters mainly relating to:

- Contraventions of the Act - most usually non-architects holding out
- Participation with R.A.I.A. on a dual functioning Education Committee.
- Schools visiting panels and annual visiting committees
- Applications for registration
- AACA Professional Practice Examinations
- Inquiries from the public regarding possible misconduct by architects.

The Boards role under the new Act has expanded considerably and there will be many more new procedural matters to be dealt with on an ongoing basis. The year ahead for the Board looks set to be a busy one particularly as we are seeking amendments to the regulations for the new Act.

I would like to thank all Board Members for the work they do and the time they donate and I especially wish to thank the Registrar, Mary-Eileen Scanlan and Assistants Regina Chuah and Veronica Candy, who continue to look after the nuts and bolts and make certain "it all gets done" in an efficient and pleasant manner.

BRIAN WRIGHT - CHAIRMAN