

South Australia

# Architectural Practice (General) Regulations 2010

under the *Architectural Practice Act 2009*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Architectural Practice (General) Regulations 2010*.

### 2—Commencement

These regulations will come into operation on the day on which section 4 of the *Architectural Practice Act 2009* comes into operation.

### 3—Interpretation

In these regulations—

*Act* means the *Architectural Practice Act 2009*.

### 4—Annual report (section 23 of Act)

- (1) For the purposes of section 23(2)(a)(iv) of the Act, the following information is to be included in the Board's annual report in relation to the relevant financial year:
  - (a) the number of persons registered as architects;
  - (b) the number of persons registered with limited registration;
  - (c) the number of businesses registered as architectural businesses;
  - (d) the number of proceedings under Part 4 commenced before the Board;
  - (e) a description of the outcomes of proceedings under Part 4;
  - (f) a description of any committees established by the Board and the purposes for which they were established.

- (2) The Board must prepare its report for the financial year ending on 30 June 2011 as if—
- (a) the financial year commenced on 1 January 2010; and
  - (b) the requirement to report extended to the administration of the repealed Act.

### **5—Registers (sections 24(3) and 25(3) of Act)**

For the purposes of sections 24(3) and 25(3) of the Act, the prescribed manner of giving notice to the Registrar is by notice in writing.

### **6—Exceptions for certain titles and descriptions (section 41(e) of Act)**

Pursuant to section 41(e) of the Act, a person is not prohibited from using the title or description of "golf course architect", "information technology architect", "IT architect" or "system architect".

### **7—Obligation to report unprofessional conduct of architect (section 46(1) of Act)**

For the purposes of section 46(1) of the Act, the following information is required to be included in a report to the Board:

- (a) the date, time and place at which it is alleged the architect engaged in unprofessional conduct;
- (b) the nature of the alleged unprofessional conduct.

### **8—Information relating to claim against architect to be provided (section 60 of Act)**

- (1) For the purposes of section 60(a) of the Act, the information relating to a claim referred to in that section to be provided to the Board within 30 days after the claim is made is—
- (a) the nature of the service that is alleged to have been carried out negligently; and
  - (b) full details of the alleged negligence; and
  - (c) the address of the premises at which the negligence is alleged to have occurred; and
  - (d) the time at which and the date on which the negligence is alleged to have occurred; and
  - (e) full details of the injury suffered or allegedly suffered by the claimant as a result of the alleged negligence; and
  - (f) the date of the claim.
- (2) For the purposes of section 60(b) of the Act, the information relating to the claim referred to in that section to be provided to the Board within 30 days after any order is made by a court to pay damages or other compensation in respect of that claim or any agreement has been entered into for payment of a sum of money in settlement of that claim (whether with or without a denial of liability) is—
- (a) information adequate to identify the claim; and

- (b) details of any change in information previously provided to the Board relating to the claim; and
- (c) details of the order or agreement (including the amount ordered or agreed to be paid).

## **9—Fees and charges**

- (1) The Board may fix—
  - (a) registration fees; and
  - (b) reinstatement fees; and
  - (c) annual fees; and
  - (d) fees or charges for a copy of any part of a register; and
  - (e) fees or charges for services provided by the Board in the exercise of its functions under the Act.
- (2) Fees or charges fixed by the Board may be differential, varying according to factors determined by the Board.
- (3) The Board may recover a fee or charge fixed under this regulation by action in a court of competent jurisdiction as a debt due to the Board from the person liable for payment of the fee or charge.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2010	221	<i>Gazette 11.11.2010 p5315</i>	1.1.2011: r 2