



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1980

No. 47 of 1981**An Act to amend the Architects Act, 1939-1976.***[Assented to 18th June, 1981]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Architects Act Amendment Act, 1981".

(2) The Architects Act, 1939-1976, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Architects Act, 1939-1981".

Amendment of
s. 28—
Offences.

2. Section 28 of the principal Act is amended—

(a) by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) An unregistered person shall not—

(a) use the word "architect" or "architectural" as part of his title or description;

or

(b) assume any title or description implying, or leading reasonably to the belief, that he is registered under this Act.

Penalty: Five hundred dollars.

(2) A person shall not—

(a) use the word "architect" or "architectural" as part of the title or description of an unregistered person;

or

- (b) apply to an unregistered person a title or description implying, or leading reasonably to the belief, that he is registered under this Act.

Penalty: Five hundred dollars.

(3) Notwithstanding the provisions of subsection (1) and subsection (2), no offence is committed under this section by virtue only of the fact that—

- (a) an unregistered person designs, or superintends the erection of, a building;
- (b) a person who is a corporate member of the Australian Institute of Landscape Architects describes himself, or is described, as a landscape architect;
- (c) a naval architect or a golfcourse architect describes himself, or is described, as such;
- (d) an unregistered person who is employed by a registered architect as an architectural draftsman or architectural technician describes himself, or is described, in relation to that employment, as an architectural draftsman or architectural technician;
- (e) an unregistered person who holds a qualification prescribed by by-law of the board states that he holds that qualification, or another person states that the unregistered person holds that qualification;
- or
- (f) an unregistered person describes himself, or is described, in a manner permitted by the regulations.

(3a) The Governor may make regulations for the purposes of subsection (3) (f).;

- (b) by striking out from subsection (4) the passage "hold itself out, or be held out" and substituting the passage "describe itself, or be described";

and

- (c) by striking out subsection (5).

3. Section 32a of the principal Act is amended by striking out paragraph (b) of subsection (1) and substituting the following paragraphs:

- (b) each director of the company must be a natural person;

(ba) where the company has two directors—

- (i) both directors must be registered architects;

or

Amendment of
s. 32a—
Registration
of a company
as an
architect.

(ii) one director must be a registered architect and the other must be—

(A) a person who holds a qualification declared by by-law of the board pursuant to subsection (2) to be a prescribed qualification;

(B) a relative of the registered architect;

(C) an employee of the company;

or

(D) a qualified accountant or legal practitioner who acts for the company,

and where the board of directors is constituted in accordance with subparagraph (ii), the articles of association must provide that in the event of a disagreement arising between the directors, the opinion of the registered architect will prevail;

(bb) where the company has three or more directors, each director must hold a prescribed qualification and at least two-thirds of the directors must be registered architects;.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

K. D. SEAMAN, Governor