



Department of Justice
Office of the Secretary
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Date: 10.06.2022

By email to: haveyoursay@justice.tas.gov.au

Architects Regulations 2022

On behalf of the Australian Institute of Architects (the Institute), we would like to thank you for the opportunity to provide comment on the *Architects Regulations 2022*.

Overall, the Institute supports the tenor of the regulations. There are some areas of concern that we believe need minor amendment to ensure greater clarity.

Our main area of concern is to avoid any confusion or misinterpretation with regard to the registration of companies, partnerships, trusts and other architectural business entities.

In clause 3, the regulations state

an “**architectural firm** means a company that provides architectural services;”

This definition restricts the registration of an architectural practice to those entities that are companies and does not allow for other forms of business entity, such as partnerships or trusts.

With regard to registration of architectural firms. Clause 23 (1) provides

“(1) A registered architect who is a permanent employee or a director of an architectural firm, and is nominated by the firm for the purpose, may apply on behalf of the firm for registration as an architectural firm.”

This restricts registration of an architectural firm to those architectural practices that have permanent employees or directors who are registered architects. This prevents registration of business entities that are partners, sole traders, or operate in a trust environment.

In our view the current definition of an architectural firm and clause 23(1) will exclude business entities other than architectural practices that are companies. This will impact on Tasmanian practices and, with the introduction of Automatic Mutual recognition, will also impact interstate architectural practices wishing to practice in Tasmania.

We believe that the definition needs to be amended. We would direct your attention to the current South Australian legislation and NSW legislation.

The *Architectural Practice Act 2009 (South Australia)* uses the term architectural business and defines it in section 4 (1)

“registered architectural business means a body corporate, or each of the partners in a partnership, registered on the register of architectural businesses;”

The *Architects Act 2003 (NSW)* allows corporations or firms to call themselves architects. Section 10 (1) provides:

“(1) A corporation or firm must not represent itself to be an architect, and must not allow itself to be represented to be an architect, unless the corporation or firm has at least one nominated architect who is responsible for the provision of architectural services by the corporation or firm.”

It defines the term firm:

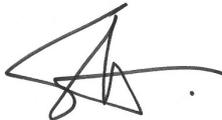
“firm means a partnership or other unincorporated association of persons.”

There are other related provisions in sections 11 and 27.

These examples provide more clarity and broadens the scope for registration of a wider range of architectural business entities. Our preference would be for the amended definition to include corporations and firms to reflect the NSW definitions.

If you require further information, please do not hesitate to contact us.

Kind regards,



Stuart Tanner

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The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with over 12,000 members across Australia and overseas. The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture. The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design. To learn more about the Institute, log on to www.architecture.com.au.