



ARCHITECTS BOARD OF WESTERN AUSTRALIA

Newsletter

17 March 2010

Dear Architect

Greetings from the Architects Board of WA. We hope you had an enjoyable break over the Christmas period, and are now busy with lots of projects underway.

Successful Prosecution

In November 2009 the Board successfully prosecuted its first case in the Magistrates Court under the new Architects Act.

Rammed Earth (WA) Pty Ltd was prosecuted for using the restricted word “architecture” as part of its title or description, without being a licensed corporation, as it carried on a business under the registered business name “Rammed Earth Architecture & Design”.

Rammed Earth (WA) Pty Ltd repeatedly ignored the Board’s requests to stop using the word “architecture” in its business name, and to deregister the business name. Eventually, the company transferred the business name to another person who was not an architect instead of simply deregistering the business name. This resulted in the Board prosecuting Rammed Earth (WA) Pty Ltd in the Magistrates Court.

On the day of the trial the accused changed its not guilty plea to guilty, and the Magistrate imposed a fine of \$3,500 and awarded costs of \$1,000 to the Board.

The *Architects Act 2004* sets the maximum fine payable for using a restricted word as part of a title or description as \$5000 for a first offence. Interestingly, where a statute does not expressly refer to the fine payable by a body corporate, a section of the Sentencing Act applies. It states that the maximum fine payable by a corporation is multiplied by 5 i.e. $5 \times \$5,000 = \$25,000$. As a result, Rammed Earth (WA) Pty Ltd was looking at a maximum fine of \$25,000. This certainly should be a general deterrent for companies that ignore the restricted nature of the words “architect”, “architects”, “architectural” and “architecture”.

As a result of this prosecution, the Board has secured agreement from the Department of Commerce to place the words “architect”, “architects”, “architectural” and “architecture” on the Department’s internal prohibited list. This will restrict any business name application containing these words from being registered as a business name without the applicant first obtaining approval from the Board. Hopefully, this will reduce the number of businesses the Board has to chase for using restricted words.

Continuing Professional Development

Next week the Board will start the continuing professional development (CPD) audit process of a sample of practising architects. About 5% of practising architects will receive a letter from the Board informing them that they have been selected in the CPD audit. These architects will have to submit a record of the CPD activities they have undertaken during the period 1 July 2009 to 30 June 2010 as part of their renewal of registration.

This early notice of being selected in the CDP audit will allow architects time to ensure they have undertaken an appropriate amount of CPD. The 95% of practising architects that are not selected in the audit will still be required to certify at renewal of registration that they have maintained a satisfactory level of knowledge, skill and competence in the practice of architecture. The Board considers that practising architects should undertake a minimum of 20 CPD points each year, of which at least 10 points is formal CPD.

More information about the Board’s CPD framework and a CPD Record form can be found at the Board’s website www.architectsboard.org.au.

Architects Board Elections

The Board is calling for nominations for the election of two Board members as Simon Bodycoat's and John Taylor's terms expire on 30 June 2010. The term for the elected members will be from 1 July 2010 to 30 June 2012.

If you would like to nominate yourself as a candidate, please contact the Board office. Nominations close at 4:30 pm on Wednesday 24 March 2010.

Architects Board Award 2010

The Board is also calling for nominations for the Architects Board Award 2010.

The intention of the Award is to recognise architects registered in Western Australia whose attitudes and personal contributions to the profession and/or community have enhanced public confidence in the standing of the profession, and/or promoted public awareness of the profession and the activities of the Board.

There are many architects who, by individual effort and example, ensure that the profession has a respected voice in forming professional and community standards. It is to those, whose true value may otherwise go unrecognised, that this honour is awarded to. It is not intended that the Board Award should be made to recognise the successful career of an architect, building design or academic excellence. It is awarded to recognise special endeavours outside of those which would be considered the normal business activities of an architect.

Nominations for the Board Award should be addressed to the Registrar, and may be submitted by any person or organisation. For more information contact the Board office. Nominations are to be received by **Friday 16 April 2010**.

Architects Board Graduate Award

Last year the Board established two new student prizes, one for each university, called the Architects Board Graduate Award. The prize is valued at \$5,000 and is awarded to a final year student who in the opinion of the Faculty is most likely to benefit from travel or further study.

The inaugural winner from Curtin University is Ryan Beelitz. Chairman of the Board, Bruce Callow, presented Ryan with a certificate and cheque at Curtin's recent prize giving ceremony.



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Registrar

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