

ARCHITECTS ORDINANCE 1963.

No. 58 of 1963.

An Ordinance to provide for the Registration of Persons engaged in the Practice of Architecture and to control Architectural Practice.

[Assented to 8th August, 1963.]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1962*, as follows:—

PART I.—PRELIMINARY.

Short title.

1. This Ordinance may be cited as the *Architects Ordinance 1963*.

Commencement.

2. This Ordinance shall come into operation on a date to be notified by the Administrator by notice in the *Gazette*.*

Parts.

3. This Ordinance is divided into Parts, as follows:—

Part I.—Preliminary (Sections 1-4).

Part II.—Administration (Sections 5-11).

Part III.—Registration and Qualifications (Sections 12-26).

Part IV.—Miscellaneous (Sections 27-41).

Definitions.

4. In this Ordinance, unless the contrary intention appears—

“architect” or “architecture” does not include naval architect or naval architecture;

“Board” means the Northern Territory Architects Board constituted by this Ordinance;

“Chairman” means Chairman of the Board;

“Deputy Chairman” means Deputy Chairman of the Board;

“member” means a member of the Board;

“practise”, and similar expressions, in relation to architecture, refer to practising architecture as a principal for fee or reward or as an officer of the Public

* Notified to commence on 4th November, 1963 (see *Government Gazette* No. 45 of 6th November 1963, p. 211), but notice of commencement rescinded by Administrator on 12th December, 1963 (see *Government Gazette* No. 52 of 24th December, 1963, p. 240).

Service of the Northern Territory or the Commonwealth, or as an employee of any statutory authority constituted for public purposes;

“Register” means the Register of Architects kept under this Ordinance;

“the Institute” means the Royal Australian Institute of Architects.

PART II.—ADMINISTRATION.

5—(1.) For the purposes of this Ordinance there shall be a board, which shall be known as the “Northern Territory Architects Board”. The Board.

(2.) The Board shall be a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued.

(3.) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Board affixed to any document or notice and shall deem that it was duly affixed.

6.—(1.) The Board shall consist of three members who shall be appointed by the Administrator by notice in the *Gazette* from among persons residing in the Northern Territory who— Members of the Board.

(a) practise as architects in the Territory;

(b) are not less than 21 years of age;

(c) are, in the opinion of the Administrator, fit and proper persons to be registered as architects; and

(d) are members of the Institute or persons holding—

(i) a degree or diploma in architecture conferred by a university, college or school of a State or Territory of the Commonwealth or by a prescribed institution; or

(ii) a prescribed academic qualification.

(2.) At least one of the members of the Board shall be an architect practising as a principal for fee or reward and a person nominated by those members of the Institute who reside and practise in the Northern Territory.

(3.) Where a vacancy occurs on the Board, whether by expiration of the term of a member or otherwise, the Administrator shall appoint a member to fill the vacancy.

(4.) The members of the Board shall elect from among themselves a Chairman and a Deputy Chairman who shall each hold office during the pleasure of the Board.

(5.) The Chairman or, in his absence, the Deputy Chairman shall be the executive officer of the Board.

Tenure of office.

7.—(1.) A member appointed by the Administrator shall hold office for a term of three years but shall be eligible for re-appointment.

(2.) Where the office of a member becomes vacant before the expiration of his term of office, the person appointed to fill the vacancy holds office for the unexpired portion of the term of office of his predecessor in that office.

Remuneration.

8.—(1.) Subject to this section, a member is not entitled to be paid for duties or functions performed by him in pursuance of this Ordinance.

(2.) There may be paid to the Chairman, or the Deputy Chairman acting in his stead, such fees or remuneration for his services as the Minister directs.

(3.) A member or the deputy of a member may be reimbursed for out of pocket expenses which, in the opinion of the Minister, were reasonably incurred by the member or his deputy respectively in the performance of his functions or duties under this Ordinance.

Temporary appointments.

9.—(1.) The Administrator may appoint a person to be the deputy of a member during the Administrator's pleasure.

(2.) A person so appointed shall, in the event of the absence from a meeting of the member of whom he is the deputy, be entitled to attend that meeting and, when so attending, shall be deemed to be a member.

(3.) Any act done by a deputy of a member as such shall not, in any proceedings, be questioned on the grounds that the occasion for the exercise of his powers or functions did not arise or had ceased.

(4.) The Administrator shall not appoint a person to be the deputy of a member unless that person is qualified to be a member.

Vacation of office by member.

10. A member shall be deemed to have vacated his office—

- (a) if he becomes bankrupt or insolvent, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his salary or remuneration for their benefit;

- (b) if he becomes of unsound mind;
- (c) if he becomes permanently incapable of performing his duties;
- (d) if he is convicted of an indictable offence;
- (e) if he resigns his office in writing addressed to the Administrator;
- (f) if he is absent from three consecutive meetings without leave of the Board; or
- (g) if he ceases to hold the qualification of a member.

11.—(1.) Subject to the next succeeding sub-section, a meeting of the Board shall be convened by the Chairman by notice in writing to the other members, and shall be held at the time and place specified in the notice. Meetings of the Board.

(2.) The Administrator may by notice in writing to each of the members direct that a meeting be held at the time and place specified in the notice and, if no Chairman or Deputy Chairman has been elected by the Board, may also direct that a member specified in the notice shall preside at the meeting until a Chairman or Deputy Chairman is elected by the Board.

(3.) The Chairman shall preside at all meetings of the Board at which he is present.

(4.) In the absence of the Chairman from a meeting, the Deputy Chairman shall preside.

(5.) Two members present at a meeting of the Board shall constitute a quorum of the Board.

(6.) All questions before a meeting of the Board shall be decided by a majority of votes of the members present.

(7.) The member presiding at a meeting of the Board shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

(8.) The Board shall cause minutes to be kept of its meetings.

(9.) Subject to this Ordinance, the procedure of the Board shall be as the Board determines.

PART III.—REGISTRATION AND QUALIFICATIONS.

12 The Board shall keep a register called the "Register of Architects" and shall, in the month of January of each year, publish in the *Gazette* a copy of the Register as it stands at the end of the month of December of the previous year. Register.

Mode of
registration.

13.—(1.) Where the Board has authorized the registration of a person, the registration shall be effected by entering in the Register—

- (a) his name;
- (b) his professional address or addresses (if any) in the Territory or, if he has no such professional address, his place of residence (whether in the Territory or elsewhere);
- (c) particulars of his qualifications;
- (d) a registration number allotted to him;
- (e) the date of his registration; and
- (f) such other particulars (if any) as are prescribed.

(2.) An entry in the Register shall be signed by the Chairman or Deputy Chairman of the Board.

(3.) Where a person is registered as an architect, the Board shall cause to be issued to him a certificate of registration in a form approved by the Board and under the hand of the Chairman or Deputy Chairman.

Persons
entitled to
registration.

14.—(1.) The Board shall authorize the registration of a person as an architect if he satisfies the Board—

- (a) that he is not less than twenty-one years of age;
- (b) that he is a fit and proper person to be registered as an architect; and
- (c) that—
 - (i) he is a member of the Institute;
 - (ii) he holds a degree or diploma in architecture conferred by a university, college or school of a State or Territory of the Commonwealth or by a prescribed institution; or
 - (iii) he holds a prescribed academic qualification.

(2.) The Board may require an applicant for registration to attend personally before the Board and, if he fails to attend as required, may refuse the application.

Appeal in case
of refusal by
the Board to
register a
person.

15.—(1.) If the Board refuses to authorize the registration of a person, the Board shall, if required by that person, state in writing the reason for the refusal.

(2.) A person whose application for registration is refused by the Board may appeal to the Supreme Court against the decision of the Board.

(3.) The Board shall be the respondent upon the appeal.

(4.) The appeal shall be in the nature of a re-hearing, but the Supreme Court may have regard to material that was before the Board.

(5.) If the Supreme Court allows the appeal, it may order that the appellant shall be registered under this Ordinance.

(6.) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

(7.) This section applies in relation to an application under section twenty-four of this Ordinance.

16.—(1.) A certificate of registration issued under this Ordinance is evidence that the person specified in the certificate was registered under this Ordinance on the date specified in the certificate.

Proof of registration.

(2.) Judicial notice shall be taken of the signature of the Chairman or Deputy Chairman of the Board appearing on a certificate of registration referred to in the last preceding subsection and of the fact that the person by whom the certificate purports to have been signed was, at the time the certificate was signed, the Chairman or Deputy Chairman as the case may be.

17 A person shall not, in connexion with an application for registration under this Ordinance, make a false or misleading statement or produce a false certificate, testimonial or other document.

Fraudulent registration.

Penalty: One hundred pounds.

18.—(1.) A registered architect who changes his professional address in the Territory, or establishes a professional address, or an additional professional address, in the Territory, shall, within seven days after the change or establishment, notify the Chairman in writing accordingly.

Change of address to be notified.

(2.) A registered architect, not having a professional address in the Territory, who changes his place of residence shall, within seven days after the change, notify the Chairman in writing accordingly.

Penalty: Fifty pounds.

19 —(1.) The Board shall cause to be removed from the Register the names of all registered architects who have died and may cause to be made such alterations to the particulars recorded in the Register as are necessary.

Alteration of Register.

(2.) The Board may, by notice to a registered architect, posted or otherwise delivered to him at his professional address or at one of his professional addresses recorded in the Register,

or at his last-known place of residence, inquire whether his professional address or addresses in the Territory, or his place of residence, is or are still the address or addresses shown in the Register or require payment of any annual fee which is overdue for payment.

(3.) If an answer to a notice under the last preceding sub-section is not returned within six months, or if payment of an annual fee demanded under the last preceding sub-section is not made within three months after the date of the posting or of the delivery of the notice, the Board may cause the name of the architect to be removed from the Register.

(4.) A name removed from the Register under this section may be restored by authority of the Board.

Cancellation of registration for fraud and on other grounds.

20.—(1.) The Board shall cause to be removed from the Register the name of a person—

- (a) whose registration has been obtained by fraud or misrepresentation;
- (b) whose degree, diploma or other evidence of qualification is withdrawn or cancelled by the university, college or other body by which it was conferred;
- (c) who is convicted, whether in the Territory or elsewhere, of an indictable offence or of any other offence which, in the opinion of the Board, renders him unfit to practise;
- (d) who becomes of unsound mind; or
- (e) who is found by the Board to have been guilty of—
 - (i) habitual drunkenness or addiction to a narcotic drug;
 - (ii) accepting a commission or substantial valuable consideration from a person who has offered or agreed to execute, or is engaged in the execution of, any work in connexion with a building designed or supervised by the registered architect or from a person who has offered or agreed to supply any material, fittings or appliances to be used in or in connexion with a building designed or supervised by the registered architect;
 - (iii) allowing a person, other than a registered architect, to practise in his name as an architect; or

- (iv) directly or indirectly giving or offering or agreeing to give or offer to a person any valuable consideration for securing or attempting to secure for the registered architect employment or work as an architect.

(2.) The Board may, instead of causing to be removed from the Register the name of a person who has been found guilty of conduct or an act referred to in paragraph (e) of sub-section (1.) of this section, reprimand the person or suspend the registration of the person for such period, not exceeding six months, as the Board thinks fit.

(3.) If the Board causes the removal of a person's name from the Register, the Board shall, if so required by that person, state in writing the reason for the removal.

21.—(1.) Before taking action in relation to a person in pursuance of the last preceding section, the Board shall hold an inquiry.

Inquiry to be held.

(2.) At the inquiry the person may be represented by counsel, a solicitor or an agent, who may examine witnesses and address the Board on his behalf.

(3.) In conducting the inquiry, the Board is not bound by rules of evidence or legal procedure, but may inform itself in such manner as it thinks fit.

(4.) The Administrator may appoint counsel or a solicitor to assist the Board.

(5.) Pending the holding of the inquiry, the Board may suspend the registration of the person registered.

22.—(1.) Where the name of a person is removed from the Register or the registration of a person is suspended, the Board may, by notice in writing posted or otherwise delivered to that person at his professional address or at one of his professional addresses as last recorded in the Register, or at his last-known place of residence, require him, within fourteen days after receipt of the notice, to deliver his certificate of registration to the Board for cancellation.

Surrender of certificate on removal of name from Register.

(2.) A person shall not fail to comply with a notice served on him under the last preceding sub-section.

Penalty: Five pounds for every day after the period of fourteen days during which the certificate is not surrendered.

23.—(1.) A person whose name has been removed from the Register or whose registration has been suspended in pursuance of section twenty of this Ordinance may appeal to the Supreme Court against the decision of the Board.

(2.) The Board shall be respondent upon the appeal.

(3.) The appeal shall be in the nature of a re-hearing, but the Supreme Court may have regard to material that was before the Board.

(4.) If the Supreme Court allows the appeal, the Board shall forthwith cause the original registration of the appellant to be restored and shall either return his certificate of registration to him, or, if the certificate of registration has been cancelled, cause a new certificate of registration to be issued to him as from the date of his original registration.

(5.) Jurisdiction to hear and determine appeals under this section is vested in the Supreme Court.

Application
for re-
registration.

24. Where the name of a person has been removed from the Register in pursuance of section twenty of this Ordinance, he may apply for re-registration, but the Board may, on such grounds as it thinks fit, refuse to authorize the re-registration.

Only registered
architects to
use title of
"architect".

25.—(1.) A person other than a registered architect shall not take or use, either alone or in combination with any other words or letters, the title of "architect", "architectural practitioner", "architectural consultant" or "architectural designer" or a name, title, addition or description (including initials or letters placed after his name) indicating or implying that he is an architect or that he carries on the practice of architecture.

Penalty: One hundred pounds and, in addition, Five pounds for every day during which the offence continues.

(2.) During the period of six months next succeeding the date on which this Ordinance comes into operation the last preceding sub-section does not apply to a person who on that date is practising in the Territory as an architect and has been so practising during the period of three months last preceding that date.

Administration
of estate of
deceased
architect.

26. Upon the death of a registered architect who was at the time of his death carrying on business as an architect, an executor, administrator or trustee of his estate may continue the business for a period of two months or for such longer period as is permitted by the Board if the practice of architecture in the business is carried on by a registered architect.

PART IV.—MISCELLANEOUS.

Power to
summon
witnesses.

27.—(1.) The Chairman or Deputy Chairman of the Board may, by writing under his hand, summon a person to attend the

Board at a time and place specified in the summons and then and there to give evidence and produce any books, documents or writings in his custody or control which he is required by the summons to produce.

(2.) A summons under this section shall be served—

- (a) by delivering it personally to the person to be served;
- (b) by sending it by prepaid registered letter addressed to him at his place of abode or business last-known to the Chairman or Deputy Chairman; or
- (c) by leaving it at his place of abode or business last-known to the Chairman or Deputy Chairman with some person apparently an inmate of that place and apparently not less than sixteen years of age.

28 A member of the Board may administer an oath to a person appearing as a witness before the Board, whether the witness has been summoned or appears without being summoned, and the witness may be examined on oath.

Power to examine on oath.

29.—(1.) Where a witness to be examined before the Board conscientiously objects to taking an oath, he may make an affirmation that he conscientiously objects to taking an oath, and that he will state the truth, the whole truth and nothing but the truth, in answering all questions that may be asked him.

Affirmation in lieu of oath.

(2.) An affirmation so made is of the same force and effect, and entails the same liabilities, as an oath.

30.—(1.) A person served with a summons to attend the Board shall not fail, without reasonable excuse, to attend the Board or to produce the books, documents or writings in his custody or control which he is required by the summons to produce.

Failure to attend or produce documents.

Penalty: Fifty pounds.

(2.) It is a defence to a prosecution for failing without reasonable excuse to produce a book, document or writing if the defendant proves that the book, document or writing was not relevant to the matter the subject of the Board's proceedings.

31.—(1.) A person appearing as a witness before the Board—

Refusal to be sworn or give evidence.

(a) shall not—

- (i) refuse to make an affirmation if he refuses to be sworn; or
- (ii) refuse to be sworn if he refuses to make an affirmation; and

(b) shall not refuse to answer a question relevant to the proceedings put to him by a member of the Board.

Penalty: Fifty pounds.

(2.) A statement or disclosure made by a witness to the Board is not, except in proceedings for an offence against section thirty-four of this Ordinance, admissible in evidence against him in civil or criminal proceedings in a court.

Protection of witnesses.

32. A witness before the Board has the same protection as a witness in a matter before the Supreme Court.

Allowances to witnesses.

33.—(1.) A witness summoned to attend before the Board shall be paid fees in accordance with the scale of fees payable in respect of attendance before the Supreme Court or, in special circumstances, such fees as the Board directs.

(2.) The fees are payable by the person at whose request the summons was issued or, if the summons was issued otherwise than at the request of a person, by the Commonwealth, and may be recovered as a debt in a court of competent jurisdiction.

False testimony.

34. A witness before the Board shall not knowingly give false testimony.

Penalty: Imprisonment for one year.

Board may inspect books, &c.

35. The Board may inspect books, documents or writings before it, and may retain them for such reasonable period as it thinks fit and may make copies of such portions of them as are relevant to a matter before the Board.

Moneys to be paid to the Board, &c.

36.—(1.) There shall be paid to the Board such sums of money as are appropriated by the Parliament from time to time for the purposes of the Board.

(2.) The Board may expend moneys received by it, whether pursuant to the last preceding sub-section or otherwise, for the purpose of exercising its powers and fulfilling its functions under this Ordinance.

All moneys to be paid into bank account.

37. The Board shall open and maintain an account with the Reserve Bank of Australia or with such other bank as the Treasurer approves and shall pay all moneys received by it into such an account and may operate on such an account as the Board sees fit.

The Board to keep accounts.

38. The Board shall keep proper accounts and records and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorized and that adequate control is maintained over the assets of the Board and the incurring of liabilities by the Board.

39. The accounts of the Board are subject to audit by the Auditor-General for the Commonwealth. **Audit.**

40. The Board shall, as soon as practicable after the thirtieth day of June in each year, prepare and forward to the Administrator for laying before the Legislative Council a report on the operations of the Board during the year ending on that date, together with financial accounts, including statements as to the receipts and expenditure and as to assets and liabilities in respect of that year. **Board to furnish reports.**

41. The Administrator in Council may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for prescribing matters providing for and in relation to— **Regulations.**

- (a) the fees to be charged and paid in respect of any application, registration, certificate or other proceeding, act or thing provided for or required under this Ordinance or the Regulations; and
 - (b) the imposition of penalties, not exceeding a fine of Twenty pounds, for offences against the Regulations.
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