



ANNO VICESIMO QUINTO

**ELIZABETHAE II REGINAE**

A.D. 1976

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**No. 94 of 1976**

An Act to amend the Architects Act, 1939-1975.

*[Assented to 16th December, 1976]*

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, 1976".

(2) The Architects Act, 1939-1975, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Architects Act, 1939-1976".

Commence-  
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of  
principal Act,  
s. 28—  
Offences.

3. Section 28 of the principal Act is amended by striking out subsections (3) and (4) and inserting in lieu thereof the following subsections:—

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

- (a) an unqualified person designs, or superintends the erection of, a building;
- (b) a person who is a corporate member of the Australian Institute of Landscape Architects holds himself out, or is held out, as a landscape architect;
- (c) a person who is licensed under the Builders Licensing Act, 1967-1974, holds himself out, or is held out, as being qualified or willing to design any building work that he is himself offering or proposing to carry out;
- (d) a naval architect or golfcourse architect holds himself out, or is held out, as such;

or

(e) a person who is exempted from this section holds himself out, or is held out, as being qualified or willing to undertake architectural work or as being an "architectural draftsman", "architectural technician" or "building designer".

(4) A firm may lawfully hold itself out, or be held out, as a firm of architects, or of registered architects if—

(a) at least two-thirds in number of the members of the firm are registered architects;

and

(b) each member of the firm who is not a registered architect possesses a qualification declared to be a prescribed qualification for the purposes of this section by the by-laws of the Board.

(5) The Minister may, by notice published in the *Gazette*, grant an exemption from this section to any person, or class of persons, for such period as he may specify in the notice.

4. Section 32a of the principal Act is amended by striking out paragraph (c) of subsection (1) and inserting in lieu thereof the following paragraph:—

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

(c) no share issued by the company is to be held otherwise than by—

(i) a director or employee of the company;

(ii) a relative of any such person;

(iii) a trustee upon trust for a person referred to in subparagraphs (i) or (ii) of this paragraph;

or

(iv) another company all the shareholders of which are persons referred to in subparagraphs (i) or (ii) of this paragraph;.

5. Section 38 of the principal Act is amended by inserting in subsection (1) after paragraph (a) the following paragraph:—

Amendment of principal Act, s. 38—  
Punishment for professional misconduct.

(ab) require him to pay to the board a fine not exceeding two thousand dollars; .

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

D. NICHOLLS, Governor