

This report has been prepared to meet the Board of Architects of Queensland's ("the BOAQ") reporting obligations under the Queensland Government's Regulator Performance Framework, which is a key element of the *Better Regulation Strategy*.

The BOAQ is the statutory body established under the *Architects Act 2002* ("the Act") to regulate the architectural profession in Queensland.

The objects of the *Architects Act 2002* are to:

- protect the public by ensuring architectural services of an architect are provided in a professional and competent way;
- maintain public confidence in the standard of services provided by architects; and
- uphold the standards of practice of architects.

The BOAQ's responsibilities under the Act which support these objects include: registration of suitably qualified persons as architects; maintenance of the Queensland

Register of Architects; investigation of complaints against architects, and disciplining architects, for unsatisfactory professional conduct; investigation and prosecution of offences against the Act (including unregistered persons holding themselves out as architects); accreditation of Master of Architecture courses for registration eligibility; and administration of registration examinations.

The BOAQ's activities as regulator of the architectural profession are both proactive and reactive, and its preventative and compliance and enforcement activities cover a broad range of regulatory responses.

The five regulator model practices identified in the *Better Regulation Strategy* that support the achievement of the BOAQ's objectives and reduced burden / costs for the BOAQ, regulated persons and other stakeholders are:

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden;
2. Consult and engage meaningfully with stakeholders;
3. Provide appropriate information and support to assist compliance;
4. Commit to continuous improvement; and
5. Be transparent and accountable in actions.

## REGULATOR MODEL PRACTICES AND SUPPORTING PRINCIPLES

1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden:

- A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions.
- Regulators do not unnecessarily impose on regulated entities.
- Regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk.

## ALIGNMENT OF BOAQ'S REGULATORY PRACTICES WITH REGULATOR MODEL PRACTICES

The BOAQ has adopted a risk-based, proportionate, and performance-based regulatory approach to achieving its responsibilities under the Act for protecting the public and upholding the standards of the architecture profession, while minimising the cost of compliance and enforcement.

The BOAQ's broad-based composition provides internal capability for keeping up to date on risks and issues across the profession and the broader design and construction sector, as well as ready access to relevant legal, academic and community intelligence/perspectives, enabling the BOAQ to focus its regulatory activities based on risk.

The BOAQ is committed to ongoing improvement of the legislative framework that underpins its operations: the *Architects Act 2002*, *Architects Regulation 2019* and the *BOAQ Code of Practice for Architects*.

The BOAQ keeps abreast of professional regulatory frameworks within Australian and international jurisdictions, against which it considers the risks and issues identified through its compliance and enforcement activities. Based on research and analysis, recommendations are made to the Minister about targeted improvements to the Act that would result in enhanced compliance and enforcement outcomes whilst balancing impacts on regulated persons. Relevant stakeholders are consulted as part of this process.

During 2023-2024, minor amendments to the *Architects Act 2002* were made, to commence on 1 July 2024, as part of the *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2024*. These amendments are clarifying and administrative provisions.

The BOAQ is currently continuing to engage with the Minister to progress legislative amendments and *Code of Practice* changes aimed at improving the Board's compliance and enforcement powers and operations. In particular, the BOAQ has identified a need for the reintroduction in Queensland of architectural company registration in order to be able to more effectively regulate the profession, provide the public with access to a live register of architectural companies, and bring BOAQ's regulatory approach in to line with other jurisdictions and other professions.

## ACTIONS TAKEN DURING 2023-2024 TO IMPROVE BOAQ REGULATORY PRACTICES AGAINST REGULATOR MODEL PRACTICES

### Example: CPD Compliance Audit

The BOAQ requires practising architects to demonstrate they have maintained competency in the practice of architecture, each year, by undertaking a minimum of 20 hours of *Continuing Professional Development* (CPD), as a requirement of continuing registration. The BOAQ publishes guidance for architects on its website about the criteria for reportable CPD and has developed web-based CPD recording and reporting tools. Each year, the BOAQ conducts a random and risk-based CPD compliance audit and disciplines architects who have not met requirements.

This performance-based approach is preferred to models operating in some other jurisdictions where all practising architects are required to submit their CPD compliance records with their annual applications for renewal of registration.

It is important that the BOAQ can be confident that the declarations made by architects at renewal in relation to their CPD compliance as a way of demonstrating that they have maintained competency in the practice of architecture are accurate.

During 2023-2024, the sample size of architects audited for CPD compliance was increased, with 512 architects audited (2023:394), a 30 per cent increase. Pleasingly, the compliance rate from this higher sample size remained stable (94 per cent in 2023-2024 compared with 96 per cent in 2022-2023 and 95 per cent in 2021-2022). These minor variations indicate a sound level of confidence in the data relied on by the Board from architects' self-reporting at renewal about their CPD compliance.

As a result of the CPD Audit, follow-up compliance and enforcement activities were undertaken by the BOAQ during the year with 25 architects whose records were found not to have complied with requirements, including investigations and disciplinary actions. Eight architects were investigated for conduct relating to their CPD non-compliance, resulting in disciplinary action by the BOAQ.

# BOAQ Report on the Queensland Government's Regulator Performance Framework 2023-2024

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<p>2. Consult and engage meaningfully with Stakeholders:</p> <ul style="list-style-type: none"> <li>Formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances.</li> <li>Engagement is undertaken in ways that helps regulators develop a genuine understanding of the operating environment of regulated entities.</li> <li>Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework.</li> </ul>	<p>Through its broad-based composition, the BOAQ accesses and leverages various formal and informal networks, including across the architecture profession, the wider design and construction sector, and related legal, academic and community perspectives, in order to assist with understanding of risks and issues in its operating environment.</p> <p>The BOAQ is represented by its Chairperson on the Ministerial Construction Council (MCC), a collaborative forum assisting the Minister and the Government to identify and address issues relating to the design and construction sector and standards.</p> <p>The BOAQ meets regularly with interstate regulators to share best practice approaches, collaborate on research and initiatives, continue to identify ways to improve national standards setting and mutual recognition arrangements and activities conducted on the collective Boards' behalf through the Architects Accreditation Council of Australia (AACA).</p> <p>The AACA is a not-for-profit corporation wholly owned by the Architect Registration Boards of each Australian State/Territory jurisdiction, including Queensland. It was established in the 1970s to provide a formal forum for discussion and agreement on matters of interjurisdictional interest, including: registration pathways, examinations, accreditation of architectural courses, national and international mutual recognition, recognition of international qualifications, and national standards setting.</p> <p>The AACA comprises 16 Members, which are the nominees of the State/Territory Architect Registration Boards. The BOAQ has two nominated Members of the AACA. In addition, one of the BOAQ Board Members continued to serve on the AACA Board of Directors as a Director (Member).</p>	<ul style="list-style-type: none"> <li>During 2023-2024, the BOAQ has engaged regularly with the architecture profession's peak bodies (Australian Institute of Architects, and Association of Consulting Architects); the Office of the Queensland Government Architect; and architect registration Boards in other Australian jurisdictions.</li> <li>A review of the BOAQ Code of Practice for Architects has been undertaken, in consultation with stakeholders.</li> <li>This year's AACA Annual General Meeting (AGM) was held on 24 November 2023.</li> <li>The annual Architect Registration Board inter-jurisdictional Forums were held on 23-24 November 2023.</li> <li>Regular Member meetings were also held during the year, as well as regular inter-jurisdictional video conferences involving Board Chairpersons and Registrars.</li> <li>The BOAQ Chairperson attended regular Ministerial Construction Council (MCC) meetings and various Board Members participated on relevant MCC Sub-Committees.</li> </ul>
<p>3. Provide appropriate information and support to assist compliance:</p> <ul style="list-style-type: none"> <li>Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience.</li> <li>Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance.</li> <li>Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice.</li> </ul>	<p>The BOAQ publishes web-based guidance and informational materials to inform the public and architects about compliance matters, including information sheets, policies, media releases, forms and other tools and templates. These materials assist architects to comply with their obligations and assist persons who are not architects to understand how to avoid being in breach of the Act for offences relating to 'holding out' as architects.</p>	<p>During the year, the BOAQ completed the redevelopment of its public facing website, with a focus on improving accessibility and functionality, and enabling more sophisticated user-friendly access to information about the BOAQ's services, to enhance the ease of information dissemination to core users, including architects and the public. The new website was launched in early December 2023.</p> <p>As part of the website redevelopment project, all of the BOAQ's publications such as information sheets, guides and forms were reviewed and rewritten to improve guidance and support for their target stakeholders.</p> <p>Additional informational and guidance materials are currently under development.</p> <p>An online briefing session was held for examination candidates and their supervisors.</p> <p>Lectures were presented to Master of Architecture students at various Universities to educate them about the role of the BOAQ, the pathway and requirements for registration, regulatory obligations for architects, and legislative offence provisions relating to persons holding themselves out as architects while they are not registered architects.</p>

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<p>4. Commit to continuous improvement:</p> <ul style="list-style-type: none"> <li>Regular review of the approach to regulatory activities, collaboration with stakeholders and other regulators to ensure it is appropriately risk based, leverages technological innovation and remains the best approach to achieving policy outcomes.</li> <li>To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community.</li> <li>Staff have the necessary training and support to effectively, efficiently and consistently perform their duties.</li> </ul>	<p>The BOAQ is committed to continuous improvement of the legislative framework that underpins its operations: the <i>Architects Act 2002</i>, <i>Architects Regulation 2019</i> and <i>BOAQ Code of Practice for Architects</i>.</p> <p>The BOAQ regularly examines inter-jurisdictional legislative frameworks with a view to identifying better practices for adoption in Queensland, in order to better protect the public and uphold the standard of practice of the architectural profession.</p> <p>Relevant stakeholders are consulted as part of this process and the BOAQ provides advice to the Minister about the operation of the Act in its application to the practice of architecture, based on research, analysis of inter-jurisdictional approaches and learnings, and the results of stakeholder consultation.</p> <p>Regular staff training is undertaken as necessary.</p>	<p>BOAQ staff and Board Member training and development during the year focused on governance. Training was also conducted for Board Investigators and Examiners.</p> <p>The BOAQ has further progressed implementation of its digital transformation strategy across its operations, within available resources. Initiatives during the year have continued to improve the BOAQ's capabilities for delivering high quality and responsive services to stakeholders, with an emphasis on enhanced use of information technology to support improved access to information and service delivery, and included:</p> <ul style="list-style-type: none"> <li>Completion of the transition to a cloud-based data storage solution. This project has enhanced our data management capability, expanded storage capacity, improved speed and reliability of access to data especially for remote access, and added additional layers of backup capability to improve data security;</li> <li>Completion of the development of a new public facing website, with a focus on improved functionality, user-friendly access to information about the BOAQ's services, and enhanced information dissemination to key stakeholders including architects and the public;</li> <li>Digitisation of priority paper-based records to archival standards to ensure the preservation of the BOAQ's historical records and enable easier access to records for operational purposes, a project which will be further developed in line with the requirements of the <i>Public Records Act 2023</i>; and</li> <li>Commencement of a project to upgrade the BOAQ's central Customer Relationship Management System /Engagement Management System (used to maintain the Register of Architects and associated functions), to a cloud-based system, to improve system security, enhance functionality including automation, accessibility and analytics, enable seamless future system upgrades, reduce costs, and improve website management.</li> </ul>
<p>5. Be transparent and accountable in actions:</p> <ul style="list-style-type: none"> <li>Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders.</li> <li>Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions.</li> <li>Indicators of regulator performance are publicly available.</li> </ul>	<p>Decisions are made by the BOAQ within the timeframes required under the Act, and provides decision and information notices outlining expectations and the reasons for decisions.</p> <p>Information is provided to relevant persons about decisions made by the BOAQ that are reviewable decisions.</p> <p>Data about the BOAQ's performance as a regulator is available on the BOAQ website and published in its Annual Reports.</p> <p>The <i>BOAQ's Strategic Plan</i> is published on its website.</p> <p>The BOAQ's key regulatory policies and processes are published on its website.</p> <p>Links to the regulatory framework for the architecture profession in Queensland are accessible from the BOAQ website, including links to the <i>Architects Act 2002</i>, <i>Architects Regulation 2019</i>, and <i>BOAQ Code of Practice</i>.</p>	<p>The BOAQ's activities are guided by the strategic direction established in the BOAQ's Strategic Plan 2021-2025, which is published on the BOAQ website. This Strategic Plan maps the strategic direction of the BOAQ through to 2025 and details the BOAQ's objectives, areas of focus and performance indicators.</p> <p>The BOAQ's Annual Reports are also published on the BOAQ website, and include detailed information and data on the BOAQ's regulatory activities and performance during each year.</p> <p>The BOAQ publishes information on its website for the public and architects outlining how investigations of complaints about architects are handled and timeframes for decision-making, to provide clarity about the process.</p> <p>The BOAQ provides information/decision notices to architects and complainants regarding decisions relating to complaints about architects, and to persons investigated for offences against the Act, explaining the reasoning for its decisions, and access to decision review processes.</p>