

BOAQ Report on the Queensland Government's Regulator Performance Framework 2022-2023



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 qualified persons as architects; maintenance of the Queensland Register of Architects; investigation of complaints against architects and disciplining of architects for unsatisfactory professional conduct; investigation and

prosecution of offences against the Act (including against unregistered persons holding out to be architects); accreditation of University architecture courses that can lead to registration; and examination of candidates seeking registration.

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 which support the achievement of the BOAQ's objectives and reduced burden/costs for all parties 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.

The below table reports on the BOAQ's integration of these five model practices across its regulatory strategy and operations.

| REGULATOR MODEL PRACTICES AND SUPPORTING PRINCIPLES | ALIGNMENT OF BOAQ'S REGULATORY PRACTICES WITH THE REGULATOR MODEL PRACTICES DURING 2022-2023 | HIGHLIGHTS OF ALIGNMENT WITH REGULATOR MODEL PRACTICES DURING 2022- 2023 IDENTIFICATION OF AREAS FOR IMPROVEMENT | ACTIONS TAKEN DURING 2022-2023 TO IMPROVE REGULATORY ACTIVITIES AGAINST REGULATOR MODEL PRACTICES |
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| <p>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden:</p> <ul style="list-style-type: none"> • 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. | <p>The BOAQ has adopted a largely risk-based, proportionate and performance-based regulatory approach to achieve its objectives of protecting the public and upholding the standards of the profession while also minimising the costs of compliance and enforcement for all parties.</p> <p>The BOAQ's broad-based composition also 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 access to related legal, academic and community intelligence/ perspectives, enabling the BOAQ to focus its efforts based on risk.</p> | <p>The BOAQ requires practising architects to demonstrate they have maintained competency in the practice of architecture, each year, as a requirement for continuing registration, by undertaking a minimum of 20 hours of Continuing Professional Development (CPD). 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.</p> <p>This performance-based approach is preferred to models operating in jurisdictions where all practising architects are required to submit their CPD records with their applications for renewal of registration each year.</p> <p>This year, the BOAQ audited a total of 394 practising architects, which showed a compliance rate of 96 per cent. While this result was slightly below the BOAQ's target compliance rate of 98 per cent, it was the same as last year when the sample size involved only 202 practising architects audited .</p> <p>As a result of the CPD compliance audit, follow up compliance activities were undertaken by the BOAQ relating to 17 architects whose records did not comply with requirements, including investigations and disciplinary actions. Of these 17 architects, 5 architects voluntarily surrendered their registration or changed their registration category to non-practising architect.</p> | <p>The BOAQ is committed to the improvement of the legislative framework that underpins its operations: the <i>Architects Act 2002</i>, <i>Architects Regulation 2019</i> and the <i>BOAQ Code of Practice</i> (the Code).</p> <p>One of the BOAQ's functions under the Act is to provide advice to the Minister for Public Works and Procurement about the operation of the Act, to contribute to continuous improvement of the Act.</p> <p>Accordingly, on an ongoing basis, the BOAQ closely examines inter-jurisdictional legislative frameworks, both within Australia and overseas, and considers the risks and issues identified through its compliance and enforcement activities in making recommendations to the Minister about improvements to the Act. Relevant stakeholders are consulted as part of this process.</p> <p>There were no legislative or regulatory amendments made during the year.</p> <p>However, the BOAQ is continuing to collaborate with the Minister for Public Works and Procurement and the Department of Energy and Public Works with a view to achieving Act amendments aimed at improving compliance and enforcement powers and operational efficiency measures.</p> |

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| <p>2. Consult and engage meaningfully with Stakeholders:</p> <ul style="list-style-type: none"> Formal and informal consultation and engagement mechanisms are in place to allow for the full range of stakeholder input and Government decision making circumstances. Engagement is undertaken in ways that helps regulators. Develop a genuine understanding of the operating environment of regulated entities. Cooperative and collaborative relationships are established with stakeholders, including other regulators, to promote trust and improve the efficiency and effectiveness of the regulatory framework, improving compliance and enforcement powers and operational efficiency measures. | <p>The BOAQ accesses and leverages a range of formal and informal networks via its broad-based composition, including across the architecture profession, the wider design and construction sector, and related legal, academic and community perspectives in order to assist it to understand its operating environment.</p> <p>The BOAQ is represented by its Chairperson on the Ministerial Construction Council, 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>During the year, the BOAQ has engaged regularly with the architecture profession's peak bodies (the Australian Institute of Architects and the Association of Consulting Architects); the Office of the Queensland Government Architect; and architect registration Boards in other Australian jurisdictions.</p> <p>The BOAQ regularly collaborates with the Architects Accreditation Council of Australia (AACA) and other State/Territory and New Zealand Architect Registration Boards for the purposes of national standards-setting; aligning policies, practices and procedures; and working to uphold standards across the architectural profession.</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 was elected by AACA Members from around the country, on 17 November 2022, to join the AACA Board of Directors as a Director (Member) for an initial two-year tenure.</p> <p>The AACA Annual General Meeting (AGM) was held on 17 November 2022. The annual Architect Registration Board inter-jurisdictional Forums were held on 21 October 2022 and 11 November 2022. Several additional Member meetings were also held during the year, as well as regular inter-jurisdictional videoconferences involving Board Chairpersons and Registrars.</p> | <p>In line with the objectives of the <i>Government's Our Future State: Advancing Queensland Priorities Plan</i>, the BOAQ has further progressed implementation of its digital transformation strategy across its operations, within available resources.</p> <p>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, including:</p> <ul style="list-style-type: none"> Planned and commenced implementation of a project to redevelop the BOAQ's public facing website, with a focus on improving accessibility and functionality, and enable 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; Finalised planning for the design and installation of fit-out works to create a new Boardroom and library. The new Boardroom will enable the hosting of in-house Board meetings, and the utilisation of interactive, web-based digital and video conferencing capability for use in the delivery of online and face to face meetings, stakeholder engagement activities, and training sessions for Examiners, APE candidates, architects, Board Members and staff; the library and Boardroom will also function as stakeholder meeting rooms, compliance interview rooms, resource rooms, and Examination rooms; Planned and commenced implementation of the transition to a cloud based data storage solution to replace the internal aging server, which will also enhance data management capability, expand storage capacity, improve speed and reliability of access to data especially for staff working remotely, and add additional layers of backup capability to improve data security; and Commenced a priority records digitisation project to provide secure backup copies of core archived records and enable easier access to records. |

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| <p>3. Provide appropriate information and support to assist compliance:</p> <ul style="list-style-type: none"> Clear and timely guidance and support is accessible to stakeholders and tailored to meet the needs of the target audience. Advice is consistent and, where appropriate, decisions are communicated in a manner that clearly articulates what is required to achieve compliance. Where appropriate, regulatory approaches are tailored to ensure compliance activities do not disproportionately burden particular stakeholders (e.g. small business) or require specialist advice. | <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>The BOAQ utilises its Register of Architects database and automation capability to push out reminders to architects to assist them to meet their compliance responsibilities (e.g. registration renewal, CPD).</p> <p>The BOAQ has designed its regulatory strategy to shift more towards being risk-based, with preferred responses resulting in a lower enforcement impact.</p> | <p>The BOAQ spent considerable time this year planning and implementing a project to redevelop the BOAQ's public facing website, with a focus on improving accessibility and functionality, and enable 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. As part of this work, all of the BOAQ's publications such as information sheets, guides and forms are being reviewed and rewritten to improve guidance and support for target stakeholders. The website is scheduled to go live in early December 2023.</p> | <p>The BOAQ spent considerable time this year planning and implementing a project to redevelop the BOAQ's public facing website, with a focus on improving accessibility and functionality, and enable 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. As part of this work, all of the BOAQ's publications such as information sheets, guides and forms are being reviewed and rewritten to improve guidance and support for target stakeholders. The new website is scheduled to go live in early December 2023.</p> |
| <p>4. Commit to continuous improvement:</p> <ul style="list-style-type: none"> 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. To the extent possible, reform of regulatory activities is prioritised on the basis of impact on stakeholders and the community. Staff have the necessary training and support to effectively, efficiently and consistently perform their duties. | <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</i> for Architects.</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 for Public Works and Procurement 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>The BOAQ is committed to the improvement of the legislative framework that underpins its operations: the <i>Architects Act 2002</i>, <i>Architects Regulation 2019</i> and the <i>BOAQ Code of Practice</i>.</p> <p>One of the BOAQ's functions under the Act is to provide advice to the Minister for Public Works and Procurement about the operation of the Act, to contribute to continuous improvement of the Act.</p> <p>Accordingly, on an ongoing basis, the BOAQ closely examines inter-jurisdictional legislative frameworks, both within Australia and overseas, and considers the risks and issues identified through its compliance and enforcement activities in making recommendations to the Minister about improvements to the Act. Relevant stakeholders are consulted as part of this process.</p> <p>There were no legislative or regulatory amendments made during the year.</p> <p>However, the BOAQ continues to collaborate with the Minister for Public Works and Procurement and Department of Energy and Public Works with a view to achieving Act amendments aimed at improving compliance and enforcement powers and operational efficiency measures.</p> | <p>The BOAQ is continuing to collaborate with the Department of Energy and Public Works on a review of the <i>Architects Act 2002</i>, with the aim of addressing anomalies and gaps, and improve its overall operational efficiency and effectiveness.</p> <p>In line with the objectives of the Government's <i>Our Future State: Advancing Queensland Priorities Plan</i>, 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 Board's capabilities for delivering high quality and responsive services to stakeholders, with an emphasis on the enhanced use of information technology to support improved access to information and service delivery.</p> |

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| | | | <p>Initiatives implemented include:</p> <ul style="list-style-type: none"> Planned and commenced implementation of a project to redevelop the BOAQ's public facing website, with a focus on improving accessibility and functionality, and enable 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; Finalised planning for the design and installation of fit-out works to create a new Boardroom and library. The new Boardroom will enable the hosting of in-house Board meetings, and the utilisation of interactive, web-based digital and video conferencing capability for use in the delivery of online and face to face meetings, stakeholder engagement activities, and training sessions for Examiners, APE candidates, architects, Board Members and staff; the library and Boardroom will also function as stakeholder meeting rooms, compliance interview rooms, resource rooms, and Examination rooms; Planned and commenced implementation of the transition to a cloud based data storage solution to replace the internal aging server, which will also enhance data management capability, expand storage capacity, improve speed and reliability of access to data especially for staff working remotely, and add additional layers of backup capability to improve data security; and Commenced a priority records digitisation project to provide secure backup copies of core archived records and enable easier access to records. <p>BOAQ staff and Board Member training and development focused on governance and regulatory best practice. Training was also conducted for Board Investigators and Examiners.</p> |

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| <p>5. Be transparent and accountable in actions:</p> <ul style="list-style-type: none"> Where appropriate, regulatory frameworks and timeframes for making regulatory decisions are published to provide certainty to stakeholders. Decisions are provided in a timely manner, clearly articulating expectations and the underlying reasons for decisions. Indicators of regulator performance are publicly available. | <p>Decisions are made by the BOAQ within the timeframes required under the Act. Information is provided to relevant persons about decisions made by the BOAQ which are reviewable decisions, as required under the Act.</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 BOAQ's Strategic Plan is published on its website.</p> <p>The BOAQ's key policies and processes are published on its website.</p> <p>Links to the legislative framework governing the architecture profession are accessible from the BOAQ website. This includes links to the current versions of 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 <i>BOAQ Strategic Plan 2021-2025</i>, 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 <i>BOAQ Annual Report 2022-2023</i>, also published on the BOAQ website, includes detailed information and data on the BOAQ's regulatory activities and performance during the year.</p> <p>The BOAQ publishes information packages on its website for the public and architects detailing how investigations of complaints about architects are handled and timeframes for decision-making, to provide clarity about the process.</p> <p>The Act requires the BOAQ to provide information and decision notices to architects and complainants regarding decisions relating to complaints about architects. The Act also requires the BOAQ to provide information and decision notices to persons investigated for offences against the Act explaining the reasoning for its decisions.</p> | <p>Enhanced information packages are being developed for publication on the BOAQ's website for the public and architects which will further detail the BOAQ's decision-making processes. These will be available as part of the BOAQ's website redevelopment project which is currently underway.</p> |