

BOAQ Report on the Queensland Government's Regulator Performance Framework 2024-2025



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 supporting 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* which support the achievement of the BOAQ's objectives and reduced burden/costs for the BOAQ, regulated persons and other

stakeholders are:

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

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

REGULATOR MODEL PRACTICES AND SUPPORTING PRINCIPLES

- 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 efforts 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.

Minor amendments to the *Architects Act 2002* commenced on 1 July 2024, as part of the *Building Industry Fairness (Security of Payment) and Other Legislation Amendment Act 2024*. These amendments were clarifying and administrative provisions.

The BOAQ is continuing to engage with the Minister with a view to achieving further Act amendments aimed at improving the Board's compliance and enforcement powers and operational efficiency measures, as well as further clarifying provisions. In particular, the BOAQ has identified a need for the reintroduction in Queensland of architectural company/business registration in order to be able to more effectively regulate the profession, ensure all services held out to the public as being architectural services are only provided by or under the close supervision of a responsible architect registered under the Act, provide the public with access to a live register of architectural companies and businesses to enable them to verify the registration status of anyone offering to provide them with architectural services, and bring BOAQ's regulatory approach and powers into line with other jurisdictions and other professions.

ACTIONS TAKEN DURING 2024-2025 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 provisions under the Act. 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 for verification purposes, and takes disciplinary action against architects who have not met requirements.

It is important that the BOAQ can be confident through verification 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. Verifying that architects maintain their competency to practise supports the achievement of the objects of the Act, being to: protect the public by ensuring architectural services are provided in a professional and competent way, to maintain public confidence in the standard of services provided by architects, and to uphold the standards of practice of architects.

The BOAQ's performance-based approach to compliance and enforcement of its continuing registration and CPD requirements 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.

From August to October 2024, the BOAQ conducted its Annual CPD Compliance Audit. The CPD records of 438 practising architects were audited. Two architects were exempted from this year's audit, due to special circumstances. Of the remaining 436 architects who were required to submit their CPD records to the BOAQ, 16 architects were found to be non-compliant.

Follow-up compliance and enforcement activities were undertaken with the non-compliant architects. One architect surrendered their registration. Two architects were investigated for conduct relating to their CPD non-compliance, resulting in disciplinary action being taken by the BOAQ.

Overall, this year's compliance rate of 96.33% is a pleasing result, and is an increase from the 2023 audit compliance rate of 94.14%.

This compliance rate indicates a sound level of confidence in the data relied on by the Board from architects' self-reporting at renewal about their CPD compliance, and supports the BOAQ's performance-based approach.

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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 help 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. 	<p>Through its broad-based composition, the BOAQ accesses and leverages various formal and informal networks, including across the architecture profession, the broader 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 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.</p>	<p>During 2024-2025, 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.</p> <p>A review of the BOAQ Code of Practice for Architects has been undertaken in consultation with stakeholders.</p> <p>This year's AACA Annual General Meeting (AGM) was held on 1 November 2024, in Adelaide.</p> <p>The annual Architect Registration Board inter-jurisdictional Forum was held from 31 October to 1 November 2024, in Adelaide, hosted by the AACA and the Architectural Practice Board of South Australia.</p> <p>An in person meeting of Registrars was also held on 30 October 2024, in Adelaide as an adjunct to the National Forum.</p> <p>Additionally, regular AACA Member meetings were held during the year, as well as regular inter-jurisdictional video conferences for Board Chairpersons, and Registrars.</p> <p>A particular focus this year for the BOAQ has been building stronger collaborative relationships with the Queensland architecture schools that provide AACA accredited architecture programs: The University of Queensland, Queensland University of Technology, Griffith University, and Bond University. As well as engaging with the Architecture Schools individually, the BOAQ has also established a forum for collaboration involving the BOAQ and the Heads of all of the Schools, which has been helpful in identifying and discussing issues of mutual interest.</p>
<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 <i>Register of Architects</i> 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 towards a risk-based model resulting in a lower enforcement compliance and enforcement impacts.</p>	<p>During the year, the BOAQ implemented a significant upgrade of its Engagement Management System (used for holding the Register of Architects and conducting associated administrative functions) to a cloud-based system - which has improved system security, enhanced functionality including automation, accessibility and analytics, secured automatic upgrades, reduced costs, and improved website management. Work is now continuing to update the BOAQ website to take advantage of the new capability and functionality provided by the upgraded system to further improve user experience.</p> <p>A web-based newsletter for architects was also launched during the year, utilizing the new in house technical capability that has provided the BOAQ with a cost effective and secure method of disseminating important regulatory and compliance information and educational materials to architects about registration and their responsibilities under the Act and <i>Code of Practice</i>, as well as other relevant aspects of the work of the BOAQ.</p> <p>An online briefing session was held for candidates sitting the Architectural Practice Examinations and their supervisors to provide information and support and an opportunity to ask the Registry and Examiners questions about application requirements and the examinations process.</p> <p>During the year, the BOAQ delivered presentations to students of architecture schools, supported by BOAQ Examiners, covering core assessment topics relating to professional practice, registration and the legislative framework governing the practice of architecture in Queensland.</p>

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<p>4. Commit to continuous improvement:</p> <ul style="list-style-type: none"> Regulator 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 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"> A significant upgrade of the BOAQ's Engagement Management System (EMS) (used for holding the Register of Architects and conducting associated administrative functions) to a cloud-based system - which has improved system security, enhanced functionality including automation, accessibility and analytics, secured automatic upgrades, reduced costs, and improved website management; Ongoing work to further enhance the BOAQ's website to take advantage of the new capability and functionality provided by the upgraded EMS to further improve user experience; and Ongoing work on the project to digitise 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.
<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 and, as required under the Act, the BOAQ communicates with affected persons about its decisions including decision and information notices outlining 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 BOAQ's Strategic Plan 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 <i>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 BOAQ's Annual Reports, also published on the BOAQ website, 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>