

# BOAQ Report on the Queensland Government's Regulator Performance Framework 2021-2022

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 2021-2022	HIGHLIGHTS OF ALIGNMENT WITH REGULATOR MODEL PRACTICES DURING 2021- 2022 IDENTIFICATION OF AREAS FOR IMPROVEMENT	ACTIONS TAKEN DURING 2021-2022 TO IMPROVE REGULATORY ACTIVITIES AGAINST REGULATOR MODEL PRACTICES
<p>1. Ensure regulatory activity is proportionate to risk and minimises unnecessary burden:</p> <ul style="list-style-type: none"> <li>• A proportionate approach is applied to compliance activities, engagement and regulatory enforcement actions.</li> <li>• Regulators do not unnecessarily impose on regulated entities.</li> <li>• Regulatory approaches are updated and informed by intelligence gathering so that effort is focused towards risk.</li> </ul>	<p>The BOAQ has adopted a largely risk-based, proportionate and performance-based regulatory approach in achieving 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 registered 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 compares with some other jurisdictions where all practising architects are required to submit their CPD records with their application for renewal of registration.</p> <p>This year, the BOAQ audited a total of 202 practising architects, which showed a compliance rate of 96 per cent, slightly below the BOAQ's target compliance rate of 98 per cent. The BOAQ also audited the CPD records of an additional 27 architects selected based on risk factors, which revealed a pleasing 100 per cent compliance rate.</p> <p>As a result of the CPD compliance audit, follow up compliance activities were undertaken by the BOAQ relating to eight architects whose records did not comply with requirements, including investigations and disciplinary actions.</p>	<p><i>The Building and Other Legislation Amendment Bill 2022</i>, passed by Queensland Parliament on 25 May 2022, introduced minor amendments to the <i>Architects Act 2002</i> which came into effect on 10 June 2022. These amendments were designed to improve the administrative efficiency of the BOAQ's operations, and largely relate to requirements for the publishing of certain information on the BOAQ website and for making prescribed information available for inspection at the BOAQ's office.</p> <p>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 further 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"> <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.</li> <li>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, improving compliance and enforcement powers and operational efficiency measures.</li> </ul>	<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>In line with the objectives of <i>the 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. 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"> <li>a major upgrade to the Board's IMIS Customer Relationship Management System to further enhance data management capability, functionality, reporting and data security; to enable a more sophisticated user-friendly website capability; and to significantly improve the communications options available for the BOAQ to cost effectively engage with, educate and inform architects and other stakeholders about regulatory matters;</li> <li>boardroom upgrade works to introduce interactive, web-based digital and video conferencing capability to support Board Meetings, as well as enable the cost-effective delivery of online and face to face training sessions for Examiners, APE candidates, architects, Board Members and staff; and</li> <li>continued support for architects with enhanced digital resources and communications to assist architects manage the COVID-19 risks and identify suitable on-line Continuing Professional Development (CPD) activities to assist them to fulfill their annual CPD obligations.</li> </ul>

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<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>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>This year, the BOAQ completed a major upgrade of its IMIS Customer Relationship Management System to further enhance data management capability, functionality, reporting and data security; to enable a more sophisticated user-friendly website capability; and to significantly improve the communications options available for the BOAQ to cost effectively engage with, educate and inform architects and other stakeholders about regulatory matters.</p>	<p>The BOAQ has commenced a review of its compliance related policies and is planning to develop enhanced guidance about regulatory matters, as part of the BOAQ's website redevelopment project.</p> <p>Priority regarding new information and guidance materials developed will be in areas highlighted through the BOAQ's compliance and enforcement activities.</p>
<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 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><i>The Building and Other Legislation Amendment Bill 2022</i>, passed by Queensland Parliament on 25 May 2022, introduced minor amendments to the <i>Architects Act 2002</i> which came into effect on 10 June 2022. These amendments were designed to improve the administrative efficiency of the BOAQ's operations, and largely relate to requirements for the publishing of certain information on the BOAQ website and for making prescribed information available for inspection at the BOAQ's office.</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> <p>Initiatives implemented include:</p> <ul style="list-style-type: none"> <li>a major upgrade of the Board's IMIS Customer Relationship Management System to further enhance data management capability, functionality, reporting and data security; to enable a more sophisticated user-friendly website capability; and to significantly improve the communications options available for the BOAQ to cost effectively engage with, educate and inform architects and other stakeholders about regulatory matters;</li> </ul>

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<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. 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 were guided by the strategic direction established in its <i>Strategic Plan 2021-2025</i>. This Strategic Plan maps the strategic direction of the BOAQ for the next five years and details the BOAQ's objectives, areas of focus and performance indicators. The Strategic Plan is published on the BOAQ website.</p> <p>The <i>BOAQ Annual Report 2021-2022</i>, 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>