

# DAVID BEETSON

## BACHELOR OF ARCHITECTURE

STUDIO 479 FITZGERALD STREET, NORTH PERTH  
TELEPHONE (09) 328 7604  
FAX (09) 227 8272

PROJECT:	ARCHITECTS ACT	DATE:	15-5-00
DRAWING:	REVIEW	JOB NO.:	—

TO: Productivity Commission

ATT: Margo Hone

Further to our phone conversation this morning please find enclosed a copy of:

- submission to the Western Australian Review - July 1998;
- copy of court transcripts of my prosecution under the Act; and
- copies of letters re their current action against me.

Please use this material to further your review. I would be glad to address the Commission when it meets in Perth.

Regards

David Beetson

<b>D A V I D B E E T S O N</b>	
BACHELOR OF ARCHITECTURE	
PHONE 93287604 FAX 92278272	
DATE: 15 May 2000	JOB NO: N/A
PROJECT:	DATE: 14 July 1998
Submission to review of THE ARCHITECTS ACT 1921	

SUBMISSION

SIRS

SINCE GRADUATING FROM THE UNIVERSITY OF WESTERN AUSTRALIA IN 1979 WITH A BACHELOR OF ARCHITECTURE I HAVE BEEN SYSTEMATICALLY HARASSED AND PURSUED BY THE ARCHITECTS BOARD OF WEST AUSTRALIA . IN AN EFFORT TO INTIMIDATE ME INTO EITHER BECOMING REGISTERED OR CEASING TO COMPETE WITH THE REGISTERED ARCHITECTS OF WA . THIS CULMINATED IN THE BOARD VIA ONE OF ITS MEMBERS AT THE TIME A MR BRIAN WRIGHT INITIATING LEGAL ACTION (IN EARLY 1994) AGAINST ME FOR SUPPOSEDLY PASSING MYSELF OF AS A REGISTERED ARCHITECT . THIS ACTION WAS TAKEN DUE TO A COMPLAINT BEING LODGED AGAINST ME .THIS COMPLAINT WAS A TOTAL FABRICATION BY THE BOARD .

THE ARCHITECTS ACT AND ITS ADMINISTRATION BY THE BOARD CONTRAVENES ALL AUSTRALIAN TRADE PRACTICES COMMISSION REQUIREMENTS REGARDING RESTRICTIVE TRADE PRACTICE AS PER 'THE HILMER REPORT' SEPTEMBER 1992 AND STATE FAIR TRADE PRACTICES LEGISLATION BUT THE POLITICIANS IN THEIR WISDOM HAVE CHOSEN TO IGNORE ALL OF THIS DUE TO EITHER LOBBYING BY THE PROFESSION OR POLITICAL EXPEDIENCY.

THE ARCHITECTS BOARD IN ADMINISTERING THE ACT DOES NO SERVICE TO THE PUBLIC AT ALL .MORE OVER THE BOARD ACTS LIKE A INSTITUTE FOR REGISTERED ARCHITECTS ACTIVELY PROMOTING THEIR CAUSE WITH COMPETITIONS RESTRICTED TO REGISTERED ARCHITECTS AND SPREADING PROPAGANDA THROUGH OUT THE COMMUNITY THAT REGISTERED ARCHITECTS ARE BETTER THAN OTHER BUILDING DESIGN PROFESSIONALS.

<b>D A V I D B E E T S O N</b>
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THE ARCHITECTS BOARD IS TOTALLY BIASED TOWARD ITS MEMBERSHIP AS THE BOARD IS ALMOST FULLY ELECTED BY THE REGISTERED ARCHITECTS FROM THEIR OWN RANKS EXCEPTING 2 MEMBERS ONE OF WHOM IS ELECTED BY THE MINISTER FOR WORKS . THIS PERSON IS OFTEN SELECTED FROM THE STATE ARCHITECTURE OFFICE ie C.A.M.S. THE OTHER MEMBER IS SUPPOSED TO BE THE PUBLIC'S REPRESENTATIVE BUT THIS PERSON IS NOMINATED BY B.O.M.A. ( Building Owners and Managers Association ) WHICH HAS A BIAS TOWARD THE ESTABLISHMENT ELITE .THUS THE ORIENTATION AND MOTIVES OF THE BOARD ARE TOWARD PROTECTING AND PROMOTING THE CAUSE OF REGISTERED ARCHITECTS OFTEN AT THE EXPENSE OF THE PUBLIC GOOD .

AS A PERSON IDEOLOGICALLY OPPOSED TO THE ACT AND THE BOARD FOR THE ABOVE REASONS OF SELF INTEREST AND NEPOTISM ON THEIR PART . ALTHOUGH BEING ELLIGABLE FOR REGISTRATION THROUGH BOTH QUALIFICATIONS AND EXPERIENCE ( ARCHITECTURE DEGREE AND 20 YEARS PRACTICE IN ALL FACETS OF THE PROFESSION ) I HAVE BEEN HEAVILY DISADVANTAGED BY THE ARCHITECTS ACT FOR THE REASONS LISTED BELOW.

(1) RESTRICTIONS ON ADVERTISING ENFORCED BY THE BOARD BY THREATS OF PROSECUTION AND ACTUAL LEGAL ACTION WHICH RESULTED IN A JUDGEMENT THAT BY SIMPLY DECLARING MY QUALIFICATIONS ie. BACHELOR OF ARCHITECTURE IN PRINT OR OTHER PUBLIC RELEASE I AM IN BREACH OF THE ARCHITECTS ACT AS THIS IMPLIES THAT I AM A REGISTERED ARCHITECT SEE ATTACHED EXTRACT OF JUDGEMENT FROM THE ARCHITECTS BOARD VERSES DAVID BEETSON No 23698 of 1994 22/6/94. THIS HAS RESTRICTED MY CAPACITY TO LET THE PUBLIC AND PROSPECTIVE CLIENTS KNOW MY TRUE QUALIFICATIONS AND SERVICES ON OFFER

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(2) RESTRICTIONS ON ACCESS TO GOVERNMENT WORK DUE TO A SYSTEM CONTROLLED BY REGISTERED ARCHITECTS WITHIN THE OLD B.M.A. NOW C.A.M.S. AND ARBITRARY FAVOURITISM GIVEN TO ESTABLISHED "ARCHITECTURE" PRACTICES WITH BONUS POINTS ALLOCATED FOR THE NUMBER OF REGISTERED ARCHITECTS ON STAFF

(3) RESTRICTION OF ACCESS TO DESIGN COMPETITIONS BECAUSE OF THOSE RESPONSIBLE FOR ADMINISTERING THESE PROJECTS BEING REGISTERED ARCHITECTS AND RESTRICTING ENTRY TO THEIR FELLOWS , OFTEN AGAINST PUBLIC SECTOR GUIDE LINES AND REGULATIONS, BUT WITH POLITICAL APPROVAL OR CALCULATED IGNORANCE eg. DESIGN FOR ADMINISTRATION HEADQUARTERS FOR THE NEW TOWNS CREATED BY THE BREAKING UP OF THE CITY OF PERTH . OF THE 4 COMMISSIONERS 2 WERE REGISTERED ARCHITECTS THEY APPOINTED A REGISTERED ARCHITECT ( Mr Abe Ashbil ) TO ADMINISTER A CLOSED COMPETITION RESTRICTED TO REGISTERED ARCHITECTS FOR DESIGN OF THE NEW BUILDINGS ALL CONTRARY TO THE PUBLIC SECTOR TENDER GUIDE LINES . WHEN INFORMED OF THIS THE RESPONSIBLE GOVERNMENT MINISTER CHOSE TO IGNORE THE MATTER

(4) USE OF THE BOARD BY ITS MEMBERS , TO RESTRICT COMPETITION , BY FRUSTRATING EFFORTS BY COMPETITORS TO THEIR FIRM FROM BECOMING REGISTERED , BY THE OBTUSE FLEXIBILITY AND ARBITRARY CHOICE BY THE BOARD ON EXAMINATION TYPE OR PROCEDURE , WHEN CONSIDERING AN APPLICANT FOR REGISTRATION . MY EVIDENCE OF THIS IS ANECDOTAL BUT FIRST HAND . AN EX FELLOW EMPLOYEE OF MINE WHILE ENDEAVOURING TO ESTABLISH A DESIGN PRACTICE IN BROOME WAS TO THEIR MIND INTRUDING ON THE TERRITORY OF 'OLDEN BOAS EDNIE BROWN ARCHITECTS ' WHO CONSIDERED BROOME THEIR TERRITORY .SOME OF HIS CLIENTS WERE APPROACHED AND INFORMED THAT THEY COULD ONLY USE REGISTERED ARCHITECTS . WHEN THIS GENTLEMAN ATTEMPTED TO GAIN REGISTRATION ALL MANNER OF IMPEDIMENTS WERE PLACED IN HIS PATH .  
THE FACT THAT ONE OF THE DIRECTORS OF THIS FIRM WAS ON THE BOARD IS NOT A COINCIDENCE RE THE ABOVE ACTIONS OF THE BOARD

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(5) USE OF POWERFUL LEGAL ASSISTANCE AVAILABLE TO THE BOARD TO BE USED AGAINST ANY PERSON CHALLENGING THEIR AUTHORITY .

THEY HAVE A LARGE LEGAL FIRM ON A RETAINER TO INTIMIDATE ANY PERSON WHO TAKES ISSUE WITH THEM . AN EXAMPLE OF THIS AROSE IN THEIR PROSECUTION OF MY SELF IN 1994 WHEN I REQUESTED INFORMATION THEY WERE REQUIRED UNDER THEIR ACT TO MAKE AVAILABLE THE BOARD CHOSE ON LEGAL ADVICE TO DENY THIS INFORMATION TO ME '

ARCHITECTS ACT 'architects misconduct' CLAUSE 22A section (7) (c) shall be available at reasonable times for perusal , and to be copied ,by any person. ' THIS WAS DENIED TO ME ON REQUEST AND WAS CONSIDERED A FREEDOM OF INFORMATION REQUEST AT THE BOARDS DISCRETION AND DENIED PLEASE SEE COPIES OF REQUEST AND RESPONSE ADDENDA

IN CONCLUSION I CONSIDER THE ARCHITECTS ACT AND ITS ADMINISTRATION BY THE ARCHITECT BOARD TO BE AN ANATHEMA AND A GROSS RESTRICTIVE TRADE PRACTICE WHICH SHOULD BE STRUCK FROM THE STATUTES AND REGULATION OF ARCHITECTS AND BUILDING DESIGNERS CAN BE ADEQUATELY CONTROLLED BY FAIR TRADING LEGISLATION

\_I FEEL THAT I HAVE PROVIDED SUFFICIENT INFORMATION ON THE RESTRICTIVE PRACTICES THE ARCHITECTS ACT ALLOWS A PRIVILEGED GROUP TO INDULGE IN AND THE MISUSE OF THE POWER AND FACILITY OF THE ACT ARE PUT TO .

AS THIS REVIEW MAY WELL JUST BE A PROCEDURAL REQUIREMENT , AND DUE TO THE INVOLVEMENT OF THE BOARD ITSELF I AM SCEPTICAL THAT ANY CHANGES WILL EVENTUATE . PLEASE PROVE ME WRONG

D A V I D B E E T S O N B A C H E L O R O F A R C H I T E C T U R E P H O N E 9 3 2 8 7 6 0 4 F A X 9 2 2 7 8 2 7 2
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ATTACHED DOCUMENTS REINFORCING MY STATEMENTS  
ABOVE

(A) COPY OF TRANSCRIPT FROM

COURT CASE No 23698 of 1994

ARCHITECTS BOARD OF WESTERN AUSTRALIA

and

DAVID BEETSON

I BRING THE LAST PARAGRAPH OF THE MAGISTRATES  
JUDGEMENT TO YOUR NOTICE . IN THIS STATEMENT SHE  
INDICATES THAT BY USING MY QUALIFICATION IN PRINT I  
WAS BREACHING THE ACT.

PLEASE ALSO NOTE THAT THIS ACTION TAKEN BY THE  
BOARD WAS TOTALLY WITHOUT CAUSE AS NO COMPLAINT  
OR OTHER NOTIFICATION WAS MADE BY ANY PERSON OTHER  
THAN A MEMBER OF THE BOARD ( BRIAN WRIGHT ) WHO I  
CONSIDER DECIDED TO USE THE BOARDS POWER AND  
RESOURCES AGAINST ME FOR PRIVATE REASONS IE I HAD  
PREVIOUSLY BE EMPLOYED BY HIM..... ALL RELEVANT  
INFORMATION RE.

THIS WAS DENIED TO ME BEFORE THE CASE DESPITE  
REPEATED REQUESTS FOR SAME

(B) COPY OF LETTER FROM MINISTER FOR WORKS MR  
GRAEME KIERATH 24 MAY 1994

AT ALL TIMES THE MINISTER RESPONSIBLE FOR  
ADMINISTERING THE ACT HAS ATTEMPTED TO DISTANCE  
HIMSELF FROM ANY ASSESSMENT OF RIGHT OR WRONG  
ACTIONS ON THE PART OF THE BOARD AND AS SUCH HAS  
SHIRKED HIS FIDUCIARY RESPONSIBILITIES

DAVID BEETSON  
BACHELOR OF ARCHITECTURE  
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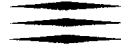
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(C) COPY OF LETTER FROM MINISTER OF FAIR TRADING 22  
APRIL 1994 plus REPORT ref 4041  
INDICATING THEIR IMPOTENCE RE ADMINISTRATION OF THE  
ARCHITECTS ACT AND RECOMMENDING THE TRADE  
PRACTICES COMMISSION AS APPROPRIATE WATCH DOGS  
THE TRADE PRACTICES COMMISSION HAS NO POWER OF  
INVOLVEMENT IN STATE LEGISLATIVE MATTERS  
THIS LEAVES THE ARCHITECTS REGISTRATION BOARD  
ADMINISTERING THE ACT TOTALLY UNACCOUNTABLE  
1. THE MINISTER DOESN'T WANT TO KNOW  
2. TRADE PRACTICES NOT WITHIN THEIR SCOPE  
3. FAIR TRADING NOT WITHIN THEIR SCOPE  
(D) COPY OF LETTER FROM ARCHITECTS BOARD 4 MAY 1994  
DENYING ME ACCESS TO INFORMATION THAT THE ACT  
REQUIRES TO BE AVAILABLE TO ANYONE

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STUDIO 479 FITZGERALD STREET, NORTH PERTH

# Deacons Graham & James



MAIL  
RECEIVED 13/5/00.

Our Ref: MNT:ATM:8844:das  
Contact: Murray Thornhill  
Direct line: 9426 3201  
Direct email: murray.thornhill@dgj.com.au  
Partner: Ashley Macknay

9 May 2000

Mr David Beetson  
Studio 479 Fitzgerald Street  
NORTH PERTH WA 6006

Dear Sir

## ARCHITECTS BOARD OF WESTERN AUSTRALIA - BREACH OF ARCHITECTS ACT 1921

I act for the Architects Board of Western Australia.

My client has provided to me a photograph of a sign outside a building under construction ("Sign") displaying the words "architecture by David Beetson – Bachelor of Architecture".

I am instructed that you are not a registered architect pursuant to the *Architects Act 1921* ("the Act").

Pursuant to section 29(1) of the Act, you are not entitled to use or adopt the title or description of "architect" or "architectural practitioner", or use any words, description or conduct which might imply or lead to the belief that you are carrying on the practice of architecture or are otherwise registered under the Act. Breach of this section of the Act carries a penalty of \$1,000.

Pursuant to section 29(4) of the Act you are not entitled to publish any document which states or may reasonably be interpreted as indicating that you are an architect or practise as an architect or are willing to undertake work as an architect. Breach of that section carries a penalty of \$500.

By displaying the Sign (which is effectively a "document") you have contravened both sections 29(1) and 29(4) of the Act.

I note that you were previously prosecuted by my client and convicted of an offence under section 29 of the Act in respect of an advertisement which you published in very similar terms to the Sign.

### Lawyers

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BankWest Tower  
108 St George's Terrace  
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Telephone 08 9426 3222  
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Facsimile 08 9324 1334  
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DX 139 Perth

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registered in  
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London  
Milan

Kuwait  
Jeddah  
Riyadh



I further note that this firm wrote to you on 1 December 1995 in relation to a Town of Vincent election flyer in which you described yourself as "a qualified architect". You published a written apology for the flyer.

The Architects Board requires a written explanation from you within 7 days from the date of this letter as to why you have again breached the Act, failing which we anticipate receiving instructions to prosecute you for contravention of the Act.

The Board instructs you to refrain from breaching the Act and continuing to display the Sign.

If you wish to discuss the matter, please contact me or Murray Thornhill of this office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ashley Macknay', with a stylized, wavy line extending to the right.

Ashley Macknay  
Partner  
Deacons Graham & James

# ARCHITECTURE

By

## DAVID BEEETSON BACHELOR OF ARCHITECTURE

STUDIO 479 FITZGERALD STREET, NORTH PERTH  
TELEPHONE(08) 9328 7604 FAX(08) 9227 8272

PROUD TO BE A TOTALLY INDEPENDENT CONSULTANT & BUILDING DESIGNER I AM NOT REGISTERED BY  
THE ARCHITECTS BOARD OF WESTERN AUSTRALIA I AM NOT ASSOCIATED WITH NOR DO I SUBSCRIBE TO  
OR ENDORSE THE ACTIONS OR PRINCIPLES OF THE ARCHITECTS PRACTICE IN THIS STATE  
AS I CONSIDER THEY ARE NOT ALWAYS IN THE CLIENTS BEST INTERESTS

11-5-2



DATE: 15 May 2000

The Hon Rob Johnson JP MLA  
11 th Floor , London house  
216 St Georges Tce  
Perth WA 6000

Dear Sir

re :LEGAL ACTION THREATENED UNDER ARCHITECTS ACT  
1921 (UNDER REVIEW) BY THE ARCHITECTS BOARD OF  
WESTERN AUSTRALIA

Please find enclosed a letter from the Architects Boards lawyers threatening legal action regarding signage used by myself on residential architecture designed and attended to by myself. I request that for the reasons listed below that the minister directs the board to cease this action .

Firstly as you would be aware the act under which this prosecution is threatened is under review by the 'Productivity Commission' which has recommended its repeal for several reasons including the state governments requirement to comply with its obligations under the *Competition Principles Agreement*, in relation to legislation that regulates the architectural profession. It would be in nobodies interest to allow this action to proceed in these circumstances as the recommendation of the productivity commission is that the act be repealed. If the action is allowed to proceed with this in mind the State Government and the Architects Board could leave its self open to a claim of damages or commercial loss by myself win or lose.

Secondly the document in question that the board and its lawyers contend breaches the act by containing the words 'architecture' and my legitimate status and qualification 'Bachelor of Architecture' as to imply that I am registered by the board or carrying on the practice of architecture. This sign could not breach the act as it contains specific statements that I am doing neither (please see attached photograph of the document (sign) in question) . If I am forced to defend this threatened action it could be seen to be an abuse of process and vexatious litigation on the part of the Architects Board resulting in possible a claim for costs and damages against the minister responsible for the 'act'.



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Thirdly I feel this pursuit of me by the Architects Board could possibly have more sinister overtones. As the initiator of previous legal action against me via the board (contrary to the board initially claiming a complaint had been lodged) a Mr Brian Wright who just happens to now be chairman of the board .This person may be using the board to cause aggravation to myself due to previous embarrassment caused to him as a result of him being called to account some time ago over the design of a substantial residence for his brother which he falsely took as his own work .This house was in fact designed by myself .

In light of all of the above I ask you to direct the architects board to withdraw its threats of action before any further damage is caused I have been given only 7 days to respond to this lawyers letter and I have been requested to address the productivity commission on the 6th June, so I would appreciate it if you could attend to this matter promptly.

YOURS SINCERELY

David Beetson

cc Productivity Commission  
A.C.C.C .W.A  
B.D.A.W.A.

DAVID BEETSON  
BACHELOR OF ARCHITECTURE  
PHONE 93287604 FAX 92278272

STUDIO 479 FITZGERALD STREET , NORTH PERTH 6006

# SLY & WEIGALL

in association with Deacons | Graham & James

Our ref: RAD:JG:11931761:dc  
Ron Doig  
Solicitor

(PROFESSIONAL  
DEPARTMENT  
JOHN VAUGHAN)

5 October 1993

Mr D Beetson  
Studio 479  
Fitzgerald Street  
NORTH PERTH WA 6006

Dear Sir

## ARCHITECTS BOARD OF WESTERN AUSTRALIA

We act on behalf of the Architects Board of Western Australia and have to hand a copy of their letter to you of 22 July 1993. Notwithstanding the clear and succinct advice as set out in their letter of 22 July 1993 we are instructed that you have neglected and/or refused to reply to the issues raised therein and given the assurance that you will not continue to breach Section 29 of the Architects Act.

Your advertisement in the magazine "Building and Renovating" Volume 1 clearly and prominently uses the word "architecture" suggesting that you are an architectural practitioner and it implies that you are a person qualified to carry on the practice of architecture in clear breach of Sections 29(1)(a) and 29(1)(b) of the Architects Act.

The holding of a Bachelor of Architecture is not sufficient to allow you to practice under the title Architect or using any derivative of that word except within the specific exemptions contained in Section 29(5) ie. as a naval architect, landscape architect, golf course architect or architectural draftsman.

As explained by the Architects Board you are not entitled to use the term "architecture" in describing the services you provide or your status.

We require written confirmation from you within seven days of the date hereof that you will immediately cease using the description "architecture" in the course of your business failing which the Board may decide to prosecute you for breach of the Act.

Yours faithfully



### Lawyers

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11931761/ltrbeetson

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THE COURT OF PETTY SESSIONS OF  
WESTERN AUSTRALIA

No 23698 of 1994

ARCHITECTS BOARD OF WESTERN  
AUSTRALIA

and

DAVID BEETSON

MRS A.R. ROBINS

EXTRACT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 22 JUNE 1994

22/6/94  
(S&C)

WRIGHT, BRIAN FREDERICK sworn:

VAUGHAN, MR: Would you please state your name?---My name is Brian Frederick Wright.

Where do you live, Mr Wright?---17 Doongalla Road in Attadale.

What is your occupation?---I am an architect.

What is your relationship with the Architects Board?  
---I am a member of the Architects Board.

Mr Wright, what were you doing on the morning of 16 June 1993?---I was attending at the Perth City Council offices.

What did you see at the Perth City Council offices on that morning?---There was a publication on the counter which was amongst a number of other publications and a number of similar publications, and I picked up one such publication which I then started to read though, basically.

Where were the publications?---The publications were sitting on the counter, available to anyone who happened to come into the council offices.

Your Worship, I would like the witness to be shown this document.

HIS WORSHIP: Yes. Pass it to the bench clerk, please.

VAUGHAN, MR: Mr Wright, what is that document?  
---That is a copy of the document that I picked up on the 16th.

What is the name of that document, Mr Wright?---Building and Renovating for the Perth Area, volume 1.

When you picked that document up on 16 June 1993 what did you do with it?---Initially I was standing there waiting for the Perth City Council officers and I started reading through it. I then noticed an advertisement in it from David Beetson. I then was unsure of whether Mr Beetson was registered, and I took a copy of the magazine to present to the board.

You mentioned an advertisement, Mr Wright. What page was the advertisement on?---The advertisement appears on page 14.

Your Worship, I tender the magazine.

HER WORSHIP: Exhibit A.

EXHIBIT A

Complainant  
Magazine - Building and  
Renovating for the Perth area,  
volume 1

VAUGHAN, MR: I have a copy for Mr Beetson if he would like it.

HER WORSHIP: Yes, please.

VAUGHAN, MR: Mr Wright, who could have picked up a copy of that magazine on 16 June 1993 at the Perth City Council?---Anybody could have. I mean, there was a number of them sitting on the counter for collection. It says on the front of the magazine that it is free. It is freely available to everybody.

What did you do after you picked up the magazine?---From memory, shortly afterwards there was a board meeting, and I took that magazine along to the board meeting and presented it to the meeting with the inquiry as to whether in fact David had registered or was registered under the act.

Your Worship, I have no further questions of this witness.

HER WORSHIP: Thank you. Would you stand up, Mr Beetson. Do you wish to ask Mr Wright any questions?

THE DEFENDANT: As a member of the board I would like to ask Mr Wright whether the board has any social responsibility to conform to current community attitudes with regards to the use of the words "architect" and "architecture".

VAUGHAN, MR: Your Worship, I would object to questions of that nature.

HER WORSHIP: Can you answer that question, Mr Wright? ---It is a very philosophical question, your Worship, and I don't know that it has really any relevance to the administration of the act.

Mr Beetson, you see, as I attempted to explain earlier, the court is not here to rule on whether the act is fair or whether it is unjust or whether it is being properly administered. The court is simply here to determine the issue of whether or not on 16 June you breached section 29 of the act. The court has no policy function as far as this hearing is concerned, and as I said earlier, if the line of questioning does not go to those issues then it is not admissible.

THE DEFENDANT: Your Worship, if I could ask you to



examine a letter that I have received from - - -

HER WORSHIP: Yes. Later on you will get a chance to present all your evidence. I will do that later.

THE DEFENDANT: I am just trying to explain my reasons for the tack that I am taking in that the information I have been given by ministers of government - they have told me that the court is the place for these sort of decisions to be made, and they have refused to answer questions of mine, saying that it is the court's place. I am slightly confused at the moment that they are telling me it is the court's place and you are telling me that it is not the court's place.

HER WORSHIP: I will state it one more time, Mr Beetson. Perhaps I have not been making myself very clear. This court is here to decide whether or not on 16 June 1993 at Perth, being a person other than a registered architect you used a name, title, words or description in the publication Building or Renovating which title, words or description implied or led to the belief that you were (a) registered under the Architects Act, (b) qualified under the Architects Act to practise as an architect, or were carrying on the business of architecture. That is my function here, nothing more and nothing less.

THE DEFENDANT: Okay. Well, I will have to put that to the minister. In that case I have no questions for Mr Wright.

HER WORSHIP: Thank you, Mr Wright. You may stand down?---Thank you, your Worship.

(THE WITNESS WITHDREW)

I CERTIFY THAT THE EVIDENCE HEARD ON PAGES  
INCLUSIVE IS A CORRECT TRANSCRIPT OF THE TAPE RECORDING  
FILED AT THE COURT OF PETTY SESSIONS, CENTRAL LAW COURTS;  
PERTH.

CASE No: 23698 of 1994

CASE DETAILS: ARCHITECTS BOARD OF WA  
and  
DAVID BEETSON

HEARING DATE: 22/6/94

DATE: 5/7/94



(CHECKER)

**SPARK & CANNON**

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THE COURT OF PETTY SESSIONS OF  
WESTERN AUSTRALIA

No 23698 of 1994

ARCHITECTS BOARD OF WESTERN  
AUSTRALIA

and

DAVID BEETSON

MRS A.R. ROBINS

EXTRACT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 22 JUNE 1994

HER WORSHIP: In this case the defendant is charged that on 16 June 1993 at Perth, being a person other than a registered architect, practising corporation or practising firm, used a name, title, words or description, namely "Architecture, David Benson, Bachelor of Architecture," in the publication Building and Renovating, volume 1, circulated throughout the Perth metropolitan area, which name, title, words or description implied or led to the belief that he is: (1) registered under the Architects Act; (2) qualified under the Architects Act to practise as an architect; (3) is carrying on the practice of the business of architecture, contrary to section 29(1)(b) of the Architects Act, which reads as follows, 29(1):

A person other than a registered architect who or which -

subsection (b) -

uses any name, title, words, letters, additions or descriptions implying or leading to the belief that such person is, or by words or conduct holds out or in any way.....penalty \$1000.

The defendant has submitted that as the complaint was made in February 1994, some 8 months after the commission of the alleged offence, it should be dismissed. However, section 51 of the Justices Act as amended in 1992 provides that complaints must be made within 12 months from the time when the matter of complaint arose, therefore this submission fails.

It is not disputed that the defendant is not and has never been registered on the Register of Architects maintained by the Architects Board of Western Australia. He has tendered to the court what purports to be a photocopy of a degree of bachelor of architecture issued by the University of Western Australia on 22 April 1980. It is also not disputed that an advertisement appearing on page 14 of a publication entitled "Building and Renovating for the Perth Area," volume 1, to which I shall refer as "the publication" was inserted on the defendant's authority.

The defendant's evidence is that it is a facsimile of his business card. It bears in large letters the word "ARCHITECTURE" and to the left of this word appear in smaller type the words "commercial", "industrial", "residential", "restoration", "renovation", "additions", "alterations", "planning", "interiors". Also on the advertisement appear the defendant's name, the words "bachelor of architecture" in full, his address, which is shown as a studio in North Perth, telephone and facsimile numbers, and the words "Budget conscious design with flair and imagination."

On page 1 of the publication appears the title Trades, Services and Suppliers Index. Under this follows three columns of titles and page numbers, the first entry being "Architecture 14". There are other headings for building designs and other allied trades and industries. The prosecution submits that the publication of this advertisement holds out or implies that the defendant is (a) registered under the act, (b) qualified under the act to practise as an architect or (c) is carrying on a practice of architecture. The defendant has tendered in evidence an extract from the Shorter Oxford English Dictionary which defines architecture as:

The art or science of building; structure.

Evidence was given by the first prosecution witness, Mr Wright, that the publication was available to members of the public on the counter of Perth City Council offices. The word "FREE" is printed in capital letters in red on its cover. I find that it was a publication available without restriction to the public in the Perth area at large and its wording clearly imports in normal English usage that the defendant is professionally qualified as a bachelor of architecture and is advertising his services to the public as an architect carrying on business from a business address in North Perth. I find that this is the only interpretation of which the advertisement is capable. I further find that the inclusion of his bachelor of architecture degree in the advertisement constitutes advice to the public that he is professionally qualified as a practising architect.

There are no words in the advertisement which in my view are capable of being construed to imply that the defendant is registered under the Architects Act. I find that by the use of his name, title, words and description in the publication the defendant implied that he was qualified under the Architects Act to practise as an architect and that he was carrying on the business of architecture. I find the charge proved.

(End of extract)

