

arbv Information ^{March 2004} 60

Architects Registration Board of Victoria

For architects

**ARCHITECTURAL SERVICES AWARD
BPAY® FACILITIES
DISCIPLINE and TITLE BREACHES
PAMPHLET FOR USE WITH CLIENTS
USING YOUR REGISTRATION NUMBER**

ARBV ARCHITECTURAL SERVICES AWARD Inaugural year 2004

The *ARBV Architectural Services Award* is a new ARBV Award designed to recognise excellence in service and management of projects for clients of architects.

The focus of this award is client evaluation of their architect's service, management and communication in the production of an effective outcome for the client.

Clients will nominate their architect after evaluating their service on the Award client evaluation form.

The ARBV has introduced this award after reviewing the characteristics of good architectural service and after analysis of complaints received from clients of architects. The Board hopes that the existence of this award and its recognition of good service will promote and recognise preferred approaches to dealing with clients and their projects.

The emphasis of this award is on how the architect has met the clients' needs in the areas of **information and communication, design process, management and contractual fulfilment**. This is not a design award; but the nature of the design may contribute to the overall outcome for clients

Invariably, complaints received by the ARBV do not focus on design. They are more concerned with things like budget over-run, confusion and lack of communication, resolution of problems that occur during a project, lack of a client/architect agreement and documentation that is untimely or difficult to understand.

The Board will publicise this Award during the first half of 2004.

Judging the Award

A Board appointed expert panel will evaluate client nominations and information supplied by short listed architects.. The panel will include architects, non-architects and community members.

To request an extra evaluation form, please use the order form on the back page of this Newsletter.

How will an architect or firm be nominated?

Award evaluation forms will be available to the public from a number of outlets and the Board will send a copy of the form to all registered Architects. Clients will nominate their architect.

You may ask your clients if they are interested to nominate you and may request additional forms from the ARBV.

Client evaluation forms must be sent by the client direct to the ARBV.

To be eligible, an architect or firm must have at least two client nominations and no more than three nominations for commissions completed during the two years prior to June 2004.

Nominations must be made on the Award client evaluation form no later than 5.00pm, 30 June 2004.

The great majority of architects and architectural firms are well placed to be nominated. The Board hopes to see many nominations.

The successful architect will receive a cheque for \$5000 and certificate at a presentation ceremony later this year.

For enquiries, please ring the Registrar at ARBV on

03 9655 8570.

CLIENT INFORMATION BROCHURE – WORKING WITH YOUR ARCHITECT

ANNUAL FEES

Annual fees are due by 1 July each year.

Reminder notices will be sent out during May.

To avoid the reinstatement penalty, please make an entry in your diaries and let us know if you have changed address.

BPAY® FACILITIES

BPAY facilities will be available for payment of the 2004 annual fees. The Board expects that this will simplify fee payments for architects and prefers that most architects use BPAY this year. Details will be included on the annual account in May. Cheque and Visa payments will still be available.

CHANGE OF ADDRESS

Have you changed your address?

Please fax or email details to us.

The Regulations require that the Board is notified of change of address within fourteen days of the change.

To contact the Board:

**Fax: 96558575,
email: registrar@arbv.vic.gov.au
Phone: 03 9655 8570**

**Level 10, 80 Collins Street. Melbourne 3000
PO Box 2797Y, Melbourne 3001**

Website: www.arbv.vic.gov.au

USING YOUR REGISTRATION NUMBER

Your registration number is a public number, published in both the Register and in the listing of architects on the Board's web site.

Architects are encouraged to include their registration number in advertising and other documents supplied to clients.

All practising architects receive a practising certificate on payment of annual fees. Your number appears on that certificate.

You can check your number on the Board web site.

All registered practising Architects will have received during February the ARBV pamphlet 'Working with Your Architect'.

This brochure has been published to support registered architects in their dealings with clients. The pamphlet responds to enquiries from the public about the services, roles and responsibilities of Architects. It also gives clients advice about their roles and responsibilities when working with an Architect.

Architects can provide this brochure to clients as a summary of the architectural process and as a supplement to the documents you would normally provide.

Feedback received from architects so far has been very positive.

The brochure will be available on the home page of the Board's website for downloading and distribution to your clients.

Architects and firms may order additional brochures from the Board for cost of post and handling.

A minimum of 25 brochures per order is required, prepaid with cheque to ARBV or Visa card. An order form is available below. It may be photocopied



The order form for this brochure is on the back page of this Newsletter. If you wish to obtain extra copies, the minimum order is for 25.

Please complete your order and mail with a cheque or pay by Visa via mail or fax.

The brochure is available on the home page of the Board's web site. It is reformatted for easy printing on two pages of A4 size.

Architects may copy it for their use. The contents are copyright to the Board.

DISCIPLINE AND TITLE BREACHES

Architects Tribunal inquiries

Tribunal 01/02

The Findings of this Inquiry, conducted 9 and 10 October 2002, were reported in the previous Newsletter and the Annual Report (q.v.) They were, in summary, inadequate drawings and specifications, inadequate tender process, significantly underestimated costs. At that time, the Determinations were not yet available. They were issued on 15 July 2003.

Determinations

The Tribunal made the following Determinations:

- to reprimand and caution the architect;
- to require the architect to undertake further education by way of a mentoring program;
- to require the architect to pay \$18,000.00 of the Board's costs.

Tribunal 02/03

This Inquiry was conducted on 3 September 2003, the Tribunal issuing its Notice of Findings on the same day.

The allegation, in summary, was:

'That in or about March 2001 and before accepting an engagement from your client, . . . in relation to a proposed development at . . . you failed to supply a copy of a document in writing setting out the description, terms and conditions of the engagement to your client in contravention of **Regulation 18** of the Architects Regulations 1993 and pursuant to **Regulation 22** of those Regulations you are therefore guilty of unprofessional conduct.

Finding: The Tribunal found the matter not proved.

No adverse finding having been made, the Tribunal made no Determination as to cost.

Tribunal 02/11

This Inquiry was conducted on 15 December 2003. The Tribunal issued its Findings, Reasons and Determinations on 30 January 2004.

The allegations, in summary, were that:

1. That on or about 7 October 1999 you, as the superintendent under a contract between [your Clients] and [the Builder] in relation to the renovation of the Clients' dwelling . . . [the Contract] attempted to assess a purported final claim by the Builder and issue a final certificate in breach of the Contract and when it was inappropriate to do so in all the circumstances, and you therefore failed to perform your work as an Architect in a competent manner and to a professional standard in breach of regulation 5 of the Architects Regulations 1993 and pursuant to regulation 22 of those Regulations, you are therefore guilty of unprofessional conduct.

Finding: The Tribunal found the allegation not proved.

2. That between May and August 1999 you, as superintendent under a Contract between [the Clients] and [the Builder] in relation to the renovation of the clients' dwelling [the Contract] failed to identify significant defects in the construction works undertaken by the Builder in relation to the Contract and you therefore failed to perform your work as an Architect in a competent manner and to a professional standard in breach of regulation 5 of the Architects Regulations 1993 and pursuant to Regulation 22 of those Regulations, you are therefore guilty of unprofessional conduct.

Particulars

The defects comprised:

- (a) the use of a short piece of timber in the floor of the family room of the dwelling which was in breach of Clause 5.4.8(iv) of the Timber Framing Manual, AS1684; and
- (b) squeaks and gaps in excess of 2mm in floorboards in the family room of the dwelling which did not comply with the Building Commission Guide to Standards and Tolerances.

Finding: The Tribunal found the allegation proved, but only in relation to the short board; it did not find the allegation proved in relation to the gaps.

By reason of the above, the architect breached **Regulation 5** of the Regulations and by virtue of **Regulation 22** the conduct constituted unprofessional conduct irrespective of whether it otherwise was.

Determinations

The Tribunal made the following Determinations:

1. to caution the architect;
2. to require the architect to pay \$5000.00 of the Board's costs.

Recent referrals to Tribunal

Complaint 03/07 has been referred to the Board's solicitors for advice regarding referral to Tribunal. The Board has requested further investigation.

Two complaints are the subject of further investigation prior to any decision to proceed further.

Full particulars of the numbers of complaints and the outcomes of reviews will appear in the Annual Report 2003-2004.

"Architect" Title protection

Since the last Newsletter, 26 allegations of breaches of the Act were received, in addition to numerous telephone enquiries regarding registration status of individuals and firms.

Normally, where after investigation it is determined that a breach of the Act has occurred, a written request from the Board requiring compliance is sufficient to achieve compliance with the Act. In cases where this purpose is not achieved, the matter is referred to the Board's lawyers for advice regarding prosecution.

In December 2003 at Dandenong Magistrates Court, Harold Payet was found guilty of breaches of the Act. He was convicted and fined \$1,500.00 and ordered to pay \$7,239.25 in costs.

At present, charges are pending against 2 individuals for breaches of the Act. Reports of the outcomes will be given in the next Annual Report.

Two further matters have been referred for legal advice.

Following reports of instances of non-architects appearing in the 'architectural design' section of Leader newspapers classifieds, the Board has achieved significant cooperation from Leader newspapers to monitor and advise advertisers of guidelines

