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This Newsletter is an official Board communication with architects

ELECTION OF ARCHITECTS TO THE BOARD

Congratulations to Ms Jillian Garner and Mrs Jenifer Nicholls on their election to the Board for a two year term to September 2005.

Three nominations were received.

The names and votes polled by each candidate are:

Ms J. Garner 628

Mrs J. Nicholls 572

Mr V. Cassisi 478

There were 1678 compliant votes received and 93 Informal votes.

Jillian Garner will serve a second two-year term on the Board and Jenifer Nicholls returns to the Board for a two year term.

New members take up their positions in October. All positions are subject to the Minister's approval, including two other positions representing consumers and architecture schools.

Mr Andrew Begg, a current, elected member, did not nominate. Mr Begg has been an elected member of the Board since 1995. During that time he has made an invaluable contribution to the Board and has been deputy chairperson since 1997. A fitting farewell article will be prepared for our final newsletter this year.

WHAT DOES THE BOARD DO?

The Board meets monthly throughout the year on the second Tuesday of the month, normally for 2-3 hours. Each month, there are from four to six Tribunal matters to monitor or determine whether a Tribunal is warranted.

Members take responsibility for initial review of complaints received and provide a written report to the Board that enables the Board to determine whether a Tribunal should be convened. There are usually two or three such reports each month and Tribunal panels are approved where required.

Reports of investigation of breaches of the protected Title are received and decisions made on whether to refer the matter to the Board's lawyers for prosecution. There are currently three such Title breach matters before the Board.

Policy decisions on the major objectives of the Board are reviewed regularly and the Board is currently investigating future initiatives in the areas of Professional Indemnity Insurance, Continuing Professional Development and improved information for the public about the Board's role and the shared roles of client and architect.

The Architectural Practice Examination(APE) and Education policy are also being reviewed as a normal function.

The Board has a standing panel of 40 practitioners and educators who undertake assessments on behalf of the Board in the areas of the APE, reviews of qualifications and eligibility for entrance to registration. Board members belong to sub-committees for the development of policy recommendations.

The Accreditation or review of University Architecture courses is on-going and visits are conducted cooperatively with the RAIA each year.

Each month, applications for Registration or re-instatement to the Register are approved; and three times a year candidates successful in the Architectural Practice Examination are registered.

These functions are undertaken through the Act and Regulations to fulfil the Board's charter of acting in the public interest.

LEGAL MATTERS: DISCIPLINE and TITLE BREACHES

Annual report for 2002-2003.

The Architects Act (Section 18) provides that the Board may inquire into an architect's fitness to practise or professional conduct. Inquiries and discipline procedures are managed by the Inquiries Officer.

If the Board decides that on the face of the evidence before it there are grounds for considering a complaint further, it must refer that complaint to a Tribunal, which, once appointed, operates independently, and has access to independent legal advice (Sections 19-31 of the Act). The Board meets any legal costs incurred by Tribunals.

If a Tribunal determination is made against an architect, the Board is required to enforce the determination. The Board must notify any complainant about the result of an inquiry (section 18), and provision is made for a dissatisfied complainant to seek a review before the Victorian Civil and Administrative Tribunal (sections 42-44).

The majority of inquiries are from clients of architects, although other architects, building practitioners, and neighbours of proposed developments also make complaint inquiries and follow them up.

Reporting of disciplinary matters appears in the Board's newsletter as well as in the Annual Report.

Number of complaints for misconduct

In the 2002-2003 financial year, 63 telephone inquiries about potential complaints were received and 12 formal complaints were lodged with the Board.

Of these 12 complaints, at 30 June 2003, 6 are completed (the Board deeming that no further inquiry was warranted); 2 are being reviewed; 1 has been referred to lawyers for advice; and 2 have been referred to Architects Tribunal inquiry.

The number of complaints followed up by submission of evidence bears favourable comparison with the number of architects registered in Victoria (approximately 3,380, of whom approximately 2,830 are in practice).

Architects Tribunal inquiries

Tribunal 01/02

This Inquiry was conducted on 9 and 10 October 2002, the Tribunal issuing its Notice of Findings and Reasons on 9 December 2002.

The allegations, in summary, were that:

1 That as an architect advising clients in relation to a proposed renovation and

extension of their home (the Proposed Project), prepared working drawings for the purposes of tender which were inadequate for that purpose, and therefore failed to perform work as an architect in a competent and professional manner in contravention of regulation 5 of the *Architects Regulations* 1993 and pursuant to regulation 22 of those Regulations is therefore guilty of unprofessional conduct.

Finding: The Tribunal found the matter proved.

2 That as an architect advising clients in relation to the Proposed Project, prepared a specification for the purposes of tender which did not contain sufficient information to adequately describe the scope of the Proposed Project, and therefore failed to perform work as an architect in a competent and professional manner in contravention of regulation 5 of the *Architects Regulations* 1993 and pursuant to regulation 22 of those Regulations is therefore guilty of unprofessional conduct.

Finding: The Tribunal found the matter proved.

3 That as an architect advising clients in relation to the Proposed Project, provided tendering services of an inadequate standard in relation to the Proposed Project, and therefore failed to perform work as an architect in a competent and professional manner in contravention of regulation 5 of the *Architects Regulations* 1993 and pursuant to regulation 22 of those Regulations is therefore guilty of unprofessional conduct.

Finding: The Tribunal found the matter proved.

4 That as an architect advising clients in relation to the Proposed Project, significantly underestimated the cost of the Proposed Project and therefore failed to perform work as an architect in a competent and professional manner in contravention of regulation 5 of the *Architects Regulations* 1993 and pursuant to regulation 22 of those Regulations is therefore guilty of unprofessional conduct.

Finding: The Tribunal found the matter proved.

5 That as an architect advising clients in relation to a Proposed Project, significantly underestimated the cost of the Proposed Project and therefore failed to perform work as an architect in a competent and professional manner in contravention of regulation 5 of the *Architects Regulations* 1993 and pursuant to regulation 22 of those Regulations is therefore guilty of unprofessional conduct.

Finding: The Tribunal found the matter proved.

6 That as an architect advising clients in relation to the Proposed Project, significantly underestimated the cost of the Proposed

Project and therefore failed to perform work as an architect in a competent and professional manner in contravention of regulation 5 of the *Architects Regulations* 1993 and pursuant to regulation 22 of those Regulations is therefore guilty of unprofessional conduct.

Finding: The Tribunal found the matter proved.

The Tribunal received submissions on Determinations, but has not yet issued its Determinations.

Tribunal 01/13

A complaint received in December 2001 was the subject of an Architects Tribunal that conducted its hearings on 23 October 2002. The Tribunal issued its Findings and Reasons on 14 December 2002.

The allegations, in summary, were that:

1. The architect failed to deal with the client in a competent manner and to a professional standard by failing to carry out the work for which the architect was engaged (including the lodging of a town planning application) in an adequate, speedy and timely manner or within a reasonable time.

Finding: The Tribunal found the matter not proved.

2. The architect failed to employ skills in the interests of the client by failing to carry out the work for which the architect was engaged (including the lodging of a town planning application) in an adequate, speedy and timely manner or within a reasonable time.

Finding: The Tribunal found the matter not proved.

3. Despite Regulation 18 Architects Regulations 1993 (the "Regulations"), the architect failed to set out in writing the description, terms and conditions of the engagement and supply a copy of that document to the client before accepting the engagement.

Finding: The Tribunal found the matter not proved.

Alternatively to Clause 6.3, backdated the document required to be provided to the client pursuant to Regulation 18 of the Regulations.

Finding: The Tribunal found the matter not proved.

By reason of the above, the architect breached Regulations 5 and 6 of the Regulations and by virtue of Regulation 22 the conduct constituted unprofessional conduct irrespective of whether it otherwise was.

Finding: The Tribunal found the matter not proved.

The Tribunal, finding that the allegations were not proved, made no Determinations.

Tribunal 02/06

A complaint received in August 2002 was the subject of an Architects Tribunal that conducted its hearing on 9 May 2003. The Tribunal issued its Findings and Determination on the same day.

The allegations, in summary, were that:

1. The architect failed to deal with the client in a competent manner and to a professional standard in that, despite having been notified in approximately February 2002 of internal flooding said to be due to the roof design and having agreed, on or about 6 March 2002, to inspect the building, failed to do so at all or in an adequate, speedy and timely manner or within a reasonable time.
2. The architect failed to employ his skills in the interests of the client in that, despite having been notified in approximately February 2002 of internal flooding said to be due to the roof design and having agreed, on or about 6 March 2002, to inspect the building, failed to do so at all or in an adequate, speedy and timely manner or within a reasonable time.
3. By reason of the above, the architect breached Regulations 5 and 6 of the Regulations and by virtue of Regulation 22 the conduct constituted unprofessional conduct irrespective of whether it otherwise was.

The Tribunal found, each allegation being conceded by the architect, each allegation therefore proved.

The Tribunal determined to reprimand and caution the architect, to require him to make arrangements to carry out an inspection of the building within a specified time frame, and to pay \$2000 in costs.

Referrals to Tribunal

Complaint 02/08 has been referred to an Architects Tribunal, which is scheduled to hear the matter in September 2003. Complaint 02/11 has been referred to an Architects Tribunal, which will hold a Preliminary Conference on 8 July. The outcomes of these Tribunals will be reported in forthcoming Newsletters and in the 2003-2004 Annual Report.

Complaint 02/12 has been referred to the Board's solicitors for advice regarding referral to Tribunal. The Board has requested further investigation.

The "Architect" Title

The Board inquires into allegations of misuse of the title, as well as undertaking investigations on its own behalf.

In the reporting period, 29 formal complaints of breaches of the Act were received, in addition to numerous telephone enquiries regarding the registration status of individuals and firms.

Normally, in cases 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.

Charges are pending against 3 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.

ANNUAL FEES

The Board wishes to thank all architects and companies who paid their annual fees on time this year. A larger number responded promptly this year than last year; but we still have too many architects who neglect this statutory requirement and then face further fees or suspension.

The title of Architect is protected so that potential clients can use the information associated with this title to assist them in their choice of provider of architectural services. Registration is necessary for lodging applications with Councils.

The Board is charged with administering and enforcing this legal requirement efficiently and in the public interest. There is also some benefit to architects through inclusion under the title.

Please make sure we have your current address.

Please mark 1 July in your diaries each year for payment of fees.

BOARD AWARDS FOR EXCELLENCE AT UNIVERSITY

Two awards are offered each year.

One, in conjunction with the Association of Women in Architecture and the Heads of Architecture schools provides for a cash grant and certificate awarded to an outstanding woman student in the area of design during 4th or 5th year.

The second is the Professional Practice Award recognising excellence in final projects in this area

by 4th or 5th year students. Submissions are invited from the three Universities and the successful nominee receives a substantial cash grant and certificate.

The Board was disappointed this year to receive only one submission from one University.

These awards are announced at the Board's Certificate Conferring Ceremony at the end of each year.

A NEW BOARD AWARD

How do you rate with your clients?

The Board is planning for the introduction in 2004, of a new Award that recognises excellence in service to clients and management of projects for clients.

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.

The aim of this initiative is to promote the values of effective and responsive professional service.

Look for information about this new award for architects in October this year.

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