

# Information *For architects*

This Newsletter is an official ARBV communication with architects.

## THE ARCHITECTS ACT AMENDMENTS 2004 IN RELATION TO THE ARCHITECTS ACT 1991

**The existing Architects Act 1991 is still in force and will remain so until the 2004 amendments are proclaimed.**

This proclamation should occur during the first half of 2005. At that time, the Architects Act 1991 incorporating the amendments will then be in force. This means that some existing provisions of the Act remain unchanged while others will impact on how the Board and the profession must comply.

### Advice

Initial advice is provided below.

Further detailed advice about the impact of the amendments will be provided at the time of proclamation or beforehand.

### Consultation on the changes

The Board will consult with all key stakeholders on all new developments and architects may contact the Board direct with their comments by emailing the Registrar at [registrar@arbv.vic.gov.au](mailto:registrar@arbv.vic.gov.au) or by letter.

### The amendments

The amendments to the Act were approved by both houses of Parliament on 27 May and 2 June 2004. They are still subject to proclamation before coming into force.

Details of the proposed Architects (Amendment) Act 2004 can be found at [www.dms.dpc.vic.gov.au](http://www.dms.dpc.vic.gov.au), in Parliamentary Documents under 'Bills'. Scroll down to "Architects Amendment Bill". The link 'Introduction print' contains the proposed amendments. See also 'Explanatory Memorandum'.

- **Registration of architects continues.**
- **Protection of the title 'ARCHITECT' continues with changes to other derivative words. Only persons registered with the ARBV or approved Companies or Partnerships may use the title of 'Architect' or the protected phrases: 'architectural services', 'architectural design', 'architectural design services' in relation to design, plans, drawings or specifications for buildings or parts of buildings.**
- **Approval of Companies and Partnerships continues with some changes.**
- **Provision for complaints and discipline continues via inquiry and Tribunal; with some changes.**
- **Provisions for offences against the Act continue, with some changes.**
- **Accreditation of architecture courses continues.**

## The main changes to the Act to come into effect in 2005 are:

### 1. Title protection

**While the title of ARCHITECT continues to be protected, the 'derivative terms' have been amended.**

Under competition policy review, restrictions on the terms 'architecture' and 'architectural' were considered to unfairly restrict the conduct of other businesses. The Bill replaces these terms with restriction on the use of three terms: 'architectural services', 'architectural design services' and 'architectural design' in relation to the design and planning of buildings. The Bill also strengthens prohibitions on unregistered persons or firms representing themselves as registered architects or allowing themselves to be represented as registered.

### 2. Insurance

At present, insurance requirements for architects are specified under the Building Act 1993 and administered by the Building Commission.

The Bill simplifies insurance arrangements by moving them to the Architects Act, to be administered by the Architects Registration Board.

Architects will only need to deal with one statutory body for both registration and insurance.

The ARBV will require proof of insurance from all practising architects at the time of registration and annual renewal or when insurance needs change. Employee architects will continue to be covered by their Company insurance; unless they undertake work as an architect in their own right, when insurance will be required

Insurance provisions under the amendments will be governed by a Ministerial Order on Insurance for Architects.

The Board will consult with all key bodies representing architects in the preparation of this Ministerial Order.

**Until the amended Act is proclaimed, architects must comply with the Building Act and Building Ministerial Order on insurance.**

### 3 Approval of companies and partnerships

Current ownership and control arrangements for partnerships and companies have been simplified. The Bill reduces these requirements to at least one partner or director who is a natural person must be a registered insured architect responsible for the architectural services of the company or partnership. It is expected that this will simplify structural arrangements for firms. Clients will be able to check whether a firm is eligible to offer architectural services.

### 4 Prohibited conduct

Only persons registered with the ARBV or approved Companies or Partnerships may use the title of 'Architect' or the protected phrases: 'architectural services', 'architectural design', 'architectural design services' in relation to design, plans, drawings or specifications for buildings or parts of buildings.

The Bill strengthens prohibitions on unregistered persons or firms representing themselves as registered architects or allowing themselves to be represented as registered. Restrictions on such representation include any title, name or description that is capable of being understood that a person/firm is registered or offers the services of an architect or is willing to undertake work as an architect. (Exceptions: landscape architect, naval architect, computer systems architect.)

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## 5. Broader membership of the Architects Registration Board

Competition Policy review found that Board membership was too restricted. Currently there are 8 members, two of whom are community representatives and one represents Allied Industries alongside architects. In future, Board membership will be expanded to include two people representing major building industry organisations who are not architects. This will mean that there will be 5 architects and 5 non-architects on the Board.

## 6. Total separation of Tribunals from the Board

Currently, while disciplinary Tribunals operate independent of the Board, up to 2 Board members may be members of a tribunal. In future, no Board members will sit on Tribunals. This will ensure that Tribunals are completely independent of the Board. Tribunals will comprise one architect, one non-architect and one person representing consumer interests chosen from a panel of names approved by the Minister. One member of a Tribunal must also have legal knowledge and experience.

## 7. Introduction of alternative dispute resolution via mediation

The ARBV will be able to offer confidential mediation services to architects and clients who are in dispute if both parties agree to mediation. This may enable earlier resolution of problems and avoid the need for a Tribunal hearing. If mediation is not successful, further inquiry may occur.

## 8. Links with the Building Practitioners Board

A member of the ARBV will also be a member of the Building Practitioners Board. This will facilitate better understanding between the Boards and professions.

**Please note that these amendments, while approved by Parliament, are still subject to Proclamation no later than July 2005.**

**Until the revised Act is proclaimed, the current, *Architects Act 1991* remains in force.**

## BOARD REPORTING OF DISCIPLINARY INQUIRIES

At present reports of Tribunal outcomes do not name the architect.

At its June meeting the ARBV decided that, in future, such reports will include the name of the architect concerned if a Tribunal finds that allegations against the architect are proved. The report will also include the details of Findings and penalties.

This policy will come into force from the first Tribunal arising from any complaint received after 1 July 2004.

Such reports will continue to be published in the Board's Newsletter, Annual Report and web site.

Title breach actions are conducted in the Magistrate's Court.

The Board will also publish the names of those found guilty of a breach of the Title protection provisions of the Architects Act.

## ANNUAL FEES

The deadline for the 2004-2005 annual registration fee is 1 July 2004.

Architects do not have to provide insurance information to the ARBV this year. That will be required in 2005.

## **THE ARBV ARCHITECTURAL SERVICES AWARD**

Entries for this Award close on 30 June at 5.00pm.

Judging of the Award will begin in July and the results will be announced at the Board's Certificate Conferring Ceremony in early December.

The judging panel may wish to interview short-listed architects during the evaluation process.

## **THE ARCHITECTURAL PRACTICE EXAMINATION (APE)**

**The AACA, in conjunction with Boards is conducting a review of the APE.**

Comments about its operation, focus as an exam for registration and its level of success as an examination can be received by the Board, either via email or letter.

The last examination round for 2004 begins with applications and logbook submission on Wednesday 1 September.

If it is some time since you obtained a logbook, please check our web site for up to date information, especially about Mandatory Experience.

## **EMAIL YOUR CHANGE OF ADDRESS DETAILS TO THE BOARD AT**

[registrar@arbv.vic.gov.au](mailto:registrar@arbv.vic.gov.au)

## **WEBSITE LIST OF ARCHITECTS**

The list of Practising architects, Companies and Partnerships on the Board's web site will be up-dated after 1 July.

## **THE ARBV PROFESSIONAL PRACTICE AWARD AND THE ASSOCIATION OF WOMEN IN ARCHITECTURE AWARD.**

These Awards have been offered to final year Bachelor of Architecture students for many years in recognition of outstanding achievement in education.

### **The Professional Practice Award**

focuses on excellence in major projects submitted for completion of professional practice studies. It is open to all students in final year at the three Universities offering B.Arch. in Victoria. One Award is made.

### **The Association of Women in Architecture Award**

focuses on excellence in Design studies by women in the final year of the B. Arch. One Award in each Architecture school is made. The Board thanks the AWA and participating Universities for their support for this Award.

The Board will be inviting nominations for both Awards from Architecture schools later this year.

### **To contact the Board:**

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