

AT02/06

*Architects Act 1991
Section 32*

Findings and Determination

These are the Findings of the Tribunal constituted by the Architects Registration Board of Victoria to hold an inquiry into the fitness of [the architect] to practise as an architect and into his professional conduct. The Inquiry was conducted on 9 May 2003

[]

[]

The Tribunal adjourned for a short time and delivered its Findings and Determination which follow.

FINDINGS

The Tribunal having conducted an Inquiry into the particular conduct or acts or omissions raised in the Notice issued pursuant to s27 of the *Architects Act 1991*, having considered the evidence presented to, and the submissions made at that Inquiry, makes the following findings

Allegation:

The architect failed to deal with his client in a competent manner and to a professional standard in that he, 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 School, he failed to do so at all or in an adequate, speedy and timely manner or within a reasonable time

Finding

This allegation is conceded by the architect and the Tribunal therefore finds it proved

Allegation:

The architect failed to employ his skills in the interests of his client in that he, 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 School, he failed to do so at all or in an adequate, speedy and timely manner or within a reasonable time

Finding

This allegation is conceded by the architect and the Tribunal therefore finds it proved

Allegation:

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

Finding

Regulation 22 being a deeming provision, this allegation is conceded by the architect and the Tribunal therefore finds it proved

In view of these findings the Tribunal finds:

- (a) The architect was careless in his practice
- (b) The architect's professional standards are demonstrably lower than the standards which a competent architect should meet
- (c) The architect is guilty of unprofessional conduct (by virtue of Regulation 22).
- (d) The architect has breached or failed to comply with Regulations 5 and 6 of the **Architects Regulations 1993**.

DETERMINATION

Pursuant to the provisions of s32 of the *Architects Act 1991* the Tribunal makes the following Determination and order as to costs which come into effect on 9 May 2003

- 1. To reprimand and caution the architect.
- 2. That the architect shall contact the complainant, [], on 9 or 12 May to make arrangements to carry out an inspection at the school at a mutually convenient time within the period 22 May to 5 June 2003
- 3. The architect shall pay the costs of the Board fixed and agreed at \$2000 by 31 May 2003

[]

9 May 2003