

**AT:00/07**

*Architects Act 1991  
Section 32*

**FINDINGS AND DETERMINATION**

*This the determination 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 determination was made at the conclusion of the inquiry conducted on Tuesday 3 April 2001.*

**The Tribunal, having conducted an inquiry into the particular conduct or acts or omissions raised in the Notice issued pursuant to s.27 of the *Architects Act 1991* and having considered the submissions made at the inquiry, makes the following determination:**

1. Despite Regulation 18 of the Architects Regulations 1993 (the “Regulations”) the Architect failed to set out in writing the description, terms and conditions of his engagement as an architect and supply a copy of that document to his clients before accepting the engagement to provide architectural services to them.

**Finding:**

**The Tribunal accepts the Architect’s admission in relation to the above matter.**

2. Without having received his clients’ instructions to do so and despite Regulation 5 of the Regulations, the Architect withdrew from [] City Council the town planning application which had been lodged by himself seeking a permit for the buildings and works the subject of the project in relation to which he had been engaged, as per 6.2 of the Notice.

**Finding:**

**The Tribunal finds that the clients were not exposed to any additional cost and delay that would be associated with having to proceed with the project or a variation of it as per 6.2.1 of the Notice.**

**Whilst the Architect’s action in his correspondence to the [] City Council dated 5 April 2000 and received by the Council on 4 April 2000 prevented the Council from making a decision on that application, a similar instruction from the clients in their correspondence to the [] City Council dated April 10 would have achieved the same outcome, as per 6.2.2 of the Notice.**

3. By reason of the allegations contained in Paragraphs 6.1, 6.2 and 6.3 for the purposes of Section 32 (a) – (d) of the Act;

**The Tribunal finds the Architect to be careless in his practice.**

**Penalty:**

- A. Having found the Architect to be careless in his practice the Tribunal determines to caution the Architect.**
- B. The tribunal also determines to ratify the agreement by the Architect to contribute \$2500 towards the costs incurred by the Architects Registration Board of Victoria in relation to this inquiry. The amount is to be paid to the Architects Registration Board no later than 3 June 2001.**

**3 April 2001**