

PART 2—PROHIBITED CONDUCT

4. Representing a natural person to be an architect

- (1) A natural person must not represent himself or herself to be an architect and must not allow himself or herself to be represented to be an architect unless he or she is registered as an architect under this Act.

Penalty: 60 penalty units.

- (2) A person must not represent a natural person to be an architect if the person knows or ought reasonably to know that the natural person is not registered as an architect under this Act.

Penalty: 60 penalty units.

5. Representing an unincorporated body to be an architect

- (1) A body (other than a body corporate) must not represent itself to be an architect and must not allow itself to be represented to be an architect unless it is an approved partnership.
- (2) If a body fails to comply with sub-section (1), each member of the body is guilty of an offence and liable to a penalty not exceeding 60 penalty units.
- (3) A person must not represent a body (other than a body corporate) to be an architect if the person knows or ought reasonably to know that the body is not an approved partnership.

Penalty: 60 penalty units.

S. 4
substituted by
No. 35/2004
s. 6.

S. 5
substituted by
No. 35/2004
s. 6.

s. 6

S. 6
substituted by
No. 35/2004
s. 6.

6. Representing a body corporate to be an architect

- (1) A body corporate must not represent itself to be an architect and must not allow itself to be represented to be an architect unless it is an approved company.

Penalty: 60 penalty units.

- (2) A person must not represent a body corporate to be an architect if the person knows or ought reasonably to know that the body corporate is not an approved company.

Penalty: 60 penalty units.

S. 7
substituted by
No. 35/2004
s. 6.

7. When is a person or body represented as an architect?

- (1) Without limiting the ways in which a person or body can be considered to be represented to be an architect, using any of the following titles, names or descriptions constitutes such a representation—
 - (a) the title "architect";
 - (b) any other title, name or description that indicates, or is capable of being understood to indicate, or is calculated to lead a person to infer, that the person or body is an architect or is registered or approved under this Act.
- (2) Without limiting the ways in which a person can be considered to be represented to be an architect, a representation that the person provides the services of an architect constitutes a representation that the person is an architect.
- (3) Without limiting the ways in which a body can be considered to be represented to be an architect, a representation that the body—
 - (a) consists of or comprises one or more architects; or

(b) provides the services of an architect; or

(c) is registered or approved under this Act—

constitutes a representation that the body is an architect.

(4) Without limiting the ways in which a person or body can be considered to be represented to be an architect, the making or publication of a statement or document that states or implies that the person or body—

(a) is an architect; or

(b) practises as an architect; or

(c) undertakes or is willing to undertake work as an architect—

constitutes a representation that the person or body is an architect.

8. Restriction on use of particular expressions

(1) A person or body (other than a person who is registered as an architect under this Act or an approved partnership or an approved company) must not use any of the terms "architectural services", "architectural design services" or "architectural design" in relation to—

(a) the design of buildings or parts of buildings by that person or body; or

(b) the preparation of plans, drawings or specifications for buildings or parts of buildings by that person or body.

Penalty: 60 penalty units.

(2) If a body (other than a body corporate) fails to comply with sub-section (1), each member of the body is guilty of an offence and liable to a penalty not exceeding 60 penalty units.

s. 8A

S. 8A
inserted by
No. 35/2004
s. 6.

8A. Exceptions

- (1) This Part does not prevent—
 - (a) a person from using the title or description of "landscape architect", "naval architect" or "computer systems architect"; or
 - (b) a person from using any name, title or description prescribed by the regulations in such circumstances and subject to such restrictions as are prescribed by the regulations.
- (2) Section 4 does not operate to prevent any person employed in providing architectural services as an officer or employee of the public service of Victoria or of the Commonwealth or as an officer or employee of any public statutory authority in respect of that person's employment as an officer or employee from representing himself or herself, or from being represented as, an architect.
- (3) Sections 5 and 6 do not operate to prevent a body approved by the Board under this sub-section from representing itself, or from being represented, as an architect.

S. 8B
inserted by
No. 35/2004
s. 6.

8B. Offence to work as architect without required insurance

- (1) A person must not carry out work as an architect unless that person is covered by the required insurance.

Penalty: 100 penalty units, in the case of a natural person;
500 penalty units, in the case of a body corporate.

(2) Sub-section (1) does not apply to—

- (a) persons employed by or working under the supervision of a person who is registered as an architect under this Act and who is covered by the required insurance; or
- (b) an approved company.

8C. Offence to represent to be insured when uninsured

A person who is not covered by the required insurance, must not—

- (a) represent himself or herself or itself as covered by the required insurance; or
- (b) allow himself or herself or itself to be represented as being covered by the required insurance.

Penalty: 100 penalty units, in the case of a natural person;

500 penalty units, in the case of a body corporate.

8D. Restriction on provision of architectural services by companies and partnerships

(1) An approved company must not provide architectural services unless—

- (a) a director of the company who is registered as an architect under this Act is responsible for the carrying out of the services; and
- (b) the services are carried out by or under the supervision of a person who is registered as an architect under this Act.

Penalty: 60 penalty units.

S. 8C
inserted by
No. 35/2004
s. 6.

S. 8D
inserted by
No. 35/2004
s. 6.

s. 8D

- (2) An approved partnership must not provide architectural services unless—
 - (a) a member of the partnership who is registered as an architect under this Act is responsible for the carrying out of the services; and
 - (b) the services are carried out by or under the supervision of a person who is registered as an architect under this Act.
 - (3) If an approved partnership fails to comply with sub-section (2), each member of the partnership is guilty of an offence and liable to a penalty not exceeding 60 penalty units.
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