



Policy on determining if inquiries should be held

Preamble

The Architects Registration Board of Victoria (“the Board”) has approved and published this policy on its approach to determining whether or not an inquiry should be held by the Architects Tribunal into an architect’s fitness to practise or professional conduct for the information of the public and architects. This policy does not replace the *Architects Act 1991* (“the Act”) or Regulations, and the Board retains discretion within the legislation to make its decisions. The Board believes that there is benefit in explaining, in general terms, how it arrives at its decisions.

Section 18 (1) of the Act provides that the Board, “on its own initiative or on the complaint of any person, may inquire into an architect’s fitness to practice or professional conduct”. The Board regularly receives complaints about architects and determines if inquiries into an architect’s conduct should be held by the Architects Tribunal.

References to Regulations refer to the *Architects Regulations 2015*, which came into effect in May 2015. Conduct by architects prior to that time was governed by the *Architects Regulations 2004*, and Board decisions guided by the previous version of this *Policy on Referral to Inquiry by Architects Tribunal*.

The standard for professional conduct and practice for architects is set out in the *Victorian Architects Code of Professional Conduct* (“Code”), included in Schedule 1 of the *Architects Regulations 2015*. The Code is divided into paragraphs and sub-paragraphs.

There will be a transitional period where the *Architects Regulations 2004* (and the previous *Policy on Referral*) will apply to consideration of conduct which occurred before 19 May 2015, and the *Architects Regulations 2015* will apply to consideration of conduct which occurred after 19 May 2015.

Policy

- (1) The Board will ordinarily determine that an inquiry into an architect’s fitness to practise or professional conduct should be held where the Board considers the evidence before the Board amounts to *prima facie* evidence of conduct which, if proven, might fall within one or more of the grounds in section 32 of the Act.

- (2) The Board will not ordinarily determine that an inquiry into an architect's fitness to practise or professional conduct should be held where the Board considers
- (a) the complaint is vexatious; or
 - (b) the complaint is minor or trivial; or
 - (c) the public interest would not be served by an inquiry; or
 - (d) the complaint concerns a matter unrelated to the professional conduct obligations of an architect; or
 - (e) the evidence before the Board amounts to *prima facie* evidence of conduct that could amount to a breach of only one of paragraphs 15, 17 or 18 of the Code.

In these circumstances the Board may give written advice to an architect, as provided for under regulation 8 of the *Architects Regulations 2015*.

This Policy was revised by the Board on 11 September 2018