

ARBV guidance for architects who provide architectural services through a company of which they are the sole director.

Unregistered and uninsured persons cannot work as an architect in Victoria. The Architects Act 1991 (the Act) prohibits 'holding out' or representing unregistered persons or bodies to be an architect or as providing architectural services. Care must be taken when describing or presenting information about unregistered staff on websites, professional networking sites and on social media. Those who engage in prohibited conduct may be prosecuted by the ARBV.

For information on the Legal Framework please refer to our Fact Sheet **Guidance for Prohibited Conduct - Legal Framework**.

I am an architect registered with the ARBV. I am the sole director of a company through which I provide my services as an architect.

Am I a sole trader?

Am I representing that the company is an architect?

Should the company be approved by the ARBV?

Am I committing an offence if the company is not approved?

What do I need to do?

Am I a sole trader?

NO. You are NOT a sole trader if you are providing the services of an architect through your company. A sole trader is a self-employed person who owns and runs their own business as an individual. It does not matter that you are the sole director and shareholder of the company. The company is a separate legal entity to you and it is this entity that is providing the services of an architect.

Am I representing that the company is an architect?

YES. The company is required to be approved by the ARBV.

Am I committing an offence if the company is not approved?

YES. You are committing an offence if the company is not approved.

What do I need to do?

You need to apply to the ARBV for approval of your company or partnership or cease operating your business via a company or partnership