

**Authorised Version**  
**Architects Regulations 2015**  
**S.R. No. 28/2015**

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## **Authorised Version**

STATUTORY RULES 2015

S.R. No. 28/2015

*Architects Act 1991*

### **Architects Regulations 2015**

The Governor in Council makes the following Regulations:

Dated: 28 April 2015

Responsible Minister:

RICHARD WYNNE  
Minister for Planning

ELLEN BICKNELL  
Acting Clerk of the Executive Council

## **Part 1—Preliminary**

### **1 Objectives**

The objectives of these Regulations are—

- (a) to regulate the professional conduct of architects; and
- (b) to prescribe procedures for the registration of architects and the approval of partnerships and companies; and
- (c) to prescribe—
  - (i) fees for applications for registration or approval under the **Architects Act 1991**; and
  - (ii) annual fees for registration and approval; and

- (d) to prescribe the procedures for the nomination of architects to the Architects Registration Board of Victoria; and
- (e) to prescribe other matters to give effect to the **Architects Act 1991**.

## **2 Authorising provision**

These Regulations are made under section 69 of the **Architects Act 1991**.

## **3 Commencement**

These Regulations come into operation on 19 May 2015.

## **4 Revocation**

- (1) The Architects Regulations 2004<sup>1</sup> are **revoked**.
- (2) The following Regulations are **revoked**—
  - (a) Architects (Amendment) Regulations 2005<sup>2</sup>;
  - (b) Architects (Amendment) Regulations 2007<sup>3</sup>;
  - (c) Architects Amendment (Fees) Regulations 2013<sup>4</sup>.

## **5 Definitions**

In these Regulations—

**AACA** means the Architects Accreditation Council of Australia ACN 109 433 114;

**APEC Architect Supplementary Assessment** means the domain specific professional examination process maintained by the AACA as the Australian domestic monitoring committee for the Asia-Pacific Economic Cooperation Architect Project;

**Architectural Practice Examination** means the Architectural Practice Examination maintained by the AACA;

***ballot paper*** means a ballot paper prepared in accordance with regulation 33 and includes a ballot paper prepared for the purposes of conducting a technology-assisted vote;

***building practitioner*** has the same meaning as in the **Building Act 1993**;

***candidate profile*** means the profile of a candidate provided by a nominee under regulation 26;

***client*** means an entity with whom an architect, an approved partnership or an approved company enters into an agreement (whether or not for payment) to provide architectural services;

***Code*** means the Victorian Architects Code of Professional Conduct set out in Schedule 1;

***corresponding registration board*** means the following—

- (a) Australian Capital Territory Architects Board established under section 64 of the Architects Act 2004 of the Australian Capital Territory;
- (b) NSW Architects Registration Board established under section 59 of the Architects Act 2003 of New South Wales;
- (c) Northern Territory Architects Board established under section 5 of the Architects Act of the Northern Territory;
- (d) Board of Architects of Queensland established under section 77 of the Architects Act 2002 of Queensland;

- (e) Architectural Practice Board of South Australia established under section 4 of the Architectural Practice Act 2009 of South Australia;
- (f) Board of Architects of Tasmania established under section 3 of the Architects Act 1929 of Tasmania;
- (g) Architects Board of Western Australia established under section 5 of the Architects Act 2004 of Western Australia;

***National Program of Assessment*** means the competency-based assessment process conducted by the AACA to determine whether a person's skills are equivalent to those of a person who has completed a qualification in architecture referred to in regulation 14;

***nomination day*** means the day for the close of nominations determined by the Returning Officer under regulation 25(3);

***officer***, in relation to an approved company, means—

- (a) a person who is an officer (as defined in section 9 of the Corporations Act) of the company; or
- (b) a person (other than a person referred to in paragraph (a)), by whatever name called, who is concerned in, or takes part in, the management of the company;

***Returning Officer*** means the Returning Officer under regulation 23;

***the Act*** means the **Architects Act 1991**.

## **Part 2—Professional conduct**

### **6 Standard of practice**

The standard for professional conduct and practice for architects is set out in the Code.

### **7 Guidelines**

- (1) The Board may prepare guidelines on professional conduct and practice for architects, approved partnerships or approved companies.
- (2) The Board must cause a copy of the guidelines made by the Board—
  - (a) to be made available for inspection by any person at the offices of the Board during the usual office hours of the Board; and
  - (b) to be available to every architect on the Register; and
  - (c) to be published on the Board's website.

### **8 Board may advise an architect on compliance**

- (1) The Board may give written advice to an architect on a matter in relation to which the Board determines, under section 18 of the Act, that an inquiry should not be held under Part 4 of the Act.
- (2) Without limiting subregulation (1), the Board may advise an architect in relation to a practice or conduct that the Board reasonably believes—
  - (a) does not comply with the guidelines prepared under regulation 7; or
  - (b) does not comply with the Act or these Regulations; or
  - (c) affects an architect's fitness to practise; or
  - (d) amounts to unprofessional conduct.

## **9 Unprofessional conduct**

- (1) An architect who contravenes the Code is guilty of unprofessional conduct.
- (2) An architect who contravenes regulation 18(a) without reasonable excuse is guilty of unprofessional conduct.
- (3) An architect member of an approved partnership who contravenes regulation 18(b) without reasonable excuse is guilty of unprofessional conduct.
- (4) An architect director of an approved company who contravenes regulation 18(c) without reasonable excuse is guilty of unprofessional conduct.
- (5) Nothing in this regulation limits the meaning of unprofessional conduct.



## **Part 3—Registration of architects and approval of partnerships and companies**

### **Division 1—Process**

#### **10 Classes of registration**

- (1) For the purposes of section 9(2)(b) of the Act, the following classes of registration of architects are prescribed—
  - (a) practising architect;
  - (b) non-practising architect.
- (2) An individual may be registered as a practising architect if the person—
  - (a) is eligible to be registered as an architect under section 10 of the Act; and
  - (b) intends to carry out work as an architect; and
  - (c) is covered by the required insurance; and
  - (d) has—
    - (i) paid the relevant annual fees in accordance with section 15(1) of the Act; or
    - (ii) failed to pay the relevant annual fees, but has given a satisfactory explanation of the failure and paid the relevant annual fees together with the additional fee prescribed in regulation 20(2).
- (3) An individual may be registered as a non-practising architect if the person—
  - (a) is eligible to be registered as an architect under section 10 of the Act; and
  - (b) has been registered as an architect under section 11 of the Act; and

- (c) does not intend to carry out work as an architect; and
- (d) has informed the Board of that intention.

### **11 Application for registration as an architect**

- (1) For the purposes of section 9(2) of the Act, an application for registration as an architect—
  - (a) must be in writing; and
  - (b) must specify the class of registration sought; and
  - (c) must include the information referred to in regulation 17(b) and (e); and
  - (d) if known to the applicant, must include the information referred to in regulation 17(a)(ii); and
  - (e) may include additional personal contact information not for publication in the Register.
- (2) Subject to subregulation (3), the prescribed fee for an application for first registration as a practising architect is 9 fee units.
- (3) In the case of an application for registration as a practising architect by an architect who has been registered as a non-practising architect for 2 or more years immediately before the date of the application—
  - (a) the Board may ask the architect to provide evidence of the architect's standard of professional practice; and
  - (b) the prescribed fee is 6.5 fee units.

#### **Note**

The **Mutual Recognition (Victoria) Act 1998** and the **Trans-Tasman Mutual Recognition (Victoria) Act 1998** may apply in relation to registration as an architect in Victoria.

**12 Application for approval of a partnership or company**

- (1) For the purposes of section 12(2) of the Act, an application for approval must—
  - (a) be in writing; and
  - (b) include the information referred to in regulation 17(c) or (d), as applicable; and
  - (c) include the information referred to in regulation 17(e) in relation to any architect member or director.
- (2) In the case of an application for approval of a partnership—
  - (a) each member of the partnership must verify the information in the application by statutory declaration; and
  - (b) the prescribed fee is 5 fee units.
- (3) In the case of an application for approval of a company—
  - (a) each director must verify the information in the application by statutory declaration; and
  - (b) the prescribed fee is 9 fee units.

**Division 2—Qualifications**

**13 Qualifications—standard of professional practice**

For the purposes of section 10(b) of the Act, the Board must have regard to the successful completion by an applicant of the Architectural Practice Examination.

**14 Qualifications in architecture**

For the purposes of section 10(c)(i) of the Act, the prescribed qualifications are—

- (a) a qualification specified in column 2 of Schedule 2 given by a body specified in column 1 of that Schedule in accordance with a condition, if any, specified in column 3 of that Schedule; or
- (b) a qualification set out in a list of approved academic qualifications published by the Board under regulation 16; or
- (c) a qualification recognised by a corresponding registration board and accepted by the Board; or
- (d) a qualification obtained outside Australia and recognised by the Board to be equivalent to a qualification specified in column 2 of Schedule 2 or paragraph (b) or (c).

**15 Prescribed course of study**

For the purposes of section 10(c)(ii) of the Act, the prescribed course of study is—

- (a) the National Program of Assessment; or
- (b) the APEC Architect Supplementary Assessment; or
- (c) an approved course of study set out in a list published by the Board under regulation 16.

**16 Board may approve list of qualifications or courses of study**

- (1) For the purposes of regulations 14 and 15, the Board, from time to time, may publish a list of approved qualifications in architecture or approved courses of study in the Government Gazette.
- (2) If the Board publishes a list under subregulation (1), it may publish the list on its website.

### **Division 3—The Register**

#### **17 Contents of the Register**

For the purposes of section 16 of the Act, the following are the prescribed particulars—

- (a) in the case of any architect—
  - (i) the date of registration; and
  - (ii) the registration number; and
  - (iii) the class of registration; and
  - (iv) if the architect holds a specialist qualification, the nature of that qualification;
- (b) in the case of an architect who is a member of an approved partnership or a director of an approved company—
  - (i) the name and approval number of the approved partnership or approved company; and
  - (ii) when the architect becomes a member or director and, if applicable, ceases to be a member or director;
- (c) in the case of an approved partnership—
  - (i) the date of approval; and
  - (ii) the approval number; and
  - (iii) the name and address of each member of the partnership; and
  - (iv) the name and registration number of each architect member;
- (d) in the case of an approved company—
  - (i) the date of approval; and
  - (ii) the approval number; and

- (iii) the name and registration number of each architect director;
- (e) details of the required insurance by which each practising architect is covered, including the following—
  - (i) the name and ABN, ACN or ARBN of the insurer;
  - (ii) the name of the policy holder;
  - (iii) the policy number;
  - (iv) the date of issue and the expiry date of the policy;
  - (v) the level of indemnity;
  - (vi) the architects insured under the policy.

#### **18 Notification of changed information**

The following persons must notify the Registrar of any change in relation to information contained in the Register in writing and within 14 days of the change—

- (a) in the case of an entry relating to the registration of a practising architect, the architect;
- (b) in the case of an entry relating to the approval of a partnership, an architect member;
- (c) in the case of an entry relating to the approval of a company, an architect director.

#### **Note**

A contravention of this regulation by an architect without reasonable excuse is unprofessional conduct (see regulation 9).

**19 Certified extract of Register**

- (1) A person may apply in writing to the Registrar for a certified extract from the Register.
- (2) If the extract requested is not in relation to the applicant's own record of registration, the application fee is 4 fee units.
- (3) A certified extract from the Register in relation to an individual must include the following—
  - (a) the name of the individual;
  - (b) the individual's registration number;
  - (c) the address nominated by the individual for publication in the Register;
  - (d) the registration history of the individual;
  - (e) whether the individual was covered by the required insurance on a day, or days, specified;
  - (f) the name and ABN, ACN or ARBN of the insurer or insurers by which the individual was covered by the required insurance;
  - (g) if the individual is or has been an architect member or director of an approved partnership or approved company—
    - (i) any period of such membership or appointment as director; and
    - (ii) the name and approval number of the approved partnership or approved company.
- (4) A certified extract from the Register in relation to an approved partnership must include the following—
  - (a) the name of the approved partnership;
  - (b) the partnership's approval number;

Part 3—Registration of architects and approval of partnerships and  
companies

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- (c) the address of the partnership's principal place of business;
  - (d) the approval history of the partnership;
  - (e) the name and registration number of each architect member;
  - (f) any period of membership of each architect member of the approved partnership;
  - (g) the name of each member in the approved partnership.
- (5) A certified extract from the Register in relation to an approved company must include the following—
- (a) the name of the approved company;
  - (b) the company's approval number;
  - (c) the address of the company's principal place of business;
  - (d) the approval history of the company;
  - (e) the name and registration number of each architect director;
  - (f) any period of appointment as director of each architect director of the approved company.
- (6) Not more than 10 business days after the receipt of an application for a certified extract from the Register, the Registrar must—
- (a) prepare and certify an extract of the Register; and
  - (b) at the applicant's election, cause the certified extract to be—
    - (i) made available; or
    - (ii) posted to an address in Australia; or
    - (iii) provided by means of an electronic communication.



## **Division 4—Other matters**

### **20 Annual fees**

- (1) For the purposes of section 15(1) of the Act, the prescribed annual fee—
  - (a) for a practising architect is 20 fee units; and
  - (b) for an approved partnership is 25 fee units; and
  - (c) for an approved company is 30 fee units.
- (2) For the purposes of section 15(4) of the Act, the prescribed additional fee for a practising architect, an approved partnership or an approved company is 6 fee units.

### **21 Prescribed time for Board to make decision**

For the purposes of sections 42(1)(b), 42(1)(f), 43(b) and 43(e) of the Act, the prescribed time is 3 months.

## **Part 4—The Board**

### **Division 1—Election of architects for nomination to the Board**

#### **22 Application of Division**

For the purposes of section 47(2)(c) of the Act, the prescribed manner of nomination is an election conducted in accordance with this Division.

#### **23 Returning Officer**

The Returning Officer for the conduct of an election is—

- (a) the Registrar; or
- (b) a fee-for-service election provider nominated by the Board on the Registrar's recommendation.

#### **24 Election officials**

The Returning Officer may appoint any election officials necessary to assist in the conduct of an election.

#### **25 Notice of elections for nominations to the Board**

- (1) The Returning Officer must publish a notice of election—
  - (a) at least 3 months before the expiry of the office of a member of the Board nominated by architects under section 47(2)(c) of the Act; or
  - (b) if an office becomes vacant other than by expiry.

- (2) The notice of election must be published in the Government Gazette and must specify the following—
  - (a) the number of vacancies to be filled;
  - (b) the polling day;
  - (c) the nomination day;
  - (d) that nominations must be received by 12 noon on the nomination day;
  - (e) how nominations are to be made;
  - (f) any other information required by the Returning Officer to be submitted with the nomination.
- (3) The Returning Officer may determine the dates of the nomination day and the polling day.
- (4) The nomination day must be—
  - (a) at least 21 days after the day on which the notice of election is published; and
  - (b) at least 21 days before the polling day.
- (5) In the case of an election to fill a vacancy relating to the expiry of a member's term of office, the polling day must be at least 21 days before the expiry.

## **26 Nomination**

- (1) The Returning Officer must prepare a nomination form for the purposes of an election.
- (2) Any architect may be nominated as a candidate for an election by lodgement of a nomination form with the Returning Officer by 12 noon on the nomination day.
- (3) A nomination must be made by 2 individuals who are entitled to vote at the election.

- (4) A nomination must be accompanied by—
  - (a) a candidate profile; and
  - (b) the written consent of the nominee.
- (5) A candidate profile must—
  - (a) be limited to relevant professional information about the candidate and other information directly relevant to the functions or operations of the Board under the Act; and
  - (b) be clearly legible; and
  - (c) not exceed 200 words; and
  - (d) comply with other requirements as to form determined by the Returning Officer.
- (6) A nomination is invalid if—
  - (a) the nomination is not made by the use of a nomination form prepared by the Returning Officer; or
  - (b) the nomination form is not completed in accordance with—
    - (i) instructions contained in the form; or
    - (ii) the requirements of this regulation; or
  - (c) the nomination form, the candidate profile and any other required information are not received by the Returning Officer by 12 noon on the nomination day.
- (7) If the Returning Officer finds that a nomination is or may be invalid or defective, the Returning Officer may notify the person concerned and allow that person to remedy the defect by 12 noon on the nomination day.

### **27 Withdrawal or death of a candidate**

- (1) A candidate for election may withdraw the candidate's consent to nomination by lodging a notice of retirement with the Returning Officer at any time before the commencement of the scrutiny of votes in the election.
- (2) If a candidate withdraws, dies or ceases to be an architect after the nomination day but before the commencement of the scrutiny of votes in an election, all votes for that candidate (if any) must be discarded.

### **28 Uncontested election**

- (1) If the number of candidates is less than or equal to the number of vacancies to be filled, the Returning Officer must publish a notice in the Government Gazette declaring the candidate or candidates elected and forward a copy of the notice to the Minister.
- (2) If the number of candidates is less than the number of vacancies to be filled, the Returning Officer must inform the Minister of that fact.

## **Division 2—Contested election**

### **29 Application of Division**

This Division applies if the number of candidates is greater than the number of vacancies to be filled.

### **30 Returning Officer must cause an election to be held**

The Returning Officer must cause an election to be conducted in accordance with this Division.

### **31 Method of voting**

- (1) The Returning Officer must determine the method of voting to be used not more than 5 days after the nomination day.

- (2) The election may be conducted by—
  - (a) technology-assisted voting; or
  - (b) a paper ballot; or
  - (c) a combination of technology-assisted voting and paper ballot.
- (3) Before the election is conducted, the Returning Officer must arrange for all candidate profiles to be—
  - (a) made available to every architect; and
  - (b) published on the Board's website.

**32 Architect must not vote more than once**

An architect must not vote more than once in each election.

**33 Ballot paper**

- (1) The Returning Officer must approve the form of the ballot paper.
- (2) The order of names on the ballot paper must be determined by lot drawn by the Returning Officer.
- (3) Each ballot paper must—
  - (a) show the number of vacancies to be filled; and
  - (b) include the full name of each candidate displayed in the order determined by lot; and
  - (c) provide instructions for marking the ballot paper; and
  - (d) provide any other instruction considered necessary by the Returning Officer.

**34 How to mark the ballot paper**

- (1) To cast a vote, an architect must mark the square opposite the name of each candidate for whom the architect is voting.

- (2) The number of squares marked must not exceed the number of vacancies to be filled in the election.
- (3) The Returning Officer must reject as informal a ballot paper where the number of squares marked exceeds the number of vacancies to be filled in the election.
- (4) Subject to subregulation (3), a ballot paper must be given effect to according to an architect's intention so far as the architect's intention is clear.

### **35 Procedure for conduct of paper ballot**

The procedure in Schedule 3 applies if the method of voting is or includes the use of a paper ballot.

### **36 Procedure for technology-assisted voting**

- (1) The Registrar may approve procedures to enable voting at an election using technology-assisted voting.
- (2) The approved procedures must—
  - (a) provide for the authentication of each architect's vote; and
  - (b) ensure the secrecy of each architect's vote; and
  - (c) provide for each architect to review and, if desired, amend the architect's vote before casting it; and
  - (d) ensure that any vote cast in accordance with the approved procedures is securely transmitted and stored by the Returning Officer; and
  - (e) be published on the Board's website.

**37 Conduct of ballot by a combination of technology-assisted voting and paper ballot**

If an election is conducted by a combination of technology-assisted voting and paper ballot—

- (a) an architect may vote by paper ballot or by technology-assisted voting; and
- (b) the procedure in Schedule 3 applies in relation to votes cast by paper ballot; and
- (c) the procedures approved under regulation 36 apply in relation to votes cast by technology-assisted voting.

**38 Counting votes**

- (1) Subject to subregulation (2), the candidate or candidates (as required by the number of vacancies) with the highest number of votes is or are to be elected.
- (2) If the highest number of votes is received by a number of candidates that exceeds the remaining number of vacancies to be filled in an election, the Returning Officer must decide by lot which candidate is, or which candidates are, to be elected to fill the remaining number of vacancies.

**39 Computer counting**

- (1) The Returning Officer may use a computer program to carry out steps involved in the recording, scrutiny or counting of votes in an election.
- (2) If a computer program is used, the method of recording, scrutiny or counting of votes under Schedule 3 may be modified according to the determination of the Returning Officer.



- (3) The Returning Officer must not use a computer program unless the Returning Officer reasonably believes that the proper use of the program would produce the same result in the recording, scrutiny or counting of votes as would be achieved if the program were not used.

#### **40 Scrutineers**

- (1) Each candidate may appoint one person to be a scrutineer for the purposes of the election.
- (2) A candidate—
  - (a) is not eligible for appointment as a scrutineer; and
  - (b) must not be present at the scrutiny.
- (3) The appointment of a scrutineer may be made by written notice served on the Returning Officer personally, by post or electronic communication.

#### **41 Adjournments**

The Returning Officer must notify the scrutineers of any adjournment of the scrutiny of envelopes or the counting of votes to a different time or place.

#### **42 Result of election**

When counting of votes is completed, the Returning Officer must declare as elected for nomination by architects under section 47(2)(c) of the Act the candidate or candidates (as required by the number of vacancies) elected in accordance with this Division.

#### **43 Notification of result of election**

- (1) Within 14 days after the declaration of the election result, the Returning Officer must publish a notice of the result of the election in the Government Gazette, setting out the following—
  - (a) the names of all the candidates;

- (b) the number of votes polled by each candidate;
  - (c) the number of informal votes;
  - (d) whether a candidate was elected by lot drawn by the Returning Officer;
  - (e) the name of each candidate elected.
- (2) The Returning Officer must forward a copy of the notice to the Minister.

#### **44 Destruction of voting documents**

The Returning Officer must cause all documents used in voting to be destroyed at the end of 3 months after forwarding the copy notice to the Minister under regulation 43.

## **Part 5—Transitional**

### **45 Transitional—retired architects to be registered as non-practising architects**

- (1) An architect registered as a retired architect in accordance with the Architects Regulations 2004 as in force immediately before their revocation is taken to be registered as a non-practising architect on and from the commencement of these Regulations.
- (2) The Registrar must update the Register to reflect the operation of subregulation (1).
- (3) Despite regulation 18, a person is not required to notify the Registrar of a change in information caused by the operation of subregulation (1).

## **Schedule 1—Victorian Architects Code of Professional Conduct**

Regulation 6

### **Division 1—Architectural services**

#### **1 Reasonable standards of conduct**

In providing architectural services, an architect must—

- (a) act honestly and with reasonable care in the provision of services; and
- (b) comply with all applicable laws.

#### **2 Suitability to perform and knowledge of services**

- (1) An architect in charge of a client's project must—
  - (a) have suitable skills and experience to be in charge of the project; and
  - (b) maintain a thorough knowledge of the architectural services to be provided and of matters relating the performance of those services.
- (2) An architect must provide architectural services with reasonable promptness according to time programs agreed with the client, or within a time that reasonably accords with the client's instructions.

#### **3 Approval of documents**

- (1) An architect must not sign as checked, approved or supervised any drawings or other documents which the architect has not checked, approved or supervised.

- (2) An architect must not permit the architect's name to be used in relation to any work, document or publication to falsely represent the architect's authorship of, responsibility for or agreement with the content or form of the work, document or publication.

## **Division 2—Client relations**

### **4 Client agreements**

- (1) An architect must not provide architectural services for a client unless the architect, or an approved partnership or approved company of which an architect is a member, director or employee, has entered into a written agreement with the client for the provision of those services.
- (2) An agreement must include the following—
- (a) the parties to the agreement;
  - (b) the name, registration number and contact details of the architect responsible for providing the services;
  - (c) the scope, nature and specific requirements of the services;
  - (d) the timeframes for providing the services;
  - (e) how the professional fees and costs of the services will be calculated;
  - (f) where possible, reasonable estimates of disbursements;
  - (g) how professional fees and costs, including disbursements, will be paid;
  - (h) how the architect may inform the client of progress in the provision of the services;
  - (i) how the client may authorise the architect to proceed with the services, or any part of the services;

- (j) a requirement that the architect must inform the client how a change or amendment to the services will affect the professional fees and costs for the services;
  - (k) how the architect may obtain the client's authority to change or amend the services;
  - (l) how variations to the agreement may be made;
  - (m) a reservation of the right of an architect to withdraw from the provision of services under the agreement in the circumstances set out in clause 14;
  - (n) how the agreement may be terminated and for what reason.
- (3) Subclause (2) applies to an agreement for the provision of architectural services entered into by an architect, an approved partnership or an approved company with a client on or after 1 July 2015.

## **5 Administering a building contract**

- (1) For the purposes of this clause, an architect administers a building contract for a client if—
- (a) the contract concerns the construction of a building and is entered into by the client with a building practitioner; and
  - (b) the architect has been engaged by the client to inspect or administer the provision of services under the contract.
- (2) If an architect is administering a building contract for a client, the architect must—
- (a) act with integrity, fairness and impartiality in administering the building contract; and

- (b) discharge the architect's obligations in connection with the administration of the building contract diligently and promptly; and
- (c) provide the client with relevant information about the administration of the building contract in a timely manner.

## **6 Professional fees and costs**

An architect who has entered into an agreement under clause 4 must—

- (a) provide the client with regular statements of account for the services provided under the agreement unless otherwise expressly agreed with the client; and
- (b) ensure that the fees and costs charged do not exceed the fee structure of the agreement.

## **7 Obligation to inform client**

An architect must—

- (a) take reasonable steps to ensure that a client is informed of decisions required of the client in respect of the services; and
- (b) provide sufficient relevant information with reasonable promptness to enable a client to make an informed decision in relation to the provision of services; and
- (c) respond, with reasonable promptness, to a client's reasonable requests for information or other communications about the provision of services to the client; and
- (d) take reasonable steps to ensure that all information and material provided to a client is accurate and unambiguous.

## **8 Changes in circumstances**

An architect must promptly advise a client in writing of any circumstance that is likely to prevent the architect from providing the services under the agreement or from following the client's instructions in relation to the services, including a circumstance that imposes on the architect an obligation to withdraw from the provision of services under clause 14.

## **9 Documents and record keeping**

- (1) An architect who has entered into an agreement under clause 4 must keep documents in accordance with this clause.
- (2) The following documents in relation to the provision of architectural services must be kept—
  - (a) an agreement in writing signed by the client;
  - (b) correspondence;
  - (c) records of financial transactions;
  - (d) records of client instructions and meetings related to the services provided to the client;
  - (e) photographs of work in progress;
  - (f) project journals, diaries or the like;
  - (g) drawings and other relevant documents.
- (3) Documents must be kept for the longer of—
  - (a) a period of 10 years after the completion of the architectural services; or
  - (b) the limitation period under section 134 of the **Building Act 1993**.



## 10 Confidentiality

- (1) An architect must not disclose a client's confidential information without authority.
- (2) For the purposes of this clause, a *client's confidential information* means any information, agreed or understood by the architect and the client to be confidential, that is acquired from or provided to a client in the course of providing architectural services to the client.
- (3) An architect may disclose a client's confidential information if—
  - (a) the client consents in writing to the disclosure; or
  - (b) the disclosure is required by law.

## 11 Duty to disclose paid referrals

- (1) An architect must disclose the nature of a referral arrangement to a client before entering into an agreement under clause 4.
- (2) An architect who is a member of an approved partnership, or a director of an approved company, must ensure that the nature of a referral arrangement is disclosed to a client before the partnership or company enters into an agreement under clause 4.
- (3) For the purposes of this clause, *referral arrangement* means any arrangement between an architect, an approved partnership, or an approved company, and another person to introduce or refer clients to the architect, approved partnership, or approved company for valuable consideration.

## **12 Conflicts of interest**

- (1) An architect must not enter into an agreement with a person under clause 4 for the provision of architectural services if the agreement would result in an actual or potential conflict between the interests of—
  - (a) the architect and that person; or
  - (b) a current client and that person.
- (2) An architect member or director of an approved partnership or an approved company must take all reasonable steps to ensure that the partnership or company does not enter into an agreement with a person under clause 4 if the agreement would result in an actual or potential conflict between the interests of—
  - (a) a member of the approved partnership and that person; or
  - (b) an officer of the approved company and that person; or
  - (c) a current client of the approved partnership or approved company and that person.
- (3) An architect must not continue to provide architectural services to a client that result in a conflict between the interests of—
  - (a) the architect and that client; or
  - (b) 2 or more current clients.
- (4) An architect does not contravene this clause if the architect first—
  - (a) discloses the actual or potential conflict of interest to each affected person; and
  - (b) obtains the written consent of each affected person.

### **13 Duty to disclose paid endorsements**

- (1) An architect must not recommend, endorse, or specify a product or service to a client if the architect receives or expects to receive an inducement from a third party to do so.
- (2) An architect does not contravene this clause if—
  - (a) the inducement is in the nature of salary, wages or attributable personal services income from an approved partnership or approved company; or
  - (b) the nature and value of the inducement is first disclosed in writing to the client.

### **14 Withdrawal from the provision of services**

An architect must withdraw from the provision of any architectural services to a client if the architect reasonably believes that the provision of those services would cause the architect to contravene the Act, the Regulations or this Code.

## **Division 3—Architectural practice**

### **15 Notification of qualifications and contact details**

- (1) An architect must take all reasonable steps to ensure that the architect's qualifications, experience, awards, honours and authorship are stated accurately in all documents.
- (2) An architect must take all reasonable steps to ensure that the architect's name and contact details are identified clearly and accurately on stationery, signboards, public notices and in publications.

#### **Division 4—Approved partnerships and approved companies**

##### **16 Architect member or director of approved partnership or approved company**

An architect member or director of an approved partnership or approved company must take all reasonable steps to ensure that the approved partnership or approved company complies with an obligation imposed on an architect under clauses 6, 9, 10, 13 and 15 as if that obligation were imposed on the approved partnership or approved company.

#### **Division 5—Duties to the public and the profession**

##### **17 Duty to engender confidence and respect for the profession**

An architect, by the architect's conduct, must endeavour to engender confidence in and respect for the profession of architecture.

##### **18 Duty to maintain standards and integrity of the profession**

An architect, by the architect's conduct, must endeavour to maintain the standards and integrity of the profession of architecture.

**Schedule 2—Qualifications in architecture**

Regulation 14

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Body</i>	<i>Qualification</i>	<i>Condition</i>
1 Deakin University	Bachelor of Architecture	Must have been completed between 1 January 2004 and 31 December 2007
2	Master of Architecture	
3	Master of Architecture (Design Management)	
4	Master of Architecture (Design)	Must have been completed between 1 January 1998 and 31 December 2007
5	Master of Architecture (Practice)	Must have been completed between 1 January 1998 and 31 December 2007
6 University of Melbourne	Bachelor of Architecture	Must have been completed between 31 December 1954 and 31 December 2009
7	Master of Architecture (A05-DA)	
8	Master of Architecture (A05-DB)	
9	Master of Architecture (M-ARCH)	
10	Master of Architecture (MC-ARCHY2Y)	
11	Master of Architecture (MC-ARCHY3Y)	

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## Schedule 2—Qualifications in architecture

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	
<i>Body</i>	<i>Qualification</i>	<i>Condition</i>	
12	Master of Architecture— Option C (052)	Must have been completed between 31 December 2001 and 31 December 2007	
13	Monash University	Master of Architecture	
14	Oceania Polytechnic Institute of Education Pty Ltd ACN 075 892 723	Bachelor of Architecture	Must have been completed between 11 November 2008 and 31 December 2011
15	Royal Melbourne Institute of Technology	Associateship Diploma in Architecture	Must have been completed on or before 31 December 1979
16		Bachelor of Architecture	Must have been completed between 1 January 1980 and 31 December 2007
17		Fellowship Diploma in Architecture	Must have been completed on or before 31 December 1979
18		Master of Architecture	

## **Schedule 3—Procedure for conduct of paper ballot**

Regulation 35

### **1 Application**

This Schedule applies if the Returning Officer determines that the method of election includes a paper ballot.

### **2 Distribution of ballot paper and candidate profiles**

At least 14 days before the polling day, the Returning Officer must cause the following to be delivered to a registered address for each architect registered under the Act—

- (a) a ballot paper initialled by the Returning Officer or an election official; and
- (b) a ballot envelope on which the words "Place ballot paper only in this envelope" are printed; and
- (c) an unsealed return envelope addressed to the Returning Officer, with a place marked for the voter's name, address and signature; and
- (d) the candidate profile of each candidate.

### **3 Lodging of vote**

After marking the ballot paper, an architect must—

- (a) place it in the ballot envelope and seal the envelope; and
- (b) place the ballot envelope in the return envelope and seal the return envelope; and
- (c) sign and write the architect's full name and address in the place provided on the return envelope; and

- (d) cause the return envelope to be delivered to the Returning Officer before 12 noon on polling day.

#### **4 Duplicate ballot papers**

- (1) The Returning Officer may issue a duplicate ballot paper to a voter before 12 noon on polling day if the architect notifies the Returning Officer in a form approved by the Board.
- (2) The notification must—
  - (a) state that the architect did not receive a ballot paper, or that the ballot paper received has been lost, spoiled or destroyed; and
  - (b) be verified by statutory declaration.

#### **5 Ballot box**

The Returning Officer must—

- (a) provide a ballot box; and
- (b) place all envelopes received before 12 noon on polling day in the ballot box which must be closed and locked.

#### **6 Scrutiny of envelopes**

As soon as practicable after 12 noon on polling day, in the presence of any scrutineers who choose to be present, the Returning Officer must—

- (a) remove from the ballot box all return envelopes received before the poll closed; and
- (b) examine each return envelope and reject as invalid, marking it as such and putting it aside unopened, any envelope which does not bear the signature, name and address of an architect; and



Schedule 3—Procedure for conduct of paper ballot

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- (c) for each valid return envelope, place a mark against the architect's name in a copy of the Register; and
  - (d) open each valid return envelope and extract the ballot envelope; and
  - (e) open each ballot envelope and extract the ballot paper and place the paper uninspected in the ballot box; and
  - (f) when all valid envelopes have been opened and all ballot papers deposited in the ballot box, open the ballot box and count the votes.
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## Endnotes

<sup>1</sup> Reg. 4(1): S.R. No. 51/2004 as amended by S.R. Nos 53/2005, 40/2007 and 33/2013 and extended in operation by S.R. No. 38/2014.

<sup>2</sup> Reg. 4(2)(a): S.R. No. 53/2005.

<sup>3</sup> Reg. 4(2)(b): S.R. No. 40/2007.

<sup>4</sup> Reg. 4(2)(c): S.R. No. 33/2013.

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### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2014 is \$13.24. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.