



## TRIBUNAL DECISION ALERTS

### ***Client and architect agreements – they are a must!***

*Architects must enter into written agreements with their clients before they commence work. Not only is this good practice, it is a legal requirement pursuant to the Victorian Architects Code of Professional Conduct (**Code**).*

*Item 4 of the Code prohibits architects providing architectural services for a client unless the architect (or the relevant approved company or partnership) has entered into a written agreement with the client for the provision of those services. The agreement must address the matters listed in clause 4(2) of the Code, which include the scope and nature of the services, the timeframes in which they will be provided and how the client may authorise changes or amendments to the services. A failure to enter into a compliant written agreement is a breach of the Code, which constitutes unprofessional conduct.*

*Importantly, the obligation to enter into a written agreement applies whether or not the architect is actually charging the client for his or her services, given the way in which the Code defines “client”. “Client” is defined as “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” (regulation 5). So, even if architects are providing architectural services to local clubs, organisations or even friends at no cost, a written agreement must be in place.*

*A written agreement ensures that both the architect and client are clear about the services to be provided and the fees (if any) to be paid. It can also assist to avoid any misunderstandings or disputes between the parties.*

*To view a copy of the Victorian Architects Code of Professional Conduct, visit*

*[www.legislation.vic.gov.au](http://www.legislation.vic.gov.au). Click the ‘Victorian Law Today’ tab, select ‘Statutory Rules’ and click ‘A’ in the alpha list. The Code can be found by scrolling down to number #52. If you have any queries regarding compliance with the Code or other conduct issues relating to architects, please contact the Board’s Compliance Consultant at [compliance@arbv.vic.gov.au](mailto:compliance@arbv.vic.gov.au) or on 0437 912 922.*