

ARBV Guidance for non-architect director/partner of an ARBV approved company/partnership

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 the director of a company or a partner in a partnership that is approved by the ARBV. We provide architectural services. The company or partnership has a director who is an architect but I am not an architect.

How can I avoid representing myself as an architect and/or people mistaking me for an architect?

Consumers tend to assume that directors of an approved company or partners in an approved partnership are architects. Many are not aware that non-architects are permitted to be a director of or a partner in approved companies and partnerships. Given this tendency, you should take extra care to ensure that clients and prospective clients understand that they are not in fact architects and cannot provide the services of

an architect. This may prevent a later complaint by a client that they were misled or deceived about your qualifications and registration. It will also ensure that you and the company or partnership avoid breaking the law - it is a criminal offence for a person to represent or allow themselves to be represented to be an architect when they are not under the Act. It is also an offence for a company or partnership to represent a person as an architect if they ought reasonably to know that the person is not an architect.

A director or partner of an approved company or partnership may represent themselves (hold themselves out) to be an architect by:

- failing to prevent or correct the assumption that, as a director or partner, they are an architect.
- stating or inferring that they provide or are involved in the provision of architectural services
- providing or being involved in the provision of architectural services

It is also important to understand that a representation may be made by inference (be implied) or omission and may be unintentional.

Steps that you can take to avoid misleading consumers include:

- ensuring that you inform clients or prospective clients at the outset that you are not an architect and do not provide the services of an architect;

·ensuring that where you are referenced on the business' website and in other promotional and public-facing materials, your role within the business is presented or described in such a way that it is readily apparent that you are not an architect;

- stating clearly and unambiguously that you are not an architect on the business' website, professional networking sites, on signature blocks and business cards, and in other promotional and public-facing materials
- not using titles or descriptions which imply that you are an architect or provide the services of an architect;
- not using the restricted terms 'architect', 'architectural services', architectural design services' or 'architectural design' in connection with the work you carry out for the business; or
- avoiding using the terms 'architecture' and 'architectural' in connection with the work you carry out for the business.

You should ask yourself, 'What overall impression is being created by the business' website/social media profile or professional network site/other promotional or public-facing material/etc.?' Could an ordinary member of the public mistakenly believe I am an architect? If the answer is yes, it is incumbent on you to take positive steps (such as those set out above) to prevent them from mistaking you to be an architect.