

MEDIA RELEASE

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House designer convicted of holding out as an ‘architect’

A Sunshine Coast building designer and his building design company have been found guilty of offences against the *Architects Act 2002* (the Act).

Christopher Peter Clout and Chris Clout Design Pty Ltd were sentenced in the Brisbane Magistrates Court on 15 November 2018 after a two day trial (5-6 November), at which both parties were found guilty of ‘holding out’ offences under the Act.

The Act aims to protect the public and maintain public confidence in the services offered by architects, as well as to uphold the standards of practice of architects.

Under the Act it is an offence for unregistered persons (including companies) to claim to be ‘architects’ or claim to provide ‘architectural services’ in Queensland. To hold out to be an architect, use the title ‘architect’ or to use the words ‘architectural services’ or ‘architectural design services’ in Queensland a person must be a registered architect with the Board of Architects of Queensland (BOAQ).

The Court convicted Mr Clout of the offence of allowing himself to be held out as an architect when he was not an architect between 7 June 2017 and 28 February 2018, in breach of section 113(1)(b) of the Act, an offence which currently carries a maximum fine of \$130,550 for an individual.

Chris Clout Design Pty Ltd was convicted of the offence of holding Mr Clout out to be an architect knowing that Mr Clout was not an architect, in breach of section 113(2) of the Act, which currently carries a maximum fine of \$652,750 for a company.

The Court determined that Mr Clout and his company had breached the Act after considering evidence of a series of representations about Mr Clout being held out as an architect by content on the company’s website, content in written articles and videos available through the company’s website, and content in books, including a book which was provided to clients and available to the public generally. These included representations that Chris Clout Design Pty Ltd offered services which included “architecture” by repeated use of the words “architecture” and “architectural” throughout the website.

The Court heard that Mr Clout and Chris Clout Design Pty Ltd had already been warned by the BOAQ at the end of 2015 about information discovered in the public domain which the BOAQ believed may amount to Mr Clout being held out as an architect, and the offence provisions of the Act, so should have been aware of their obligations under the Act.

In disputing the charges, Mr Clout argued that he and his company had no intention of misleading anyone and had never claimed to be an architect. However, the charges were found to be proven on 6 November 2018 and sentencing was handed down on 15 November 2018.

Chris Clout Design Pty Ltd was fined \$30,000 and ordered to pay \$20,000 towards the BOAQ's legal and investigation costs.

Mr Clout, of Castaways Beach, south of Noosa Heads, was individually fined \$20,000 and ordered to pay \$10,000 in costs.

This is the second series of successful prosecutions in the Brisbane Magistrates Court by the BOAQ this year for 'holding out' offences. In January this year, Michael Edmund King and Nova Design Group Pty Ltd, both of Murrumba Downs north of Brisbane were also found guilty of breaching the *Architects Act 2002* with a range of offences including: holding out/allowing to be held out as an architect, and claiming to provide architectural services.

BOAQ Chairperson, Bruce Medek, said that, Queensland-wide, there are more than 2500 architects registered with the BOAQ who are legally able to practise architecture.

"Architects play a key role in shaping the form and quality of Queensland's built environment, and the BOAQ exists to protect the public by ensuring the standards of the profession are upheld," said Bruce Medek.

"Every year, tens of thousands of Queenslanders, companies and institutions, rely on architectural services for their projects – it is important that they can have confidence that anyone using the title 'architect' or otherwise claiming or 'holding out' to them as being an architect has the necessary qualifications and experience to ensure their objectives are met."

Mr Medek encourages everyone to check that the 'architect' they are dealing with is, in fact, a registered architect who is legally able to practise architecture in Queensland. This can be done quickly and easily by conducting a free search of the Register of Architects on the BOAQ's website: www.boaq.qld.gov.au.

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