

MEDIA RELEASE

16 January 2020

Registered Architect Reprimanded and Cautioned for unsatisfactory professional conduct

At its meeting on 18 September 2019 the Board of Architects of Queensland (the Board), having regard to a complaint regarding the conduct of an architect, made by a former client, decided to reprimand and caution the architect, and entered into agreed undertakings with the architect.

Background

On 6 June 2018 the Board received a complaint from two former clients of the architect regarding his alleged conduct in providing architectural services regarding the renovation of their family home.

The complaint related not to the architect's technical expertise but rather to aspects of his professional conduct in dealing with the clients. The Complaint included complaints that:

1. the architect failed to enter into a written agreement with his clients in relation to the architectural services provided resulting in a series of disputes and miscommunications regarding payment terms, authorisations for proceeding with quotes, stages of the project and management of variations and termination of services ("**the Agreement Complaint**");
2. the architect failed to ensure that his fees and costs charged in relation to the services provided reflected the fee structure detailed in his agreement, with allegations that included the charging of fees which did not reflect the work performed, and that the architect failed to inform his clients of alternations to the project budget used to calculate his fees payable ("**the Fees Complaint**");
3. the architect failed to adequately inform his clients in relation to matters that fell within the various obligations set out in clause 18 of the Code of Practice including a failure to provide them with adequate information, failure to respond to their questions, failure to act in accordance with their instructions, failure to adequately explain to his clients how the project might proceed and timing to enable them to make and form decisions in relation to the project, failure to inform his clients of matters relevant to their interest in relation to the programming and process of construction and procuring of contractors for the proposed works ("**the Communication Complaint**"); and
4. the architect failed to engender confidence and respect for the professional of architecture and, or to maintain the standards and integrity of the profession of architecture, including through his manner of communication with his clients ("**the General Conduct Complaint**").

Findings

The Board, following investigation by an independent investigator, found that the majority of the complaints had been made out. In particular that:

1. the architect failed to enter into a written agreement with his clients in relation to the services to be provided that complied with the requirements of sections 14 and 15 of the Code;
2. the architect failed to ensure that the fees and costs charged in relation to the services provided reflected the fee structure detailed in his quote in breach of section 16 of the Code;

3. in breach of section 18 of the Code, the architect failed to:
 - (a) respond unambiguously and clearly to his clients' reasonable queries and questions;
 - (b) act according to his clients' instructions;
 - (c) adequately explain to his clients how the project might proceed; and
4. in breach of sections 31 and 32 of the Code, the architect failed, in his conduct, to engender confidence and respect for the provision of architecture and/or to maintain the standards and integrity of the profession of architecture including through his manner of communication with his clients.

The Board found that various of the breaches of the Code in turn constituted conduct that was of a lesser standard than that which might reasonably be expected of the architect by the public or the architect's professional peers or conduct that demonstrates a lack of adequate judgment in the practice of architecture which in turn constituted unsatisfactory professional conduct as defined in the Act.

Outcome

The Board reprimanded the architect for unprofessional conduct relating to the matter which was the subject of the Complaint; cautioned the architect about his future professional conduct; and entered into various agreed undertakings with the architect.

ENDS

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