

Stewart, Liam

From: Rick Barton [rick.barton@raia.com.au]
Sent: Thursday, 2 June 2005 11:30 AM
To: Stewart, Liam; Adjudication
Cc: 'Ross Clark'
Subject: RAIA supplementary submission
Attachments: FINAL ACCC sub#2 310505.pdf

Dear Liam,

Here is the RAIA's submission (supplementary) we discussed at our meeting on 18 May. A covering letter to Scott Gregson and hard copy are in the post. We are sorry that we were not able to deliver it quite on schedule.

If you have any queries please contact Ross Clark or myself. As discussed, Ross will be overseas until next week 6 June and then again overseas from 27 June until 18 July.

<<...>>

Regards

Rick Barton RAIA

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The Royal Australian
Institute of Architects

Application for
Substitute
Authorisation
(Supplement 1)

Supplementary submission to
Australian Competition &
Consumer Commission

1 June 2005

SUBMISSION BY

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PURPOSE

This submission is made by The Royal Australian Institute of Architects (RAIA) to the Australian Competition & Consumer Commission to provide further information in support of an application for substitute authorization.

ABOUT THE RAIA

The Royal Australian Institute of Architects (RAIA) is an independent voluntary subscription-based member organization with approximately 9,200 members, of which 5,400 are architect members.

The RAIA, incorporated in 1929, is one of the 96 member associations of the International Union of Architects (UIA).

At the time of this submission the National Executive of the RAIA is:

- Robert Nation (National President)
- Carey Lyon (President-Elect)
- Warren Kerr (Immediate Past President)
- Alec Tzannes (Honorary Treasurer)
- Catherine Townsend (Honorary Secretary)

The CEO is David Parken.





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Executive summary

1. The application

In December 2004, the RAIA lodged an application under section 91C(1) requesting the ACCC to grant substitute authorisation (in substitution for Authorisation A58), because:

- (a) there is no evidence that the arrangements (in Authorisation A58) have had any adverse effect on competition in any market over the past 20 years;
- (b) the arrangements are unlikely to have any adverse effect on competition in any market in the future;
- (c) there nevertheless remains the risk that the arrangements may be challenged in the future notwithstanding the RAIA's view of their competitive effect;
- (d) the arrangements have provided and continue to provide public benefits, and
- (e) those public benefits have, over the past 20 years, significantly outweighed any adverse effect on competition (if any) that might arise from the arrangements, and will continue to do so.

2. Interested Party submissions

- (a) In relation to the RAIA's submission, the ACCC sought comment from a range of interested parties within the industry and the broader community. Responses were received from:
 - Architects Registration Board of Victoria (28.09.04)
 - Master Builders Australia (30.09.04)
 - Australian Institute of Quantity Surveyors (5.10.04)
 - Association of Consulting Architects (19.10.04)
 - Engineers Australia (20.10.04)
 - NSW Department of Commerce (21.10.04)
 - NSW Architects Registration Board (5.11.04)
 - Architects Board of SA (3.12.04)
 - Architects Accreditation Council of Australia (25.02.05)
 - Architects Board of WA (8.03.05)
 - QLD Government Public Works (16.03.05)
 - QLD Government Public Works (31.03.05)
 - QLD Government Housing (8.04.05)
 - NSW Department of Housing (8.04.05)
- (b) The RAIA submits that no relevant matter put forward in any of these submissions substantially refutes any of the arguments presented by the RAIA, and further that these submissions generally support the claims of the RAIA.
- (c) Detailed comment on relevant matters raised in these 'interested party' submissions is contained in the body of this submission.

- (d) Notwithstanding these comments, the RAIA reserves the right to make further submissions on any matter which the ACCC might raise in relation to its draft determination, arising from any interested party comment.

3. Duration of substitute authorisation

- (a) A matter not addressed in the initial RAIA submission is the proposed duration of the substitute authorisation. The original Authorisation A58 incorporated no defined time limit. However, the ACCC has indicated that the substitute authorisation will be for a specified period.
- (b) The RAIA submits that once granted, the substitute authorisation should apply for a period of six years. The rationale for this timing is set out in the body of this submission.

Interested party submissions

4. Overview

A total of fourteen substantive submissions was received by the ACCC in relation to the RAIA authorisation. These can be grouped as follows:

- (a) Submissions received in response to the original ACCC notice under section 91B(3) of the Act of its intention to review the RAIA Authorisation A58:
 - (i) Brief, formal responses expressing no view or support for the RAIA position:
 - Architects Registration Board of Victoria (28.09.04)
 - Master Builders Australia (30.09.04)
 - Engineers Australia (20.10.04)
 - NSW Department of Commerce (21.10.04)
 - NSW Architects Registration Board (5.11.04)
 - Architects Board of SA (3.12.04)
 - Architects Board of WA (8.03.05)
 - (ii) Detailed responses:
 - Australian Institute of Quantity Surveyors (5.10.04)
 - Association of Consulting Architects (19.10.04)
 - Architects Accreditation Council of Australia (25.02.05)
 - QLD Government Public Works (16.03.05)
- (b) Further submissions received in response to the RAIA application for revocation and substitution or the ACCC request for further information:
 - (i) Brief, formal responses expressing no view or support for the RAIA position:
 - QLD Government Public Works (31.03.05)
 - QLD Government Housing (8.04.05)
 - NSW Department of Housing (8.04.05)
 - (ii) Detailed responses:
 - Nil

5. Arrangements referred to

- (a) Submissions received from interested parties did not substantially address issues relating to arrangements covering:
 - RAIA Memorandum and Articles of Association
 - RAIA regulations and by-laws
 - Guidelines for RAIA endorsed architectural competitions
- (b) Interested party submissions did deal with a range of matters, some of which are not directly relevant to the RAIA application. However, potentially relevant matters that were addressed included:

- Fee guides
- Architects services and conditions
- Change in the regulatory environment
- RAI A code of professional conduct

6. Fee Guides, services and conditions

- (a) The Architects Registration Board of Victoria supported the fee guides, stating that: *“There is continued benefit in the RAI A publication of information regarding architects services, conditions and fees, including a fee guide. The Board is aware that such information is a guide only and that fees are subject to market competition between architects and with others in the design services market. The advancements cited by ACCC in 3.10 have not lessened the usefulness of these publications.”*
- (b) The Australian Institute of Quantity Surveyors also supported the fee guides, pointing out that *“Members of the public...do not have the experience, resources, knowledge or confidence to find this information for themselves, and they expect that the professional bodies should be able to assist them with such services...This is true of public sector clients as well...”*
- (c) The Association of Consulting Architects Australia also supported the fee guides. Its submission noted the *“...significant information asymmetry between architects and most of the consumers of their services...”* and that *“...individuals wishing to engage an architect require information from an independent source that is objective and authoritative. The RAI A documents on architectural services and fees are the only available documents that fill this criteria.”*
- (d) The Architects Board of South Australia supported the fee guides, stating that the Board *“...believes that it is in the public interest that publication of such information [regarding architects services, conditions and fees] continues.”*
- (e) NSW Department of Housing indicated that it utilises a select tender approach to the procurement of architectural services, which is appropriate because of its strong and informed position in the market. (It should not be inferred however that this approach is available to small or occasional consumers of architectural services.) The Department confirmed that: *“The building design fee is determined by the market. It is not based on fee guidance information from the Royal Australian Institute of Architects, or any other provider of building design services...”* (which it should be pointed out, the RAI A is not).
- (f) The RAI A notes each of these submissions and strongly reasserts the claims made in the initial submission – that the Fee Guide and documents relating to architects conditions and services provide significant public benefit, create no observable detriment and have no anti-competitive effect on the market for architectural and building design services.
- (g) These submissions support the fact that the RAI A's fee guides are highly valued, particularly by less experienced members of the profession who need assistance with such matters in the establishment phase of their businesses, and by normal consumers who are unlikely to be informed about the details involved in procuring architectural services. Both these groups must rely on the RAI A to establish appropriate independent guidance and benchmarks to support fairness in the commercial relationship between them.

7. Change in the regulatory environment since Authorisation A58 granted

- (a) The perceived impact of changes in state legislation and regulation concerning architects was raised in the submission by AACA (supported by submissions of the SA and WA statutory Architects Boards) and also in the Queensland Government (Public Works) submission.
- (b) The Queensland Government asserts in its submission (16.03.05) that *“the legislative environment has changed significantly since the date of authorisation A58, and as a result the authorised conduct is likely to have affected the overall public benefit originally recognised.”* Literal reading of this statement is confusing, but it is assumed to mean that changes in legislation are likely to have diminished the public benefit of the authorised conduct. With respect, this statement is simplistic and completely unsupported by any evidence whatever.
- (c) The AACA document (25.02.05) describes at length the advent of the new and amended architects acts in virtually every state and territory and promulgation of the Model Code, jointly authored by RAIA and AACA.
- (d) This section of the AACA submission raises the following question:
When considering the documents for which the RAIA seeks the substitute authorisation:
 - 1 in what material aspect, if any, has the regulatory environment changed, and
 - 2 has there been a shift in the balance of public benefit as a result?
- (e) It is the RAIA view that only those changes in the regulatory environment, if any, which have direct relevance to the subject matter for which the RAIA seeks the substitute authorisation, and which have an effect on the public benefit of that subject matter, should be considered by the ACCC in arriving at its determination. In doing so the ACCC should conclude that, although there have been changes in the legislative position in some States since authorisation A58 was granted, none of those changes have diminished the public benefits set out in the RAIA's submissions or resulted in anti-competitive effects. Nothing in the Queensland Government's submission is to the contrary.

8. Prospective Changes in the Regulatory Environment

- (a) Following the Productivity Commission's *“Review of Legislation Regulating the Architectural Profession”*, recent changes in the legislation regulating use of the title *architect* can be broadly described as:
 - enhanced restriction on persons representing themselves or others as an architect
 - registration of individuals and no longer business entities, except that a business entity may represent itself as an architect where at least one person within it is an architect (enabling multi-disciplinary practices to offer architectural services when not controlled by registered architects)
 - reconstitution of the regulatory boards to remove perceived bias to architects
 - the disciplinary complaint process made more transparent and subject to appeal (in some cases)
 - potential differences in mandatory standards of conduct

- (b) AACA suggests that the current legislation goes further to provide also that:
- “the regulation of architects not include restriction on practice” (implying erroneously that past legislation did restrict the “practice of architecture”, meaning exclusive practice for those who are architects)
 - “where an organisation offers the services of an architect, an architect must supervise and be responsible for those services” (implying erroneously that the prior legislation did not contain such requirements), and
 - “complaints and disciplinary procedures be made more transparent and provide avenues for appeal” (implying erroneously that in no case were such procedures transparent nor were there appeal provisions).
- (c) The RAIA considers that such contemplation of the legislation in relation to the RAIA application for substitution is, in any event, irrelevant. It is submitted that only differences in the standard of conduct expected of an architect are relevant in relation to RAIA activities and those documents for which authorisation is sought – the RAIA disciplinary procedures embodied in the Articles of Association and in the Code of Professional Conduct to which the latter refer.
- (d) To see what is, or might in the future be different in relation to standards of conduct as provided by statute, please refer to the table in **Appendix A**. This sets out a comparison between:
- “Old” – the regulated standards of conduct under the pre-reform architects acts (including subordinate legislation), and
 - “Current” – the regulated standards under the post-reform acts.
- (e) However, before a detailed discussion of the implications of the data in Appendix A, it is first necessary to clarify some inaccuracies and/or erroneous impressions which arise in or from the AACA submission under “Background”.
- (f) AACA states that (paragraph 4) “*the profession of architecture in Australia is not self-regulated but is regulated by the Architects Acts in each Australian State and Territory*”. With respect, this is only partly true.
- (g) Subject to that legislation restricting use of the title “architect”, the profession of architecture is self regulated in the sense that the work of an architect is performed by many persons not at all subject to the architects acts. RAIA figures suggest there are at least 12,500 firms or business entities in Australia providing services of the generic type provided by architects, but this includes only about 4,400 architectural practices (by definition containing registered architects subject to the legislation). This alone suggests that about 2/3 of business entities doing architectural work are not subject to the architects acts.
- (h) The nature of the current architects legislation applying in every state except SA and by virtue of the Building Act 2000 in Tasmania, is that only one member of a business entity, no matter how large, now needs to be registered as an architect in order to describe the business entity as an architect or as offering architectural services. Under all the “old” architects legislation, it was a requirement that 2/3 of the partners or directors must be registered for the business entity to operate in the same way. Thus, there is now a heightened potential for the number of registered architects to reduce, and for more architectural work (whether actually carried out by those who are registered or not) to fall outside the ambit of the architects acts.
- (i) Conversely, all RAIA members (only about half of whom are registered architects) are bound by the RAIA Code of Professional Conduct, and thus ‘regulated’ in their conduct with the public interest foremost. The RAIA submits that the public benefit in RAIA having its own

code and disciplinary process to avoid unprofessional conduct of its members is increased as a result of the recent changes to the architects acts.

9. RAIA code of professional conduct

- (a) Contrary to what may be implied by AACA's submission, **Appendix A** demonstrates that the current architects acts have not altered the regulatory environment substantially in relation to the RAIA disciplinary process. Regulated conduct is not significantly different under the new or amended acts.
- (b) AACA (paragraph 8) says that the Model Code has been or is to be applied in recent reforms to the acts in Victoria, Western Australia, Queensland and ACT and anticipated that it will be applied in reforms in the NT. This is not entirely accurate:
 - For example, while there is provision in the ACT Architects Act for the adoption of a code of professional conduct by regulation, no such adoption has occurred.
 - Victoria's new Architects Act coming into force on 1 June 2005 retains the current regulations, which provide that the Board may adopt guidelines (having no statutory force), but make no provision for the adoption of a Code, or the Model Code referred to by AACA.
 - Queensland has adopted the Model Code as a draft proposal only, without having acted upon this further.
 - WA's Architects Act 2004 makes provision for the adoption of any code in the regulations made under that Act, but no such adoption has occurred.
 - AACA's statement that the Model Code has been adopted by the NSW Act is only partly accurate for it has been adopted in part with modification.
- (c) The new aspects of legislation of standards of professional conduct afforded by the Model Code are thus inconsistently applied, and unlikely to gain Australia-wide application. They can therefore have no significant impact on the public benefit arising from the RAIA Code applying over the whole of Australia, for reference by consumers and RAIA members alike.
- (d) The variability of application of the Model Code in the current legislation unfortunately makes AACA's statements in paragraph 9 and 10 almost meaningless unless and until the Model Code is applied by the architects acts of each state and territory.
- (e) Further, on the subject of the Code of Professional Conduct, Australian Institute of Quantity Surveyors noted that *"the general community... expect that the professional Institutes should be able to provide them with some guarantee that, when they engage one of our members, they can be confident that those members will perform their services at an appropriate professional and ethical standard."*
- (f) AIQS also commented that clients *"... expect that any member who fails them in providing that level of service may be investigated and, if necessary, disciplined by the relevant professional Institute."*
- (g) The submission by the Australian Institute of Quantity Surveyors provides strong support for the RAIA's code of professional conduct. No one has seriously suggested that it is contrary to the public interest for a professional body like the RAIA to have an appropriate code of conduct and to uphold professional standards through the application of that code.

Duration of authorisation

10. Overview and proposal

- (a) A range of factors are relevant in determining the duration for which the authorisation to be granted by the ACCC should apply. These are principally:
- The likelihood of significant change in the arrangements that are the subject of the authorisation;
 - The likelihood of significant change in the legislative and regulatory environment in which these arrangements operate;
 - The relationship between the arrangements and the governance and strategic planning processes of the RAIA, and
 - The demands in terms of time and cost on both the RAIA and ACCC in managing the application and determination processes.
- (b) On the basis of the arguments presented below in relation to each of these factors, RAIA submits that the authorisation approved by the ACCC should be for a period of six years.

11. Change in the arrangements

- (a) The arrangements that are the subject of this application represent core principles within the RAIA. The Memorandum and Articles, regulations and by-laws, Code of Professional Conduct and disciplinary procedures have been in place, more or less in their present form, for a considerable period. The principles underlying the guidelines on fees, architects services and architectural competitions are similarly long established.
- (b) While it is acknowledged that the 21 years since the granting of Authorisation A58 is a very long time, RAIA submits that even over this period the extent of change in the various arrangements has been quite limited. Certainly, the current versions of the originally authorised documents are clearly recognisable as derivative of the originals.
- (c) Further, it is essential that RAIA has reasonable certainty in relation to the arrangements, as they are not, by definition, for purposes that can be changed frequently or at short intervals. In relation to arrangements that involve some type of publication requirement, RAIA should also not be obliged to republish excessively frequently, due to the additional cost imposed by such a requirement.
- (d) Both these factors provide a clear indication that the likelihood of significant change in the arrangements within a six year period is extremely low. Indeed, recognising that a further application might be required, the RAIA has substantial incentive to ensure that this is the case.

12. Changing legislative environment

- (a) The history of the current architects acts points to a clear rationale in support of an authorisation period of six years. The current legislation changes were prompted by a Productivity Commission report dating back to 2000, but as yet there is not to our knowledge even a draft of changes to the SA Architects Act arising from it. There has not been the harmonization called for by all parties, and if there are similarities in the changes in some

jurisdictions, they are not relevant to the subject matter and public benefit of the RAIA arrangements under this authorisation.

- (b) The RAIA submits that it is unlikely, given the history, that any significant harmony in the regulation of professional conduct afforded by the Model Code is likely within the early part of a 6 year time frame. In any event, a meaningful assessment of the change in the regulatory environment which might be brought about by the Australia-wide adoption of the Model Code will need to consider the impact of that Code, requiring a reasonable period of operation.
- (c) Further, it should be noted that there is no public detriment in any cross-over or parallel obligations in the RAIA Code and any complaint about an architect brought under the provisions of any architects act. This is because the RAIA rules are that no parallel proceedings will run where any of the facts and circumstances concerning a member and a person complaining are the same, with the result that RAIA ceases investigating if there is a proceeding before any Architects Registration Board or other legal process (Refer Article 84 included in Schedule 1 of RAIA's December 2004 Application).

13. Time and cost demands

- (a) Experience with this current application underlines how relatively costly and time-consuming the management of the application process can be. While future applications, if any, can be planned for, the need for extensive internal consultation, expert advice and detailed consideration necessarily involves very substantial time and cost, as well as extensive disruption to normal activities for the RAIA staff involved. The total timeframe for this current application appears likely to be in the order of 12 months, and any requirement to repeat this process in the short term is unwarranted.
- (b) With this in mind, the RAIA submits that any authorisation period less than six years would be unduly onerous.

Conclusion

14. Summary

- (a) The RAIA submits that no sustainable arguments a negative determination on its application for substitute authorisation can be drawn, or facts to support them, from either inherent facts or from the submissions the ACCC has received in response to invitation.
- (b) The public benefit of the arrangements for which RAIA seeks authorisation outweigh any detriment.
- (c) An authorisation period of 6 years is supported by the relative stability of the arrangements, the relatively slow change, if any, in the regulatory environment, and the relative effort and expense a voluntary professional association must bear in any shorter period.

15. Additional information

- (a) The RAIA invites the ACCC to indicate any further information the RAIA may reasonably provide to assist the ACCC in its further consideration of this application.
- (b) The RAIA reserves the right to provide additional information in the course of the ACCC consideration of the matter.

Appendix A

16. Comparison of reforms to Australian architects acts

- (a) The following table shows under both the old and current architects acts in the 8 jurisdictions, the conduct of an architect that attracts potential deregistration. The table shows, in effect, the situation under those acts (or regulations or both) existing in relation to the existing Authorisation A58, compared to the potential situation under a substituted authorisation.
- (b) This table focuses on conduct which may be subject to discipline for “professional misconduct” under the legislation.

Restriction <i>(for the purpose of this analysis -- subject to generalization & melding of similar provisions)</i>		Qld ¹	NSW	ACT	Vic	Tas ²	SA ³	WA ⁴	NT
Has been guilty of indictable offence or a serious offence or infamous or improper conduct	old	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	current	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mentally ill or unsound mind or careless or incompetent or not fit and proper person	old	Yes	Yes	Yes	Yes	Yes ⁵	Yes		Yes
	current	Yes	Yes	Yes	Yes	Yes	Yes		Yes
Conflict of interest between client and builder (collusion with builder or any person prejudicial to client's interests including monetary inducements to suppliers to the builder, and /or acting also as builder without consent of client) and/or failing to administer building contract fairly and impartially where required to do so by its terms.	old	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	current	Yes	Yes	Yes	Yes	Yes	Yes	See ⁴	Yes
Gives or receives monetary reward for securing a commission or work	old	Yes	Yes	Yes	Yes		Yes	Yes	Yes
	current		Yes ⁶	Yes	Yes		Yes	See ⁴	Yes
Fails to render on demand an accurate account at end of building contract or regular and accurate statement of costs	old	Yes	Yes						
	current	Yes	Yes						
Allows non-architect to practice in name of (including allowing an unsupervised person to	old	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

1 Under Architects Act 2002, Board of Architects to promulgate Code of conduct under a Regulation – currently a draft only Code is available with no force but which states that it is intended to adopt the “Architects Model Statutory Code of Professional Standards and Conduct” jointly prepared by ACEA and RAIA. The statements in the table about the current restriction are based on that assumption.

2 Under current Building Act 2000 (Tas), an authorised body regulating architects as “designers” under that Act may put up a code of conduct – none yet promulgated, if any.

3 SA Architects Act is not altered.

4 WA Architects Regulations, if any, under the new Act not yet promulgated but may adopt in whole or part the “Architects Model Statutory Code of Professional Standards and Conduct”

5 On grounds of professional incompetence

6 Allowable with specific client consent in writing after architect has disclosed in writing specific fee.

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Restriction <i>(for the purpose of this analysis -- subject to generalization & melding of similar provisions)</i>		Qld ¹	NSW	ACT	Vic	Tas ²	SA ³	WA ⁴	NT
act as agent)	current	Yes	Yes	Yes	Yes	Yes	Yes	See ⁴	Yes
Commits a breach of contract for design or construction of building without reasonable cause or is negligent or incompetent or fails to comply with the law in relation to it.	old		Yes		Yes	Yes		Yes	
	current	Yes	Yes		Yes	Yes	Yes	Yes	
Commits fraud or makes misrepresentation in connection with contract for design or construction of any building	old	Yes	Yes		Yes ⁷		Yes	Yes	
	current	Yes	Yes					See ⁴	
A person, firm, or corporation for whom the architect was responsible as manager or supervisor committed any breach above, unless the breach was committed without architect's knowledge	old	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸	Yes ⁸
	current	Yes	Yes		Yes		Yes	Yes	Yes
Habitual drunkenness or addiction to narcotic	old			Yes					Yes
	current			Yes					Yes
Performs work in connection with something being litigated about on condition that is paid for the work only if the litigation is successful	old	Yes					Yes	Yes	
	current						Yes		
Sharing professional income with non-architect or other person acceptable to the Board – or practicing with non-architects – or operating as architect within the vehicle of a non-registered architect practice or firm	old	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	current	Yes ⁹	Yes ⁹	Yes ⁹	Yes ⁹	Yes ⁹	Yes ⁹	Yes ⁹	Yes ⁹
Distinguishing architect's role from that as a developer where architect is acting as a developer or is employed by one	old				Yes				
	current				Yes				
Knowing attempt to usurp an existing engagement of another architect	old				Yes				
	current	Yes ¹⁰	Yes ¹⁰					See ⁴	
Providing copy of the regulatory Code of Conduct	old								
	current		Yes						
Not informing client that it should obtain specialist advice from others – not the architect	old								
	current		Yes						
Not confirming terms of engagement in writing	old				Yes				
	current	Yes	Yes		Yes			See ⁴	
Not providing service promptly or within agreed time frame	old								

7 Administering contract while not acting impartially between the parties (Builder and Client)

8 On the basis that the firm or corporation is registered as an architect

9 To the extent that the non-registered firm or corporation is not permitted to offer architectural services

10 Via an obligation to act honestly and fairly in relation to other architects

Restriction <i>(for the purpose of this analysis -- subject to generalization & melding of similar provisions)</i>		Qld ¹	NSW	ACT	Vic	Tas ²	SA ³	WA ⁴	NT
	current	Yes	Yes					See ⁴	
Offering services beyond skill and competency without disclosure to and agreement of client	old								
	current	Yes	Yes					See ⁴	
Fails to provide all information relevant to the client's interests in relation to the services being provided for client including reasonable access to documents and informing client that its instructions cannot be followed	old								
	current	Yes	Yes					See ⁴	
Discloses client's confidential information without permission or by application of law	old								
	current	Yes	Yes					See ⁴	
Asking for more than 10% retainer or deposit unless otherwise expressly agreed	old								
	current	Yes	Yes					See ⁴	
Undermining by conduct in professional practice, the confidence of the public in the profession of architecture.	old								
	current	Yes	Yes					See ⁴	
Not including dispute resolution procedures in terms of engagement	old								
	current	Yes						See ⁴	
Not retaining all documents relating to the services provided to the client for at least 6 years after the services are complete	old								
	current	Yes						See ⁴	