

The Architects' Code of Conduct

This Code of Conduct was approved on 29 October 2012 by the Minister for Housing and Urban Development as required by the Architectural Practice Act 2009. This Code of Conduct is mandatory for all registrants. A breach of the Code by a registered person or business may be considered unprofessional conduct.

Any comments in relation to this Code of Conduct should be in writing and directed to:-

The Registrar
Architectural Practice Board of South Australia
Level 2, 91 Halifax Street
Adelaide SA 5000
E: registrar@archboardsa.org.au

Code of Conduct

Introduction

This Code of Conduct sets out the standards of professional conduct and practice expected of persons, bodies corporate or partnerships registered as architects under the South Australian Architectural Practice Act 2009.

The Code is intended to:

- assist architects to act professionally and ethically in the provision of architectural services;
- uphold and maintain public confidence in the architecture profession;
- detail the obligations imposed upon architects relating to the provision of services and the conduct expected of architects.

Architects are expected to be guided in their professional conduct and work by the spirit of the Code as well as by its express terms. Failure to comply with the Code may constitute unprofessional conduct for the purposes of the Act and be grounds for disciplinary action. The fact that a course of conduct is not specifically referred to in the Code, or does not constitute a breach of an express term of the Code, does not mean that it cannot form the basis of disciplinary proceedings. Improper conduct in a private capacity may also be held to be unprofessional conduct.

In this Code:

- Act means the Architectural Practice Act 2009 (SA);
- Architect (whether capitalised or not) means a person, body corporate or partnership registered under the Act;
- Bank may also mean a similar institution;
- Client means the person or body to whom the architect agrees to supply services or goods;
- Board means the Architectural Practice Board of South Australia;
- Registrar means the Registrar of the Architectural Practice Board of South Australia;
- Principal is the architect in control and management of all the relevant architectural work.

A word in the singular shall be taken as including the plural; and a word in the plural shall be taken as including the singular, unless otherwise specified.

Architects are expected to meet the following Standards:

Standard 1 - Be honest and act with integrity

Standard 2 - Be competent

Standard 3 - Promote their services honestly and responsibly

Standard 4 - Manage their businesses competently

Standard 5 - Consider the wider impact of their work

Standard 6 - Carry out their work faithfully and conscientiously

Standard 7 - Be trustworthy and look after clients' money properly

Standard 8 - Have appropriate insurance arrangements

Standard 9 - Maintain the reputation of the architecture profession

Standard 10 - Deal with disputes or complaints appropriately

Standard 11 - Co-operate with regulatory requirements and investigations

Standard 12 - Have respect for others

Standard 1

Honesty and Integrity

- 1.1 Architects must act at all times with honesty and integrity and avoid any actions or situations which are inconsistent with their professional obligations or could diminish public confidence in the architecture profession. This standard underpins the Code and will be taken to be required in consideration of all conduct under any aspect of this Code.
- 1.2 Architect should not make any statement in any medium, including electronic, written or verbal, which is contrary to that architect's professional opinion or which they know to be untrue, misleading, or which may discredit the profession.
- 1.3 Where a conflict of interest arises, architects are expected to disclose that conflict in writing and manage it to the satisfaction of all affected parties. The architect should seek written confirmation that all parties involved give their informed consent to the architect continuing to act. If there is any situation which might give rise to a conflict of interest or compromise the independence of the architect (such as where the architect has an interest in a supplier or building company) the architect must disclose that conflict in writing to the client.
- 1.4 Where architects make or receive any payment or other inducement for the introduction or referral of work or for the recommendation or specification of any goods, equipment or materials, they should disclose the arrangement to the client or prospective client at the commencement of the architect's engagement.
- 1.5 Where architects are engaged in any form of competition to win work or awards, they should act fairly and honestly with potential clients and competitors.

Standard 2

Competence

- 2.1 Architects are expected to deliver architectural services competently, diligently and in a timely manner and to apply in their work professional standards of skill, knowledge and care. If an architect engages others to do work that architect should ensure that they are competent and adequately supervised.
- 2.2 Architects are expected to make appropriate arrangements for their professional work in the event of incapacity, retirement, death, absence from, or inability to, work.
- 2.3 Architects are expected to ensure that they have the necessary communication skills and local knowledge to discharge their responsibilities.
- 2.4 Architects are expected to keep their knowledge and skills relevant to professional work up to date and be aware of:
 - 2.4.1 The Board's requirements in relation to continuing architectural education as published from time to time; and

- 2.4.2 the content of the Act and all other legislation relevant to the practice of architecture; and
 - 2.4.3 any codes of conduct, standards, guidelines or other information issued by the Board from time to time.
- 2.5 Architects must carry on business and provide services in accordance with the Act, this Code and all other legislation including with legislation and codes in force in any jurisdiction in which architectural services are provided.

Standard 3

Honest promotion of services

- 3.1 Architects are expected to promote professional services in a truthful and responsible manner that is not misleading and complies with the codes and principles of the Advertising Standards Bureau. Architects must avoid making misleading or false comparisons with services provided by competitors, and should include their registration number in any advertising material and other correspondence and documentation.
- 3.2 Architects who are principals in a practice are expected to ensure that all architectural work is under the control or management of one or more architects, and that their names are made known to clients and any relevant third party. The client should be notified promptly of any change in the architect responsible for the work.
- 3.3 Architects must not permit their names to be used in relation to any work, document or publication to misleadingly imply authorship of, or responsibility for the content or form of the work, document or publication.
- 3.4 Architects must not hold out, or permit the holding out, as an architect any person who is not a registered architect as defined in the Act. Further architects must not sign as checked, approved or supervised any drawings or other documents which they have not checked, approved or supervised. Where services are being provided by any person who is not a registered architect as defined in the Act, as an employee of, or under the supervision of an architect, the client must be informed of that fact, and the architect must ensure that only a registered architect signs any documentation which describes the signatory as architect or where the signature of an architect is required.

Standard 4

Competent management of business

- 4.1 Architects are expected to have effective systems in place to ensure that their practices are run professionally, that projects are regularly monitored and reviewed, and that clients are kept adequately informed about the progress of their projects.
- 4.2 Architects should ensure that they are able to provide adequate professional, financial and technical resources when entering into a contract and throughout its duration.
- 4.3 Architects should ensure that adequate security is in place to safeguard both paper and electronic records for their clients, taking full account of legislation, and that clients' confidential information is safeguarded. Records of all documentation related to a project should be kept for at least 6 years after completion of services or longer if required by legislation or contract. Such

records are to include photographs of the works in progress, project journals and diaries,

statutory and regulatory approval documents, drawings and other records whether in electronic or other form. If in electronic form an architect should keep adequate copies to enable records to be restored if damaged.

4.4 Architects are expected to ensure that before undertaking any professional work the architect has entered into a written agreement with the client which adequately covers:

4.4.1 the contracting parties;

4.4.2 the scope of the work;

4.4.3 the fee or method of calculating it;

4.4.4 who will be responsible for what;

4.4.5 any constraints or limitations on the responsibilities of the parties;

4.4.6 the provisions for suspension or termination of the agreement;

4.4.7 a statement that they have adequate and appropriate insurance cover to meet their liabilities (but in any event not less than the minimum level specified by the Board);

4.4.8 a complaints-handling procedure (see Standard 10), including details of any special arrangements for resolving disputes (e.g. arbitration).

Any agreed variations to the written agreement should be recorded in writing.

4.5 Architects are expected to ensure that client agreements record that the architect is registered with the Board (including registration number), and that if the client has a complaint, it may be referred to the Board.

4.6 Architects should make clear to the client the extent to which any architectural services are being subcontracted.

4.7 Except where disclosure is required by law, an architect must observe the confidentiality of the client's affairs and must not disclose information which is marked "confidential" or which the architect ought to have known was confidential, without the consent of the client. At the end of a contract (if requested), or otherwise upon reasonable demand, architects should promptly return to a client any papers, plans or property which the client provided to the architect.

4.8 Architects must, in relation to an agreement for services, ensure that the cost of the services is in line with the fee structure detailed in the agreement and accurately reflects the amount of work done or to be done for the client in the provision of the services.

4.9 Unless otherwise expressly agreed between the architect and the client architects should provide the client with regular statements of account for the services performed.

Standard 5

Considering the wider impact of work

- 5.1 Whilst architects' primary responsibilities are to their clients, architects should take into account the impact of their professional activities on the natural and built environment.

Standard 6

Architects should carry out professional work faithfully and conscientiously and with due regard to relevant technical and professional standards

- 6.1 Architects are expected to carry out all work with skill and care and in accordance with the terms of engagement.
- 6.2 Architects should carry out professional work promptly, without undue delay and, so far as is reasonably practicable, in accordance with any time-scale and cost limits agreed with the client.
- 6.3 Architects are expected to keep their clients informed of the progress of work undertaken on their behalf and of any issue which may significantly affect its quality or cost.
- 6.4 Architects should, when acting between parties, administering a construction contract or giving advice, exercise impartial and independent professional judgement.
- 6.5 Architects must withdraw from the provision of any services where the architect reasonably believes in the architect's professional judgement that the provision of the services would require the architect to act in:
- 6.5.1 a manner contrary to the public interest; or
 - 6.5.2 breach of any laws, including the Act or regulations made under it; or
 - 6.5.3 breach of this Code.
- 6.6 Architects should maintain a high standard of integrity and act honestly and fairly, and with competence and diligence in dealings with other architects.
- 6.7 Architects must, if approached to undertake a project for which it is known, or should reasonably be known, that another architect is currently appointed, request the client to notify the other architect and should take reasonable steps to inform the client of the obligation the client may have in respect of moral rights arising from the other architect's services.
- 6.8 Architects should realistically appraise their ability to undertake and achieve any proposed work. They should also make their clients aware of the likelihood of achieving the client's requirements and aspirations. If an architect feels they may not be able to comply, they should not discuss terms of engagement or accept the work.

Standard 7

Trustworthiness and safeguarding clients' money

- 7.1 An architect is expected to keep proper records of all money held by them which belongs to a client or other third party, and to account for it at all times.
- 7.2 Any money belonging to a client or third party should be held in a designated interest-bearing bank account which is separate from any of the architect's personal or business accounts.
- 7.3 An architect should ensure that money is not withdrawn from a client account to make a payment unless it is made to or on behalf of a client on the client's specific written instructions.

Standard 8

Insurance arrangements

- 8.1 The Act requires architects to be insured or indemnified against civil liabilities in a manner and to an extent approved by the Board. Such insurance includes professional indemnity insurance cover and may include other insurance such as public liability insurance. In relation to professional indemnity insurance, architects are required to maintain a minimum level of cover in accordance with the Board's guidance, but an architect is expected to have adequate and appropriate insurance cover in general, including run-off cover, for themselves, their practice and their employees. An architect should ensure that insurance is adequate to meet a claim, whenever it is made.
- 8.2 The need for cover extends to professional work undertaken outside an architect's main practice or employment.
- 8.3 Employed architects should, as far as possible, ensure that insurance cover and/ or other appropriate indemnity arrangements are provided by their employer.
- 8.4 Architects are expected to provide evidence that they have met the standards expected of this Standard 8 in such form as the Board may require.

Standard 9

Maintaining the reputation of architects

- 9.1 Architects should ensure that their professional finances are managed responsibly.
- 9.2 Architects are expected to conduct themselves in a way which does not bring either that architect or the profession into disrepute. If an architect is in a position where that they know that these standards have not been met, or that their conduct could reflect badly on the profession, that architect is expected to report the matter to the Board. For example, an architect should notify the Registrar within 28 days if they:
 - 9.2.1 are convicted of a criminal offence;

- 9.2.2 are made the subject of a court order disqualifying them from acting as a company director;
- 9.2.3 are made the subject of a bankruptcy order;
- 9.2.4 are director of a company which is wound up (other than for amalgamation or restructuring purposes);
- 9.2.5 make an accommodation with creditors (including a voluntary arrangement);
- 9.2.6 fail to pay a judgment debt.

Standard 10

Deal with disputes or complaints appropriately

- 10.1 Architects are expected to have a written procedure for prompt and courteous handling of complaints which will be in accordance with the Code and to provide this procedure to clients. This should include the name of the architect who will respond to complaints.
- 10.2 Architects should handle complaints courteously and promptly at every stage; and as far as practicable in accordance with the following time scales:
 - 10.2.1 an acknowledgement within 10 working days from the receipt of a complaint; and
 - 10.2.2 a response addressing the issues raised in the initial letter of complaint within 30 working days from its receipt.
- 10.3 If appropriate, architects should encourage alternative methods of dispute resolution, such as mediation or conciliation.

Standard 11

Co-operation with regulatory requirements and investigations

- 11.1 Architects are expected to co-operate fully and promptly with the Board, and within any specified timeframe, if the Board asks them to provide information which it needs to carry out its statutory duties, including evidence that they are complying with this Code.
- 11.2 Architects should notify the Board in writing and within 1 month of any changes in the details held on the Register, including address. Under the Act, architects who do not tell the Board of a change in any details held on the register may be subject to a fine.

Standard 12

Respect for others

- 12.1 An architect should treat everyone fairly and in line with the law. An architect should not discriminate because of disability, age, gender, sexual orientation, ethnicity, or any other inappropriate consideration.