

# SUNSET REVIEW OF ARCHITECTS REGULATIONS – RESPONSE TO THE REGULATORY IMPACT STATEMENT



RAIA Victorian Chapter



## ABOUT THE INSTITUTE

---

The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with around 12,000 members across Australia and overseas.

The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture.

The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

## PURPOSE

---

- This submission is made by the Victorian Chapter of the Australian Institute of Architects (the Institute) to provide input on survey questions and proposed options as outlined in the Regulatory Impact Statement of the State Government Sunset review of the Architects regulations (VIC) 2025.
- At the time of this submission the Victorian Chapter President is Stephanie Bullock FRAIA.
- The Victorian Chapter Executive Leader is Sarah Gafforini.

## CONTACT DETAILS

---

Australian Institute of Architects  
ABN 72 000 023 012

41X Exhibition Street  
MELBOURNE VIC 3000

[vic@architecture.com.au](mailto:vic@architecture.com.au)

# RESPONSE TO SURVEY QUESTIONS

## SECTION ONE

---

### 1. Continuing Professional Development (CPD)

**Chapter 6 of the RIS presents options for prescribing Continuing Professional Development for architects based on the existing framework.**

The options are:

- **Option 1:** status quo (i.e. do not prescribe requirements)
- **Option 2:** prescribe existing framework
- **Option 3:** prescribe existing framework with additional power for the architects' regulator to direct activities in certain circumstance

### Rationale and Comments:

### OPTION

### THE AIA SUPPORT OPTION 3

Ensuring national consistency in the requirements of architects to undertake CPD is essential, not just to ensure high levels of technical competence and professional service, ultimately reducing risk to the consumer; but also to reduce the regulatory compliance and burden on architects who practice across jurisdictions.

We believe the Architects Registrations Board of Victoria (ARBV) should have the authority to mandate a proportion of CPD topics based on current industry needs—such as updates to the NCC—and identify key areas of risk to consumers where additional education is warranted. It is important that the flexibility remains for individuals to tailor the balance of their CPD to suit their individual needs and role, in line with the very broad range of competencies in the NSCA. Given the diversity of architectural practice, it is essential that self-directed CPD be maintained, with individual practitioners able to select from an approved pool of programs that reflect their areas of expertise, practice focus and evolving learning needs and goals.

To ensure flexibility and tailored learning outcomes, we recommend that mandating topics is limited and equivalent to no more than 2 of the required 10 formal CPD points architects are required to achieve each year. We require that topics chosen, are done so in consultation with the Victorian Chapter of the Institute as we are best placed to understand the unique needs of architects within the context of changes in practice to include innovation, sustainability and good design as well as the changing regulatory environment.

We believe this is the most appropriate approach, as architects are required to maintain a broad range of core competencies, many of which relate to environmental, social, and professional responsibilities not typically addressed in the training or practice of constructors. These competencies are central to the value architects bring to the built environment and to the community.

We also request that policy guidance be developed whereby the regulator adopt a continuous improvement cycle, perhaps through way of audit, to determine the impact of mandatory topics and professional development have on the industry both in terms of practice and outcomes for consumers.

We express caution and the ongoing need for consultation regarding how the burden of proof of completion of CPD is afforded to architects. It remains the Institute's position that the regulator provide a single centralised platform for the recording of CPD completed by architects, similar to the system in NSW. This would enable accurate data regarding the type of CPD being undertaken, who is providing it, that can be analysed in order to continuously improve the quality of CPD being undertaken. It would also reduce the time currently spent on undertaking spot audits by the ARBV by providing more accurate data on CPD undertaken by all registered architects.

We maintain that CPD providers should be accredited by a Board of Architects, with Peak industry bodies such as the Australian Institute of Architects, the Association of Consulting Architects, and ArchiTeam pre-accredited to deliver CPD; with other providers potentially needing to apply for individual course approval. Ensuring the content is appropriate in depth and technical detail to inform and educate architects to a postgraduate standard. We believe manufacturers and suppliers could pay for accreditation of their CPD material to assist with the cost to the regulator to offset the cost of assessing their CPD offerings and maintaining a centralised platform.

We also support the notion of developing new forms of CPD such as competency based rather than time-based training, that is then piloted and analysed to determine impact.

---

## KEY MESSAGE

**Ensuring national consistency in the requirements of architects to undertake CPD is essential, not just to ensure high levels of technical competence and professional service but to ultimately reducing risk to the consumer.**

---

## 2. Prescribing Fees

Chapter 7 of the RIS outlines the rationale for existing fee levels to be carried over to the new annual renewal framework and introduces late fees and reinstatement fees to support the renewal approach.

Do you support this approach to setting fees?

### AIA Response:

**Yes - The AIA Support the approach to setting fees.**

### Rationale and comments:

We maintain that policy guidance be developed that all fee types—existing and proposed—be subject to annual review and reporting; with a focus on necessity, proportionality, and efficiency. Fees introduced as part of recent amendments should be monitored to ensure they are delivering value and not imposing an undue administrative or financial burden on practitioners.

We also recommend that annual reporting by the regulator include a full breakdown of all fee types, alongside disclosure of other income streams, such as CPD course approvals, accreditations, or penalties. This level of transparency will assist in ensuring that fees are being used effectively, support stakeholder trust, and enable meaningful professional feedback.

We also support the benchmarking of fees against other States and Jurisdictions to ensure equity across the nation. A comparison with other Australian jurisdictions would provide valuable context regarding fee consistency, fairness, and efficiency. It would also help ensure that Victorian architects are not subject to disproportionately high regulatory costs relative to peers interstate.

We recommend that the ARBV undertake a benchmarking exercise and publish the findings, including how current fees align with its cost recovery goals. This should form the basis for any future changes to fee structures and support ongoing transparency in the financial sustainability of the regulator's operations.

---

### KEY MESSAGE

**Benchmarking of fees against other States and Jurisdictions is needed to ensure equity across the nation, supported by annual reporting.**

---

## SECTION TWO

---

Chapter 8 of the RIS analyses all other proposed changes to the regulations.

**3. A new ground for immediate suspension is proposed, when an architect fails to comply with an information request from the architects' regulator without reasonable excuse.**

**To what extent do you agree with this proposed new power?**

### **AIA Response:**

**The AIA agree with the proposed change with additional comment.**

### **Rationale and comments:**

We believe the approach outline regarding disciplinary and enforcement powers offers a practical, educative, and proportionate means of addressing professional issues, particularly in cases where the matter does not warrant formal disciplinary action but still requires corrective steps. It creates an opportunity to resolve concerns in a timely and constructive manner, while maintaining public confidence and upholding professional standards.

Importantly, this mechanism could be used to direct architects to undertake targeted CPD training relevant to the nature of the issue before suspension is required. This not only supports continuing professional development but also facilitates remediation through education, which is aligned with the broader goals of professional improvement and public protection.

Undertakings provide flexibility for the regulator to respond appropriately to varying circumstances while still maintaining clear accountability. We believe this would strengthen the regulatory framework and reinforce the profession's commitment to continual learning and ethical practice.

While we support the changes, in practice, we have found that the suspension period must be fair and transparent. We support publishing of the grounds for suspension.

Relationship between suspension and operating must be clarified and be explicit to ensure the consumer adequate protections and the architect is not practising if they should not be.

---

### **KEY MESSAGE**

**Creating opportunities to resolve concerns in a timely and constructive manner, while maintaining public confidence and upholding professional standards is our collective priority.**

**4. Clarification of the information about architects that the architects' regulator is required to publish on its publicly available Register of Architects on its website.**

**To what extent do you agree with the proposed changes?**

**AIA Response:**

**The AIA agree with the proposed change.**

**Rationale and comments:**

We believe the requirement to publish insurance information is redundant and better served by a tick box. This is monitored and enforced through audit process.

Reporting architects tribunal findings and how long these are available to public before removed requires greater principles of fairness, especially when considering minor versus major infractions and issues.

**5. Updates to the Victorian Architects Code of Professional Conduct are proposed to improve clarity, transparency, and accountability, and to ensure consumers and the regulator are appropriately informed.**

**To what extent do you agree that the proposed changes will strengthen the Code of Professional Conduct?**

**AIA Response:**

**We strongly agree that the proposed changes will strengthen the Code of Conduct; however the Code MUST stay within the regulations.**

**Our rationale and Comments**

Our members strongly support efforts to ensure clear lines of accountability and enforceable ethical standards, to uphold professional conduct and public confidence. This is also needed to enhance transparency requirements to strengthen client communication and build public trust.

We maintain that it is essential that the Code continues to specify all obligations, including both aspirational standards and enforceable requirements. Separating offences from the Code and placing them elsewhere would risk creating ambiguity, weakening enforceability, and reducing the effectiveness of the Code as both a regulatory and educational tool.

The current wording of the Code is generally clear and well-structured. To enhance understanding for clients and the broader public, we recommend the development of a companion “client version”—a plain-language document that includes explanatory notes

outlining the purpose and value of each obligation. This would help improve transparency and build trust, without compromising the professional and legal integrity of the Code itself.

Ultimately, the Code must remain a comprehensive and authoritative document that upholds the high standards expected of architects and ensures strong consumer protection.

We request ongoing consultation and the opportunity to review any exposure drafts to ensure that the wording chosen in the revised regulations are strong enough to support architects in their practice but are not worded in a way that has unintended consequences. Our priorities remains that any changes to the wording of the Code:

- Maintain clear and enforceable ethical standards that distinguish architectural practice and protect consumer interests.
- Reinforce the architect's independence, particularly in procurement models such as Design and Construct, where conflicts of interest may arise.
- Ensure transparency and accountability in client communication and project delivery.
- Provide regulatory backing for architects when upholding professional standards in complex or compromised delivery environments.

While the Code of Conduct is designed to apply to architects in their performance towards Community, we also believe changes should be made to apply the regulations to architects in their interactions with each other. Specific scenarios our members have identified that can place an architect in an undesired position include; Intellectual Property (IP) infringements and disagreements, Copyright, Project supervision changes etc.

We are eager to support the ARBV to ensure that the Code of Practice is as strong as it can be in all aspects of an architect's practice.

---

## KEY MESSAGE

**The code of conduct had the right ingredients as written when applied to architects in their performance towards community. A missing part that requires changes to the regulations are expectations around conduct focused on projects and interacting with one another in practice.**

---



## 6. Overall, chapter 8 presents two options for updating other areas of the regulations excluding Continuing Professional Development and fees.

The options are:

- **Option 1:** the regulations are remade with no material changes to its requirements.
- **Option 2:** the regulations are remade with targeted changes to enhance its effectiveness and efficiency.

### AIA Response:

The AIA supports Option 2.

### Rationale and comments:

We refer above to our comments made regarding the Code of Conduct and retaining the Code within the regulations will ensure its enforceability and continued relevance within the legislative framework.

## ADDITIONAL COMMENTS

In developing this submission we have worked with our insurance partners, Informed by Planned Cover, to also bring your attention to how the regulations impact on insurance held by architects are impacted by the proposed changes; and propose additional suggestions for change. Outlined below are clauses that we believe require targeted changes.

Regulation	Provision and Response	Recommended Amendment
26	<p>The defined term “formal learning” provides that formal learning “has clear learning outcomes linked to at least two performance criteria set out in Table 1 of Schedule 3”.</p> <p>This would exclude high quality presentations focused on one single performance criteria, and would dilute the quality of content. It is not a requirement in any other jurisdictions.</p>	<p>Replace “two” with “one”</p> <p>NEW</p>
30	<p>Board may determine that an architect, or each practising architect of a specified class, must complete a specified CPD activity in addition to reg 28.</p>	<p>If additional CPD is required, it should form part of the required 20 Units and should be offered at no or little cost.</p> <p>NEW</p>

<b>Schedule 1 – 6(2)(f) and (n)</b>	<p>Provision 6(2) mandates that every architect must include in every client-architect agreement:</p> <p>(f) a clear and unambiguous statement of how the professional fees and costs will be calculated</p> <p>(n) a reservation of the right of an architect to withdraw from the provision of services if continuing to provide them may contravene the Act, Regulations or code.</p> <p>It is not feasible to include these provisions in commercial or government contracts. Some property developers and commercial clients engage architects for early project stages only, and are not willing to set fees for later stages at the outset. Neither commercial nor government clients will agree to allow the architect termination or suspension rights sufficient to comply with provision 6.2(n) . We review dozens of Victorian Government contracts each year and cannot recall any Victorian Government contract that would comply with provision 6.2(n). The two Australian Standard consultancy agreements - 4122-2010 and 4904-2009 - do not comply either.</p>	<p>Amend the whole of clause 6(2) so that it only applies to client-architect agreements with consumers.</p> <p>Alternatively, mirror provision 7(2) from the NSW Architects Code of Professional Conduct, under which the requirement for the agreement to cover mandated subject matter applies only “if the agreement is prepared by or on behalf of the architect”.</p> <p>The words “clear and unambiguous” in 6(2)(f) are new. The remainder of both clauses exist in the 2015 Regulations – regs 4(2)(g) and (m))</p>
<b>Schedule 1 – 6(2)(q)</b>	<p>Provision 6(2)(q) mandates that every architect must include in their client-architect agreements details of current professional indemnity insurance “that provides adequate coverage for the work covered by the agreement”.</p> <p>Architects cannot determine whether insurance is “adequate” as they have no way to know the size of payouts in previous claims, especially since most construction disputes will be resolved without a publicly reported court judgment. In any case, it is arguable what is “adequate”. For projects with a construction cost over \$20 million, only a handful of architects across Australia would have sufficient insurance to cover a catastrophic failure that required substantial rebuilding, and for projects offer \$50m we would speculate</p>	<p>Delete the words “that provides adequate coverage for the work covered by the agreement”.</p> <p><b>NEW</b></p>

	that number would be zero. What is “adequate” insurance for a \$500m PPP project?	
<b>Schedule 1 – 6(4)</b>	<p>Provision 6(4) requires an architect to “keep records to demonstrate that the client has provided written acceptance of the client architect agreement and any variation of the agreement”.</p> <p>As in row 3 above, this provision misunderstands the negotiating power between architects and their commercial and government clients. If a Victorian Government department wishes to procure small projects, or issue purchase orders to a panel, or make variations, without any written acceptance, the architect has no power to compel them to do otherwise.</p>	<p>Delete this provision.</p> <p>Alternatively, amend it so that it only applies “if the agreement is prepared by or on behalf of the architect”.</p> <p><b>NEW</b></p>
<b>Schedule 1 – 6(5)</b>	<p>Provision 6(5) requires architects to “provide to the client the names of all persons who will be involved in the provision of the architectural services, their role and the registration status of each employee.”</p> <p>On small domestic projects for consumers, this is not necessary as the architectural team will probably consist of a sole practitioner or perhaps two other architects. On commercial and government projects, it is not possible because the larger architectural team will change over time. Instead, the contracts of commercial and government clients will set out a process for engaging and replacing “key personnel”.</p>	<p>Delete this provision.</p> <p>Alternatively, amend it so that it only applies “if the agreement is prepared by or on behalf of the architect”.</p> <p><b>NEW</b></p>
<b>Schedule 3</b>	<p>This schedule appears to duplicate the Performance Criteria from the AACA National Standard 2021, with some minor re-phrasing (e.g. PC 3 and 12). However the AACA standards will surely be updated during the 10-year lifespan of these Regulations. It is important for Victorian and National CPD requirements be consistent as national CPD providers cannot map CPD to conflicting criteria.</p>	<p>Rather than repeating them, Schedule 3 should refer to the Performance Criteria from the AACA National Standard 2021 as may be updated or replaced from time to time.</p> <p><b>NEW</b></p>