

Guideline

Classes of registration

Regulation 10 of the Architects Regulations 2015

Architects are registered in one of two classes of registration: Practising and Non-Practising.

When registering for the first time, an architect must be registered in the Practising class. An architect is eligible to be registered in the Non-Practising class if they are already registered and they do 'not intend to carry out work as an architect'.

Framework

The two classes of registration are provided for by regulation 10 of the Architects Regulations 2015 (Vic). It provides that an architect may be registered in the Non-Practising class if they do not intend to carry out work as an architect and has informed the ARBV that they do not intend to carry out work as an architect.

Regulation 17 provides that an architect's class of registration is contained in the Register of Architects pursuant to section 16 of the Architects Act 1991. Regulation 18 provides that an architect must notify the ARBV in writing within 14 days of any change of information contained in the Register.

ARBV guidance

The ARBV considers that 'does not intend to carry out work as an architect' means that the architect is not:

- intending to commence or otherwise work on a specific project as an architect or provide specific architectural services to a client (either directly or via another party)
- advertising their architectural services as an individual or sole trader
- advertising the architectural services of a company of which they are a director or the architectural services of a partnership of which they are a member.

The ARBV considers that 'does not intend to carry out work as an architect' does not mean that an architect cannot seek general employment as an architect but does mean that the architect cannot commence that employment.

Per section 9 of the Act, proof of professional indemnity insurance cover may be required for architects applying to return to the Practising class. The ARBV understands that architects often need to return to the Practising class when they are commencing or recommencing employment, and the relevant insurance documents may not reasonably be available to the architect until they join or rejoin the employer. The ARBV therefore requires that such architects apply to change class within 14 days of their joining/rejoining date. This is consistent with the regulation 18 requirement to notify the ARBV within 14 days of any change of information contained in the Register.

Examples

1. An architect discusses or submits a proposal to a prospective client.

The ARBV considers this architect to be intending to carry out work as an architect. The architect must therefore be registered in the Practising class or, if registered in the Non-Practising class, they must submit an application to change to the Practising class within 14 days of their intention to carry out work as an architect.

2. An architect advertises their architectural services to prospective clients and directly or indirectly invites contact from the prospective clients.

The ARBV considers this architect to be intending to carry out work as an architect and they therefore must be registered in the Practising class.

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3. An architect applies for employment as an architect, is offered the job, and then accepts the offer.

The ARBV considers that the architect, by applying for employment, is not immediately intending to carry out work as an architect, but they would be intending to carry out such work once they commence the employment. The architect may be registered in either class at the time that the architect applies for the position, however they must ensure they are either registered in the Practising class upon the commencement of their employment, or make an application to change into the Practising class within 14 days of their commencement date.

How to change class of registration

To change class of registration, an architect must apply to the ARBV.

For further information, including relevant forms, refer to the ARBV website.

Conclusion

If an architect is practising as an architect or in any way providing architectural services, they must be registered in the Practising class. It doesn't matter whether the architect is being paid or not; what matters is whether they are practising or providing services.

By ensuring you are registered in the Practising class, you protect yourself and the public.