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Submission to the Productivity Commission 2000, Review of Legislation Regulating the Architectural Profession, Draft Report, Melbourne, May

The following is a brief summary of my experience in the Architectural A R C H I T E C T profession: QLD

- 1975-1977 Bachelor of Applied Science in Environmental Design Canberra College of Advanced Education.  
1978 I was employed full time as a draftsman by the Construction Manager of the Australian National Gallery, Canberra.
- 1979-1980 Completed Bachelor of Architecture, Canberra College of Advanced Education.  
1981-1985 Employed by various small Canberra architectural practices.  
1982 Registered in the Australian Capital Territory as an Architect.
- 1985-1988 Employed by Australian Construction Services in Canberra as an Architect.  
1988-1990 Full time employment in Brisbane.  
1991 Achieved registration (number 2545) in the state of Queensland.
- 1991 Began full-time teaching Architectural Technology Course at Southbank Institute of TAFE, eventually specialising in computer aided drafting. Completed part-time Graduate Diploma in Adult & Vocational Education (Griffith University).
- 1997 Began practice as sole practitioning architect undertaking small residential projects.

## **2 Current regulation of architects**

The benefit of the current system is that the Architects Act (Qld) is a public domain document (gazetted). The Act is administered within the public service sector by the Board of Architects.

## **3 Architects and the market for building design and related services**

### **3.1 Architects in Australia**

Structural knowledge of registration candidates I studied full-time at the then Canberra College of Advanced Education. The course included subjects in Structural Mechanics which covered engineering first principles and structural appreciation. The content was taught by an Engineer. The subjects were intended to provide students with an understanding of how structures work. The subject content was not intended to create de facto engineers. With hindsight, the subject matter was adequate in that it covered generalities rather than site specific instances however, as always, there are other construction issues that could have covered. The best way to learn is through office experience in conjunction with an engineer providing structural advice on a specific project. The registration exam is required to provide proof of experience in the production of working drawings, specifications and on site experience.

Some respondents to this Commission would seem to believe that Architects only design buildings and have limited interest or knowledge of how they are actually constructed. This could not be further from the true. Graduate architects through their post-study 'apprenticeship' would be involved in the documentation of buildings or may be lucky enough to be involved in assisting in the preparation of sketch designs. It is through this process that construction knowledge is passed on, ideas explored and knowledge gained.

In larger architectural practices, the majority of architects & students would be involved in the preparation of working documents (drawings & specification) for the building. Only a select few architects in these firms would be actively involved in the preliminary design.

Leading architects have always pushed the structural boundaries, promoting engineers to seek new solutions to old problems eg sporting stadiums (roof structures). The architects have not just been trying to create architectural statements per se, but to seek economical solutions for clients; and safe practical environments for users.

### **3.2 Services provided by architects**

(p36) The BDAA commented on the work undertaken by its members: BDAA members are practitioners involved in designing projects across the full range of building activity, both residential and non-residential buildings including commercial, industrial or institutional projects. In many cases, they supervise the construction of projects undertaken by them, at their client's request. (sub. 40, p. 2)

Architects do not supervise building work but administer building contracts as the Agent of the Client. According to Bailey (Construction Law in Australia, Law Book, 1988, p249) it is the Building Contractor "*who is responsible for*

*the manner in which the work is executed and also he is on the site continuously whereas the architect is not".*

Building Designers who may claim that they supervise the construction of projects on behalf of their client may not be aware of their legal responsibilities.

*Jeffrey Keddie (p36) observed..*

*The single most characteristic form of market differentiation is the emphasis on the primacy of design. Architects by training and inclination focus on design, broadly interpreted, while non-architect providers (unless they have the same training but remain unregistered) do not rely upon the same extent and depth of training, nor, in most instances, is design per se their focus. (sub. 34, p. 4).*

This comment is a simplification of the role of my role as an architect. As much as I may like to spend all of my time designing, the reality would be design (25% of time), documentation (45% of time) & contract administration (30% of time). It would be only the select few in larger practices who would solely specialise in design. Other Architects within the firm would be involved documentation & contract administration.

*Michael Purtell (p3 7), in relation to design standards, observed.. Architects ... infer that only Architects can give a quality standard of work. This is simply not true. Building Designers have a very high standard of workmanship with many now winning awards for not only housing but also commercial, industrial and government projects. (sub. 374, p. 2)*

The quality of work offered by an architect is not just in terms of design or drawings for building certification. The "quality standard of work that distinguishes architects is in regard to the range of traditional services usually offered not just the design. These services that are undertaken (especially for residential work) usually includes full tender documentation (specification & working drawings) where both the client & tenderers are fully informed as to the expectations of materials, finishes, fittings & fixtures. The benefit of this process for residential clients is that they know the cost of their project after tenders have been received.

While many Building Designers may receive awards from within their own organisation and or Housing Industry Association/Master Builders Association awards, surely not the real assessment of design integrity would be for the work of an Architect or Building Designer to have their work published in book form. Books on the built/unbuilt works of both Australian and overseas Architects are readily available from most suburban book stores. Magazines should not be included as book publishing as it is generally in the form of paid advertising.

*Furthermore, Ovie Taylor (p37) commented: Some of the. Eg Francis Greenway, Walter Burley-Griffin (the correct name is **Walter Burley Griffin**) and Frank Lloyd-Wright (the correct name is **Frank Lloyd Wright**) to name a few. Design capability is a combination of talent, training and experience. A lot of university training and some experience is not necessarily superior to less training and a lot of experience. (sub. 376, p. 1)*

The uninformed comments on referring to World's best designers were not Architects" are not correct. Firstly, formal modern-style University studies in Architecture only began in the late 19th century, so it is not appropriate to compare the University qualifications of today's architects with architects who commenced practice in the 19th century. Many architects achieved Architect status by being articled to a senior architect, a system that existed and was recognised into the 20th century.

When Francis Greenway first practised architecture (1805) it is highly unlikely that there was a formal University course of Architecture existed in England at that time. Professor J.M. Freeland in *Architecture in Australia* (Penguin, Melbourne, 1974) credits Francis Greenway as having "Professional training & practice" (p35).

Waiter Burley Griffin graduated in 1899 from the University of Illinois with Bachelor of Science in Architecture (Johnson, D.L. , *The Architecture of Waiter Burley Griffin*, Macmillan, Melbourne, 1977, P11). According to Johnson, the architectural curriculum at the University was rather progressive for the times. In 1912 Griffin was asked to be head of the architecture school at the University of Illinois.

It is true that Frank Lloyd Wright undertook Engineering studies (University of Wisconsin) before being articulated to the Architect Louis Sullivan. However at the time there was only one School of Architecture in America (Massachusetts) and this comment should be reconsidered in light of the geographical travel limitations of the time when assessing his formal education qualifications.

Architecture courses offer students the option of full-time & part-time studies. Students undertaking part-time studies usually are employed in Architectural offices, engaged in the preparation of working documents for projects.

#### **4 The case for regulation**

##### **4.3 Incomplete information**

*(p52) The source of the problem is that information is either costly to obtain or, in some cases, cannot be obtained, given the inability of the buyer to measure ex ante the attributes of some goods or services*

- *Consumers may not be able to identify the attributes of the product or service before purchase, without a significant amount of search.*
- *Consumers may not be able to assess the true quality or attributes of the good or service until after it is consumed. That is, they may only learn about the qualities of the good or service through experience.*
- *Consumers may not be able to judge readily the quality of the service, even after the purchase. Problems may only surface over time and be difficult to attribute to the original work. And the provider of the service is also the provider of information about the consumer's needs. In this case, the consumer needs to place trust in the reliability of the provider.*

The difference between consumer expectation and product/service reality applies to almost any area of Australian business whether it be service, professional or other.

*(p57)*

*In the residential sector, housing construction companies offer 'off-the-shelf' fixed-price project homes.*

Off-the shelf fixed-priced project homes are usually priced on a standard footing (for rock) with a maximum site cross fall of up to 100mm. It is usually only after the sales/building contract to build the home has been signed that the buyer discovers the extra costs associated with footings and associated site preparations.

*Penalty clauses also have been used to encourage construction deadlines to be met. The development of standard contracts, often promoted by professional associations, has facilitated the contracting process for those who may otherwise find it difficult to negotiate suitable contracts.*

The contracts promoted by the various building associations more often than not vest all interests with the builder rather than the consumer. The

contractor is the sole arbiter of workmanship, the amount of payment due, etc.

*(p58) Nonetheless, there are mechanisms that diminish the risk of harm. Purchasers can access independent expertise.*

Independent expertise is available to consumers through a number of different service providers. There is currently a dispute here in Brisbane concerning termite protection responsibilities between residents of a suburb and the builders/Queensland Building Services Authority. In this case the residents have engaged the expert witness services of both architects & termite control companies to represent them as the Q13SA were initially reluctant to take any action on behalf the home owners (refer to [www.termiteactiongroup.com](http://www.termiteactiongroup.com)). The Building Services Authority currently receives a building insurance premium on behalf of home owners, but in the above cases was reluctant to take action on behalf of the home owners until the news media became involved. The Queensland Building Services Authority is responsible to the same Minister as the Department of Equity & Fair Trading. The current registration enables the consumer to engage independent, unbiased advice concerning building matters. Any registration of Architects by government building authorities will affect the impartiality of the architect when acting on behalf of the public. A finding by the architect in favour of a member of the public against the building authority could result in discrimination of the architect.

*If buildings collapse or have serious safety faults, those involved in its construction are likely to develop reputations for poor work, and their businesses are likely to suffer as a result. Warranties on the structural integrity of constructions also may be offered to signal to consumers the quality of the service provider.*

The structural warranties (usually 7 years) often advertised by project home builders are just that, structural. The warranty applies only to the footing system and not to non-structural building elements. The "warranty" is based on the professional indemnity insurance held by the engineer responsible for the design of the footing system.

## **5 Potential benefits of current regulation**

### **5.1 Protecting and informing consumers**

*(p72) Consumers are not compelled to use architects and many in the residential sector, who arguably are the most in need of protection (chapter 4), choose to use non-architect designers (chapter 3).*

These consumers, given the usual limitations of their building budget, understandably seek to contain the initial cost of their project by seeking cheaper service options rather than the expensive architect". The consumer then has plans drawn for building approval/certification which is sufficient information only for approval/certification. However the consumer may not have had explained the potential pitfalls of such limited documentation and the ramifications when seeking tender prices. Each tenderer can knowingly price the project to their own methods & standards (minimal prime cost allowances for cabinetry, bricks, ceramic tiles, fixtures, fittings, etc) which may differ significantly to the consumer's expectation of the finished product. Subsequently, the original tender price increases (to the consumer's disadvantage) as the consumer attempts to reconcile expectation with the offering. Anecdotally one hears from new home owners (project home market) how the final cost (often advertised as fixed price) has increased

dramatically placing them under financial pressure when they have to increase their mortgage.

The full documentation process that an architect undertakes on behalf of their client establishes a final cost before contracts are signed. The administration of the project that the architect undertakes protects the client by ensuring that the building contractor is only paid for work completed at that time. There have been a number of cases where new home owners have paid substantial amounts up front (at contract signing) only to discover the company has either subsequently collapsed or permanently gone offshore.

### **The Architecture brochure "Working with your Architect" states:**

*Architectural working drawings tend to be more detailed than non-architectural ones. You will benefit from this extra detail in a number of ways:*

- ***The drawings create more certainty about the building contract.***

*Your drawings spell out in more detail just what it is you are "buying" from the builder. They are more precise about the standard of materials, workmanship required and liner construction details.*

*You'll be more likely to get the result you pictured by using architectural working drawings. In the case of vaguer working drawings, the builder may claim, for example, that the standard of materials you expected are not shown on the drawings, and what you are now asking for are "variations" which will cost more. Or worse, he may be halfway through building the wrong way and charge for undoing the work already begun, as well as for the cost of constructing to your (now) more precise requirements.*

- ***The drawings enable you to "shop around".***

*Particularly with the assistance of your Architect, your detailed drawings will help you obtain accurate price comparisons and quality comparisons from a number of builders. This is called "competitive tendering" which basically means you now have the ability to "shop around".*

*It is not uncommon for the highest tenderer (who may have been the one you were originally going to select) to be 50% higher than the lowest tenderer in the case of home renovations. Or you may obtain better quality for a similar price. Many clients find that their Architect has managed to save them several times the architectural fee on this stage alone.*

*(If you have committed yourself to a design-and-construct company, you do not have the option of "shopping around" for a better price or quality, because you are locked-in to using the building company that provided you with your free design.)*

## **9 Alternative models and approaches**

### **9.1 Extending regulation**

The general market place is very competitive and there exists many who may or may not be capable of performing a full range of tasks. This hinders the public's accurate assessment of the total building process and hence their decision making of who is the best person to employ for their individual situation. If use of the term 'architect' was to be deregulated, the Australian tendency for abbreviation would make it a simple matter for some to conveniently truncate the name "Architectural draftsman" to just Architect for their own gain at the expense of others. There is already a perception in the general public that all building plans are prepared by an "Architect" (and hence the design of all buildings) when in fact they may well have been drawn by a totally unqualified person. This misuse by the public may be just a status issue as construction of one's homes is an infrequent occurrence.

## **Conclusion**

The current system of Architectural registration enables the public to have the right to choose to either employ an architect or another service provider.

Client's knowingly approach an Architect by choice, as the client often has Specific requirements to be met in the building process. The services that architects can offer clients not only facilitate these building needs & expectations but can also permit savings to be made by the client. The Architect as agent represents the client's interests by administering the contract during the building process.

As the saying goes: If it ain't broke, don't fix it.