

A.M. FITZGERALD & ASSOCIATES
PTY. LTD.
ARCHITECTS & PLANNERS

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4th June, 2000.

Productivity Commission
Architect's Inquiry
Locked Bag 2 Collins Street East
MELBOURNE VIC 3003

The Commissioners,

**RE: PRIVATE SUBMISSION CONCERNING THE REVIEW OF LEGISLATION
REGULATING THE ARCHITECTURAL PROFESSION**

INTRODUCTION

We write on behalf of the Directors of our Company and as a Sole Practitioner Registered Architect, our experience includes twenty (20) years in private practice and thirty five (35) years in the Profession. Our field is General Architecture Practice and Commercial Work in the Central Business District Brisbane.

OVERVIEW

When the productivity Commission was announced we thought that it would review the multiple State Architects Acts and their regulations, however, on reading the Draft Report we find that it reads as an attack on the Architectural Profession itself, in many cases quoting directly from submissions from the Building Designers' Association. We find it incredible that a Government should commit considerable Public Monies to undermine a productive and public protective Profession to enable unqualified people to adopt the title Architect and all that flows from such a proposal.

REQUEST

We request your consideration of our opinions and reasonings for the following matters:

Opinion 1

That there should be a National Architects' Act and that it will provide substantial additional community benefits to the various other Acts attempting to provide Building Safety and the proprietary of Building Service providers.

Reasons

- A. Architectural Practice is based on knowledge of the problems in construction. The Architect is trained in detailing based on knowledge of materials, their composition, structure and longevity. The Architect sets the bench mark of knowledge and training to enable new solutions to be designed and documented - all presented as clear instructions to the Builder.
- B. Building Codes, Planning Codes and the Fair Trading Laws do not provide community benefits or protection for the Public against sub-standard work or under qualified providers until there is a problem with the Building Work. These Codes set only minimum standards of Building Works and Safety. Even with the poorest quality workmanship it may take considerable time for the concealed defect to be detected. The work can have passed inspection from the administrators of the Building and Planning Codes and the Fair Trading Acts. Architectural Documentation and Inspection requires the adoption of standards of construction and detailing above the minimum Codes and provides public protection before construction.
- C. A National Architects' Act is an essential and significant component of the group of Acts which combine to provide building safety by providing a benchmark for Building Services Providers.
- D. The Architect is chosen by the 'Client' who relies on the title 'Architect' for assurance of quality in the delivery of building services. This depth of knowledge does not form part of the education of non-Architects. Refer to the syllabus of the non-Architect Building Service providers.
- E. The cost savings to the public are achieved by avoiding defective construction and by benchmarking knowledgeable Design and Documentation. It is easy for an Architect to distinguish Architectural Detailing from Non-Architectural Detailing as the latter most often fails to acknowledge the properties of the materials and frequently requires early replacement or repair. Architectural inspection is based on knowledge and this is a distinction worth certification and protection by an "Architects' Act".
- F. The Architects' Act ensures consumer standards for the present and future projects while the other Acts can only offer protection in hindsight after the defects occur.

Opinion 2

That even if relatively few people engage Architects as a percentage of Total Building Work, an Architects' Act does a great deal to ensure better Building Standards.

Reason

- A. As with other industries, technology in the Building industry is constantly changing. Because of their knowledge Architects are in the best position to access the products of technology for application to provide new solutions to the building services. Correct assessment saves costly mistakes and it is not infrequent for an Architect to see solutions and detailing first developed by himself to be copied by non-Architects. The Architects saves the Community from expensive mistakes by non-Architects and the Architects' Act identifies persons able to take this lead in the use of technology to the consumers' benefit.

Opinion 3

That certification of Architects does not restrict competition or impose costs on the Community.

Reason

- A. The extent of building services in the Building Industry is vast and deals with issues as diverse as the merits of ceramic tap washers to the stability of foundations for multi-storey buildings. The Education of Architects includes the chemistry and physics of materials and is applied in the understanding of all Architectural Design, Documentation and on-site problem solving and is used on a daily basis in the practice of Architecture. The ability to discriminate from the wide range of manufacturers' claims for their products requires the application of this depth of education. The Public require a system which identifies Professionals in the Building Industry and which identifies persons with this knowledge from those who profess to know or, more importantly, do not appreciate what they don't know to the detriment of public safety and financial loss.

The certification of Architects guarantees the public by law that "Architects" have received education and have demonstrated by examination during recognised courses of studies and, following graduation, by prescribed times in practice recorded in log books, sufficient theory and practical knowledge to be granted Certification and Registration. Non-Architects have not reached this standard. "Knowledge and application is the only criteria for this distinction".

The Public does use non-Architects for building Design but those members of the Public requiring a guarantee of a specific standards of knowledge and regulated conduct choose a Registered Architect. Certification provides the guarantee that the

Architect is registered and this can be checked on the roll of Architects by the Public prior to the commencement of the project.

The Registering Board is paid for by the Architects themselves. The Architect's design builds the standards and knowledge into the project thus saving the cost of rectification work.

Opinion 4

Registration is mandatory whereas self regulation is voluntary. The Public has protection at no cost.

Reason

- A. The "Architects Act" benefits the Community more effectively than self regulation. Certification is a better way than other laws for Architectural Regulation.

The "Architects Act" provides public protection before the project by providing the opportunity to choose from a list of qualified Architects. Self Regulation can only offer protection after the project by a complaint being lodged to the Self Regulatory Body. Other laws are there to protect but not to provide informed choices to the Public.

Opinion 5

Competition for Architectural Services would not be greater after 'Deregulation of Architects'. Deregulation would neither serve the interests of the Public or the Architectural Profession.

Reason

- A. Architects undertake very little "project housing" which is the major field of non-Architectural Design. 'Project housing' are relatively low safety risk projects, however, the percentage of architectural involvement rises greatly as the scale and complexity of the projects rise. This reflects an acknowledgment that greater skills are required in Design, Documentation and Administration.

Deregulation of Architects will enable non-Architects to claim these skills without Public awareness that the degree of skill is not being applied to complex projects. Costs for replanning, rectification and legal consequences after the project's completion will be detrimental to the Public and very costly to the industry and the country. The Profession of Architecture cannot benefit from this situation which will have been created by others.

Opinion 6

The defined meaning of "Architect" enables the law to refer to this title without ambiguity. This will not be the case if non-Architects use the title.

Reason

- A. The law has, in the past, relied on the term 'Architect' to define the responsibilities of agency to the parties of a Building Contract.


'Architect' means Proprietor's Agent. The actions of the Architect are binding on the owner. This enables the Architect to issue instructions to Contractors for which the Owner is liable. During the Building Construction stage of a project the title "Architect" is relied on by the Contractor for fair administration of the terms of the Contract. The Architect has received this Education and has been trained for this role. Costly disputes and arbitration are avoided.

"Working Drawings" is the term used for construction drawings. They are correctly described as 'Architecturals' only when prepared by an Architect. The term is a reassurance to Building Contractors and Subcontractors, during pricing and construction, as to the quality of Documentation.

If non-Architects are permitted to use the title "Architect" or its derivatives, both the law and Building Contractors will be adversely affected, the reference to precedence in reference to the outcomes of past cases of law involving Architects will no longer be relevant and building contractors will no longer have the assurance of the quality of Documentation.

During the normal course of Practice, Architects are frequently called in to correct the work, or the results of work, of non-Architects (poor Documentation or failed details, etc.) the evidence of lack of knowledge is astonishing!

Yours faithfully



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