

Subject: Architects Legislation  
Sent: 5 July 2000  
To: Productivity Commission, architects@pc.gov.au

*Submission on the Productivity Commission*

*Draft Report on Legislation Regulating the Architectural Profession*

**By Andrew Begg, Wednesday 5 July 2000**

## **Introduction**

This submission is being made in a private capacity.

It is made because I believe that my experience as an architect, as an employer of architects, as an adviser to architects and the public and as one who has involved himself in the legislative and educational framework as it affects architects gives me some insight into the issues currently concerning the Commission. For the record my resumé is attached.

## **A brief overview of the Profession**

Around 50-60% Of architects are represented by the Royal Australian Institute of Architects (RAIA) which, over the past 10 years, has evolved from a State and Territory based 'federation' of Chapters coordinated in Canberra to a national body with offices in the States and Territories.

State and Territory Boards register architects. The Boards, along with the RAIA, created the Architects Accreditation Council of Australia (AACA) to coordinate registration, accreditation, the Practice examination, etc. Over the past 10 years the AACA has become more dominant, partly because of the increasing importance of mutual recognition of architects both nationally and internationally and partly because of the pressure from some sections of the architectural community for uniform registration and Practice Examination procedures.

The increasing centralisation of power in the organization of architects' affairs does not mesh easily with the State and Territory based administration of general building matters. Many anomalies exist: the difficulty of including architects in the Building Control Act in Victoria is but one example:

The Victorian Chapter of the RAIA initially opposed the Building Control Act and, as a result, it was drafted without including architects except in the areas of compulsory Professional Indemnity Insurance and the Building Disputes Tribunal. After the Building Act had been running for a year the Chapter realised that their position had been wrong. With the support of the Architects Registration board of Victoria (ARBV) and after negotiations with the Building Control Commissioner and the responsible Minister, draft legislation was prepared to include architects as a class of Building Practitioners under the Building Act. Over this period, however, power in the RAIA had become more centralised and, because the draft legislation was seen by the National Executive as not in accordance with national policy, the CEO of the RAIA led a deputation to the responsible Minister and arranged for the legislation to be withdrawn.

Members of the RAIA include the principals of most of the larger firms and many of the small practitioners. Because it is an organisation of individuals and not practices few employees see it as financially worthwhile to join. Similarly many sole practitioners feel that they cannot afford it. An inadequate membership base and an inactive membership are problems that have beset the RAIA for

many years.

40 –50% of registered architects (those who are not members of the RAIA) are not represented by any professional body. Note APISMA has played a rôle in representing employee architects but its membership is very small.

The AACA is a creature of the State and Territory Registration Boards and the RAIA (the RAIA resigned last year). With out the Boards the AACA has no funds and no constituency. None of its members (except through their membership of individual Boards) directly represent architects, the public or government. AACA is not directly accountable to any individual or group of architects for its policies on registration, mutual recognition, accreditation or the Practice Examination. As is common in organisations that function out of the public eye its work proceeds without the more usual checks and balances of a critical constituency.

The Australian Bureau of Statistics (ABS) conducts regular surveys of the architectural profession including numbers, income and office size. Some details of these statistics for the 1992 survey are included in the Business and Practice of Architecture Course 1: Overview of the Profession, which has been submitted to the Commission. Some of the conclusions from these surveys are:

- About 86% of architects practice in small offices (less than 5 people).
- The average income for architects is less than the award for carpenters.
- Many architects practice part time (there is much ‘moonlighting’ by government and private employee architects).
- Although male and female undergraduates are about equal, the number of registered female architects is less than 30% and they earn less than males.

In addition to financial stress, architects are facing major technological change. Computer Aided Design and Drafting (CADD) is replacing manual drawing. Potentially more importantly, stored information about designs and details can be readily retrieved for new tasks. There are fewer jobs for average architects – those who formerly undertook architectural drafting tasks in drawing offices - and many of these architects are setting up as sole practitioners. Some practice as architects but many practice as architectural draftspeople preparing plans for builders.

The capital cost of CADD is high making it increasingly difficult for new comers to establish viable offices. The ABS statistics indicate that there is a big differential in productivity and profitability between the large and small offices:

- The 80/20 rule roughly applies: about 20% of the profession work in larger offices and earn about 80% of total income.

### **The present system of regulating architects**

The 15 or so Schools of Architecture are accredited by the State and Territory boards through a coordinated five year cycle of visiting panels comprising RAIA and Board members. Panels work to a common agenda prepared by the AACA and the RAIA and adopted by the particular Board.

Graduates in architecture are allowed to call themselves ‘Bachelor of Architecture’ but not ‘Architect’. After two years ‘practical experience’ which in practice can include a wide variety of real life experiences the graduate submits his logbook of experience and sits a Practice Exam coordinated by AACA. He is then an Architect.

The Business and Practice of Architecture Course (BPA), already submitted to the Commission, aims to supplement the real life experiences of candidates with a core curriculum. The BPA Course 1 is rigorous and can be credited towards a Masters degree in Architecture. Those who pass the BPA Course 1 exam can legitimately claim to have the competency necessary to administer a simple building project as principal: That is be an architect.

In a recent report, the Executive of the AACA, stated that the BPA Course 1, and hence the competency levels it tests, is best undertaken at an undergraduate level.

If that were the case, the two years of practical experience, required of graduates, would be unnecessary! This conflict of opinions underscores a degree of interstate rivalry amongst architects and the present confused nature of the leadership of the profession.

The overwhelming majority of architects and those involved with architects agree that, after graduation, except in special circumstances, a period of practical experience is essential, before a graduate should be allowed to practice architecture as a principal. (That is, under present legislation, call his/herself an architect).

Note there is a body of opinion that graduates should be allowed to call themselves 'architects' and, after passing the Practice exam, be allowed to call themselves 'Practicing Architects' (or similar term). There is much to recommend this view. It puts graduates on the register and brings them within the disciplinary provisions of the register and distinguishes those who wish to practice as a principal. The status of an architect would be clearer to the public.

### **Effects of the changes proposed by the Productivity Commission in the Draft Report**

During the Hearing on Thursday 22 June the Commissioners made it clear that they were not proposing de-regulation but the loss of 'ownership' of the word 'architect' by qualified architects. They noted that regulation of architects could be better achieved by the profession without government legislation.

There have been many submissions to the Commission about de-regulation and loss of control of the word 'architect' and its derivatives. This submission will not cover that ground: its purpose is to investigate some of the potential consequences of the Commission's Draft Report in the hope this will assist in the development of a workable new system of regulating architects, if change occurs.

In this new environment anyone would be able to call himself or herself 'architect'. Many would. Some architectural draftspeople will call themselves architects. Many builders will claim to have an architect on staff. Interior Designers and, in spite of their protestations, some building designers will become architects.

This group of building practitioners have different training and skills to architects. In some States and Territories training can be 'on the job': Practitioners have no formal qualifications at all. In Victoria Building Practitioners are regulated: Most architectural draftspeople have a TAFE qualification in drawing, building construction and regulations and simple building layout (called 'design'). They have no training in contract administration.

In this environment qualified architects will need to organise in order to differentiate themselves. Commissioners have suggested that a privatised AACA could continue to accredit schools of Architecture and register graduates after suitable practical experience and testing. Life, they suggested, would go on as before with the public able to make informed choices about the qualifications, skills and experience of their consultants. They would know whether their 'architect' had training in architectural drafting or architecture and whether the difference was important to their project.

There are difficulties with this view:

- AACA has no constituency; whom will it represent? How will its board be appointed?
- Schools of architecture may choose alternative accreditation at different standards; several AACAs may evolve. (Some Schools may choose to drop Professional Practice as being too difficult and concentrate on 'design' architects.)

There is a likelihood that TAFE courses in Architectural Drafting and Architecture Courses, particularly in institutions running both courses, will tend to merge (or hybrid courses evolve) providing 'intermediate' qualifications with graduates who are neither one thing nor the other.

- The RAI A may start a register independently of the AACA in an endeavour to force all ‘qualified’ architects to join; some may start an alternative body or join the Building Design Institute.
- Major firms and ‘elite’ designers may separate out from the majority of architects creating two or more registers of architects competing for public recognition.

There may, in fact be nothing wrong with some of these developments. They will, however, be unplanned: As pointed out before, architectural leadership is confused with many varied interest groups in the profession, in the organisation and management of the profession and in the teaching institutions allied to it. Nothing will draw these groups together to evolve a shared vision of the future within the two-year time frame that is planned.

Architects, as a body will have little chance to determine the final outcome or to plan and implement a better system of accreditation and registration. We may end up with a system which is confusing to the public and which ‘tricks’ many gullible clients into using ‘architects’ whose skills lie more in creating stories that buildings.

It is important to emphasise that architectural skills are not just in design. For all their shortcomings, architects are supposed to know how to procure buildings for clients taking account of their particular requirements for time, cost and quality. A registered architect is trained to select and administer an appropriate building contract on behalf of a client and is required to act in a client’s interest. No other professional group, except some consultant engineers are trained in this area.

In most cases a building contract will be the largest commitment a client ever makes. Trust in the architect’s skills is essential and the client has the right to know that a registered architect has appropriate training.

Through taking up to 20 calls per day from architects and the public, as Practice Director of the Victorian Chapter of the RAI A from 1990 till 1996, I gained an insight into the major concerns about architects by the public. The overwhelming majority of calls concerned project costing and contract administration. People moving into this area and claiming the title ‘architect’ without having appropriate training in Professional Practice would not be in the public interest. Nor would a proliferation of registers of architects with differing skills and experience.

The Commission has used the analogy of the Institution of Engineers several times. In some respects this is a good analogy because it demonstrates that the profession of engineers can be properly managed in the public interest without an ‘Engineers Act’. In another respect the analogy is simplistic because it does not take account of the evolution of the Institute of Engineers into its present structure and assumes that architects, in a similar regulatory environment would evolve in a way which satisfies the public interest. For reasons pointed out above this is unlikely.

## **Conclusion**

In order to avoid fragmenting the level of training implicit in the public's present perception of the skills of qualified architects it is necessary to ensure that only one body emerges with the responsibility for accreditation, registration and disciplinary function in a deregulated environment.

## **Proposal**

One way of ensuring this would be to use enabling legislation to constitute an entity, perhaps called the ‘Architects Education and Accreditation Bureau’ (AEAB). It would have duties such as raising its revenue, accrediting Schools of Architecture, keeping registers of qualified architects, licensing individuals and entities to practice architecture (ie those with the professional practice skills to do so), mandating continuing education programmes for architects, and conducting disciplinary proceedings in relation to the registers (with the power to award damages, etc.). The advantage of legislating for the start up of this entity is that it would come into being as the focus for change. In a way it would ‘jump start’ the evolution of the ‘Institution of Architects’ with out the need for a continuing government involvement. The ongoing life of AEAB would be, for better or worse, in the hands of its constituency – architects, schools of architecture, allied professions and consumer bodies.

## **Verbal submission**

Please refer also to the transcript of my presentation to the Commission on Thursday 22 June. Points made there are not necessarily repeated in this submission.

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Date of Birth: 9 September 1937

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Present Positions: Consultant, Mediator, Arbitrator, Director, Housing Guarantee Fund. Member, Architects Registration Board, Victoria. Sailing Yacht Chartering.

## **Publications**

Editor 'Practice '90 - '96, RAlA Vic Chapter monthly practice newsletter.

'Practice Framework: Overview of the Profession', RAlA Graduate Certificate Course 1: The Business and Practice of Architecture: The Delivery of Architectural Services, 1993

'Risk Management' and 'Project Management: Theoretical Framework', RAlA Graduate Certificate Course 2: The Business and Practice of Architecture: The Management of Architectural Services, 1993

Numerous articles about Architectural Practice.

## **Professional Experience**

Fifteen years experience as Director of an architectural practice specialising, in mining, group housing, educational and institutional work. Arbitrator in a 15 month hearing about a complex building dispute. Six years as Group Manager in charge of the schools works programme for the Victorian Public Service. Two years as planning consultant to the Apine Resorts Commission. Six years as Practice Director for the Victorian Chapter of the RAlA providing mediation services practice support and advice to members and the public. Twenty years experience in mediation and arbitration. Currently sole practitioner specialising in residential work.

## **Royal Australian Institute of Architects**

Founding Director of the RAlA Archicentre - Housing Inspection Service; Former Chairman, Information Services Board and Publications Committee; Founding Editor, 'Housing 80'; Founder of the Building Industry Computer Aided Technology (BICAT) Working Party 1983; Vice President (Education), Victorian Chapter Council 1986-1990; Architects Act Working Party, Victoria 1990; Design Review Committee, Victoria, 1990; Organiser of the EdBiz report on architects' post-graduate education, 1989; Examination Committee of the Business and Practice of Architecture RAlA Graduate Certificate Courses, since 1994; Member of National PD Committee 1993-94.

## **Other Appointments**

Founding Director, SkiPlan Pty Ltd, owner of Wanderers Ski Club, package deal ski tour operators, 1961 - 73

Councillor, City of Camberwell, 1978 - 82;

Founding, Director Crisisline 1990-92 telephone emergencies help service;

Manager, Mirboo Pastoral Company since 1974, plantation timber production;

Director Gippsland Forest Producers Co-operative, 1994- 98;

Director, Architeam Co-operative, 1992-98, services for emerging architectural practices;

Member Administrative Appeals Tribunal, Planning Division 1994 - 9;

Mediator, Building disputes tribunal 1994 - 97;

Smith Family Advisory Panel 1997 - 99, advice on new administrative offices;

Director, Housing Guarantee Fund, since 1996;

Member, Architects Registration Board since 1995.

Director of family trustee and investment companies.