20 June 2000

ADDITIONAL NOTES TO ACCOMPANY AERB SUBMISSION TO THE PRODUCTIVITY COMMISSION INQUIRY

Review Of Legislation Regulating The Architectural Profession

My name is John Patience. I am the Chairman of the Architects' Education and Registration Board of New Zealand.

Before proceeding, I would first like to thank you for providing the opportunity for me to make this submission to the Productivity Commission.

Setting the Scene:

AERB makes this submission because it is concerned to ensure that the Productivity Commission fully appreciates the possible implications for AERB, if the recommendations contained in the Commission's draft report are adopted.

Over the past several year a strong and mutually beneficial relationship has existed between the registration boards of New Zealand and Australia and this has resulted in the liberalisation of trade in architectural services between our two countries and provided individual architects with the ability to practice in each other's countries.

In August 1990 AACA and AERB entered into a Mutual Recognition agreement which enabled architects to register and practice within our two countries. Under this agreement registration procedures of each country were accepted by the other and individual Australian architects were able to register in New Zealand (and vice versa) merely by making application. From August 1990 until the enactment in New Zealand of the TTMRA in 1997, 54 (fifty four) Australian architects were registered by AERB.

At the International Conference on Architectural Registration in Washington DC in 1996, the AACA/AERB Mutual Recognition Agreement was seen to be an excellent example of an arrangement which facilitated free trade in services within the context of GATS.

Building on this experience AACA and AERB convened an international forum in Darwin in May 1999 at which representatives from countries in the Asia Pacific region discussed the implications for them of advancing the negotiation of further reciprocity agreements. Feed back from attendees indicates that the forum was considered very worthwhile, and currently a working party is being established to further advance the process.

It is within this context that our submission dated 19 May 2000 was made.

Read Submission dated 19 May 2000

Since writing this submission additional information has come to light and the following further additional comments are therefore made.

Supplementary Comments

Preliminary investigations suggested that in the event of statutory registration of architects being repealed in Australia, Australian architects registered with a non-statutory body would be entitled to registration in New Zealand under the Trans Tasman Mutual Recognition Act 1997. This was the initial basis for AERB making its objection.
Within the past few days further advice from the New Zealand Ministry of Foreign Affairs and Trade (Caroline Beresford/Gareth Smith) has been received advising that, under the Trans Tasman Mutual Recognition Act, if a non-statutory registration Board or Boards were established in Australia, AERB not be obliged to register an architect registered in Australia with such a board?

We are advised that this opinion was obtained from the Ministry's legal advisers and is offered subject to the qualification that AERB should obtain an independent legal opinion to satisfy itself of the correctness of the opinion.

We also understand that a similar question has been asked of MFAT by the Productivity Commission and that the same reply has been given to you by MFAT.

While this opinion somewhat relieves AERB's concerns, we have been advised that the TTMRA is effective between New Zealand and the States and Territories of Australia. In the event, however unlikely, that the Commissions recommendations were adopted in some, but not all States and Territories, AERB would be placed in the position where it would be obliged to register some architects under TTMRA, but not all.

On the other hand if statutory registration of architects in Australia is repealed, AERB will not be obliged to register any Australian architect. Australian architects will therefore be denied the advantages of any reciprocal registration agreement New Zealand concludes with other jurisdictions. Currently this in limited to Singapore, but the success of the Darwin Forum suggests that further negotiations could be commences with other countries.

If statutory registration of architects in repealed in Australia, AERB will be obliged to return to the pre-Mutual Recognition Agreement procedures, i.e. those laid down by s161(c) (ii) of the Architect's Act 1963, which mean that the applicant is " the holder of a recognised certificate granted elsewhere than in New Zealand and possesses adequate knowledge and experience of the systems of building and the practice of architecture obtaining in New Zealand". s 16 (2) also provides that at the Board's discretion the candidate may be obliged to undertake a course of study at an approved educational institution. The candidate will also be required to have had a prescribed period of

practical experience in New Zealand and have been successful in the oral examination of practical experience and knowledge conducted by the Board.

Clearly, this would be an retrogressive step for Australian architects.
AERB is very much persuaded by the UIA Accord on Architectural Registration and is therefore of the view that statutory registration is in the best interests of the consumer of architectural services, nationally and worldwide.

From AERB's standpoint, the passing of national legislation in Australia to provide a uniform and consistent regulatory system for the registration of architects would be in the best interests of architects on both sides of the Tasman.

Thank you once again for providing the opportunity to make this submission.

John Patience
Chairman AERB
20 June 2000