

21 December 1999

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Re: Review of Legislation that regulates the Architecture profession

Dear Sir

Please find enclosed the following documents in relation to the national inquiry.

- A brief statement from the office of the Board.
- A copy of the Board's response to the Victorian NCP Review of Architects and Building Legislation (1998)
- A copy of the Board's response to the report from the NCP Review
- A copy of the 1998-99 Annual Report. Refer particularly to statistics on page 41.
- The statistical information requested by Ms Margot Hone.

Given the similarity in terms of reference between the two reviews, it is felt that the Board submission to the NCP review still has relevance; noting that the national review has some wider concerns.

The Board has not had an opportunity to discuss the inquiry in detail. If any follow-up on the enclosed material is required, I am pleased to assist.

Yours faithfully



Michael Kimberley
Registrar

Submission to the *Review of Legislation Regulating the Architectural Profession*

The Architects Registration Board of Victoria welcomes this opportunity to respond to the Issues Paper (November 1999).

Having recently concluded a detailed response to the Victorian NCP review, the Board submits that response and its response to the recommendations from that review; noting that while there are issues in common, the national review has some broader concerns.

The conclusion of the Victorian review was that the architects legislation does achieve net benefits for the community and that no alternative mechanism was identified which would clearly achieve higher net benefits.

However, the Board is most willing to undertake a review of its legislation in the national context with a view to improving its functions for the profession and the community and to enhance the standing of Australian architects in the international arena.

The Architects Registration Board of Victoria supports proposals to move towards a national system of regulation of architectural and related services and makes the following recommendations:

- The primary purpose of any system of regulation of a profession should be to protect the public interest.
- Such legislation will function more effectively if all related services or professions are clearly defined in relation to one another and subject to complementary legislation
- Consistency throughout Australia will improve legislation and make Australian services more effective overseas
- Clarity, transparency and simplicity of access to legislative functions are important for consumers
- The profession must have a clear definition of what is expected of it in terms of entry to the profession, conduct, on-going practice and safeguards for the community

- The legislation should define terms of entry to the profession, registration, conduct, on-going practice and safeguards for the community, functions, powers and procedures of the authority.
- Related services/professions should be subject to Regulation which is complementary to Architects legislation. Legislation for the related services/professions should be reviewed to ensure there is no conflict of interest.
- The scope and nature of services of the related professions should be defined for the public.
- Procedures for public access to the services of the legislation should be clearly explained and readily available.
- The Architects legislation should refer to a code of conduct, requirements for continuing professional development and public indemnity insurance and review of fitness to practice. These functions should be detailed in accompanying documentation and administered by the Statutory authority.
- Architectural technicians should be registered by the same authority which registers architects and subject to similar legislative requirements.
- Disciplinary proceedings under the legislation should be administered by an authority independent of the profession
- The public interest is best served by an independent statutory authority that avoids any suggestion of capture of the profession or conflict of interest. This authority should be established by legislation and have its purposes and functions defined in that legislation.
- This authority could be national or state/territory based.

If a national authority, administration could be state based.

If State based, there should be national consistency and coordination through a body which appropriately represents the independence of the legislation.

The Victorian Review concluded that the Board and its legislation have been a cost effective mechanism. There is no evidence to show that a professional body would be as cost effective; however, there is evidence that the independence of inquiry and discipline under professional bodies can be questioned.

It is important, therefore, that in the national context, an appropriately independent body is identified to take a national role.

The Board submits that the Architects Accreditation Council of Australia (AACA) is well placed and sufficiently experienced to fulfil this purpose. There is already an effective coordination of State and Territory initiatives with a constructive development towards consistency with legislation, requirements for continuing professional development and insurance.