

Submission by Brian Kroka, Registered Architect (NSW) in respect of a proposal by the Productivity Commission to recommend the repeal of all Australian Architects Acts.

The main thrust of the Productivity Commission's (PC) reasoning seems, fairly put, to be That certification appears to do little to promote additional community benefits That the costs of current regulation outweigh the benefits because Architects' Acts provide virtually no consumer benefits which could not be delivered by the profession itself and by other existing legislation. That 'greater competition will not only serve the interests of the community but also the long-term interests of the profession.

Clearly the PC has no idea of the practise of architecture and it is simply wrong in the basis of its assumptions.

- 1) The PC before pursuing its cost/benefit rationale would do well to consider the possible of its recommendation, which are significant and hardly in the community interest.
- 2) The PC seems to assume that there is no overriding public benefit to be gained 9 11m registration. That view is demonstrably wrong.
- 3) In a society in which, arguably, moral standards me in decline it is absolutely essential that an Architects Act regulate architects. One major feature of community interest in the NSW Architect's Act relates to secret commissions. Throughout my career builders and suppliers offering secret commissions for a desired outcome have frequently approached me. I gather, from what these people have said, that the practise is widespread Since I am bound by the Architect's Act and since, my commitment to my registration is absolute I did not pursue any of these discussions and I do regret that now. Had I pursued these offer discussions I would have been able to present more detailed evidence and would be in a better position to shine a fight on this vile industry. Nevertheless, while I know of no registered Architects indulging in the practise I do know of a well known building designer and former building company operator who receives a 5% builders commission on all of his projects. It does not take a genius to figure the logical consequences if building draftsmen unregistered architects and building designers are able to offer the services of architectures In an d market in the first instance Architects will be cut to pieces on price of their services by people whose fees can be made up of builder and supplier commissions. To compete Architects will have to join this unseemly, unethical parade or go broke. Presently registration offers a differentiation, which in my view it is vital to retain in the public interest.
- 4) It has always been a problem for Architects, who bear a higher level of legal, ethical and professional (including CPD) responsibility, dial building drafts-men or designers compete in the same market place and yet offer a significantly inferior service, a less thought through solution that cares not a 'wit' for the City, the Locality, the People or for the Environment While registration does not ensure the best result it does go a significant way to help and it does restrict such people from using the term Architect to describe themselves and are thereby in the Public mind. Without registration anyone will be able to title themselves as an Architect. Without registration the industry will be a free for all

It has been my experience that these people do not know their own shortcomings, with having an arrogant 'know it all' attitude. How much worse that will be if the profession is deregulated in the manner proposed by the PC. In my view it is not good for the PC to say that professional bodies can regulate the blunt reality is that can only regulate their members and even then only to a limited degree with the vast majority of practitioners not involved in the RAIA or any other professional body. Even in my own instance, by choice, I have elected not to be a member of the RAIA.

7) An aspect of registration, which may not yet have been considered by the PC in the giving of its advice to Government, is the financial implication if the state were to proceed along the recommended course of action. In order to gain registration it is necessary to complete a course of instruction in professional practice and to pass certain examinations. Accordingly the registration by the Board of Architects and the entitlement to be known as a Chartered Architect is a qualification. It follows, I believe that if the State in its infinite wisdom wishes to take that qualification away then it will expose itself to significant claims for compensatory damages. It would be ray intention to pursue any legislation along the lines sought by way of a class action and if the legislation purported to prohibit such a claim to seek court approval to declare the legislation as a breach of natural justice and ultra vires.

.8) I understand that the PC has made its recommendations without consideration of the enhanced legislation in the Architects Accreditation Council's National Uniform Legislative Guidelines and that has to be the makings of bad policy and smacks of a shooting from the hips approach which clearly is unprofessional and cannot possibly be in the public interest.

Brian Krohn

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