SUBMISSION TO THE PRODUCTIVITY COMMISSION INQUIRY INTO THE LEGISLATION THAT REGULATES ARCHITECTS

ON BEHALF OF THE BUILDING PRACTITIONERS BOARD OF VICTORIA

Phillip Davern Registrar

INTRODUCTION

By way of introduction, I would like to briefly outline the constitution and role of the Board under the existing legislative scheme.

The Board is empowered by s183 of the Building Act 1993, which came into effect on the 1 July 1994. That piece of legislation, among other matters, provided for the establishment of a Board to:

- 1. Administer a registration system for building practitioners;
- 2. Supervise and monitor the conduct and ability to practice of registered building practitioners;
- 3. Make recommendations to the Minister about qualifications for registration;
- 4. Any other functions conferred by the Act or the regulations.

Membership of the Board is by the appointment of the Governor in Council on the recommendation of the Minister.

One person is appointed as chairperson and other members are appointed to represent the specific practitioner categories.

I should point out that the current term of the Board expires in May 2001 where it is likely the composition of the Board will change significantly in terms of gender balance and consumer representation.

Currently, the prescribed practitioner categories are:

Building Surveyor

Building Inspector

Engineer Electrical

Electrical

Mechanical

Civil

Fire Safety

Quantity Surveyor

Draftsperson Architectural

Services

Interior Design

Commercial Builder

Domestic Builder

A person who supervises or erects Temporary Structures

There are some 20,000 current registered building practitioners in this State. I will table a graph that gives a breakdown on numbers in each category.

It is noted that an Architect is not deemed a registered building practitioner but if registered and in possession of the appropriate professional indemnity insurance cover, may use the title "building practitioner" or "registered building practitioner". The Board however, has no monitoring role to play with respect to these persons.

The assessment process for each category of practitioner is dictated by two distinct criteria. Firstly, the Building Regulations 1994, prescribes the qualifications and experience relative to each category. It should be noted however, that strict compliance with the prescribed qualification component does not automatically guarantee registration success.

Complimenting the formal qualification aspect is the requirement to be of good character and carry the prescribed insurance.

The second, and arguably more relevant test applied to the registration process, is the need to demonstrate an ability to meet the professional standards expected of that professional group. This is generally achieved through a formal interview with the applicant by the Board member for that category or, in the case of domestic builders, an externally appointed and trained workplace assessor. I will actually submit a chart that provides a breakdown on the outcomes of applications for registration as a commercial and domestic builder for a month.

As I have mentioned, another function of the Board is to monitor and supervise the conduct and ability to practice or registered practitioners. This is achieved through a random audit process (as the Commission has heard during the course of this inquiry) and also, via the investigation of specific complaints.

The Board conducts approximately 60 inquiries per annum the majority of which relate to the unprofessional conduct of the practitioner concerned. Most inquiries result from the complaint investigation process however, several do originate from matters that are uncovered during random audits.

The Board is able to impose penalties ranging from cancellation of registration to a reprimand in conjunction with a maximum fine of \$5000.

The Board would not be fundamentally opposed to the creation of a non statutory registration system for architects and architectural technicians. What the Board does oppose, and this view has been stated already at this inquiry, is the continued exclusion of architects from the Building Act in this State.

Any automatic acceptance of a register for architects and architectural technicians for registration purposes under the Building Act in Victoria would require a legislation change.