

Submission Relating to
Draft Report

Review of Legislation Regulating the Architectural Profession

Productivity Commission
May 2000

Submission prepared by
col bandy June 2000

'Anyone should be able to call themselves an 'architect' if they do architectural work and that those who are specialist trained and have had experience and pass a practice course and exam should call themselves something like 'Chartered Architects'.

This might be a bit confusing, but it could all be sorted out if a 2 year notification period is given to allow for a sales pitch by architects to create this new label to inform the community'.

Preamble It is interesting to me that Page 2 of the Report starts -*'This work is subject to copyright.'* Why? Is this requirement in the community interest? Does R achieve greater consistency in any future regulation? assist state and territory governments in meeting their legislation review obligations under the 'Competition Principles Agreement'?

It is of interest only because it points out that a society creates rules for both protection and equity that cannot be viewed from a very narrow perspective.

This is the communities document.

Who is protected by the copyright?

These issues are subtle and complex.

Similarly, the issue of Architecture as a profession is subtle and complex.

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Terms of Reference

Scope of Enquiry:

- Legislation should only be retained if the benefits to the community as a whole outweigh the costs and the objective of the legislation cannot be achieved more efficiently.
- Consistency between regulatory regimes avoiding unnecessary duplication.

Regard to:

- Quality of the Built Environment
- Ecologically sustainable development
- Social welfare
- Equity consideration
- Community service obligations
- Government legislation & policies
 - occupational health & safety
 - industrial regulations
 - access & equity
 - economics & regional development
 - employment & investment
- Interests of consumers
- Competitiveness of Australian Business
- Efficiency of allocation of resources

The commission will identify (*edited*)

- public interest rationale for the legislation
- clarify objectives
- restrictions to competition
- relevant alternatives cost & benefits, including long term social, cultural and economic
- groups affected
- preferred options

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Draft Recommendation

The Commissions preferred approach in this matter can be summarised (with some licence) to;

That the Architects Act be repealed after 2 years so that the term 'architect' can be used by anyone who wishes to use the word

The removal of the restricted use of the terms 'architect' would provide the incentive for these "uniquely skilled and expert people". (the Commissions words), to market themselves as 'chartered architects' to distinguish themselves from all other people who wish to design buildings who would now call themselves 'architects'.

A 2 year period is important to allow architects time to create this new term otherwise the community might be confused.

I do not see the logic.

(page 91) A change of name, I believe can only serve to confuse a community and in particular those with the least experience to research the information necessary to make an informed choice.

The current system costs the community nothing and by this report places virtually no restriction on the practice of design of buildings, nor does it effect fees.

Why the imperative for change?

What is the community benefit?

Major restrictions on competition imposed by the Architects Act is to limit the use of the title Architect'.
(page 80)

The registration requirements of the Acts are quite stringent and preclude easy qualification by other building design professionals.
(page 80)

It seems to me that this is a good thing - the consumer can easily understand the label and know that the label means something.

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Confusing Terms

What is confusing, or difficult, or restricting about the term 'Building Designer' or 'Registered Building Practitioner - Design'. What can it mean other than someone who designs buildings.

What this report suggests is that the consumer shall be better off if he, or she, makes the choice between an Architect (*who is anyone who designs buildings*) and a Chartered Architect (*who is anyone who designs buildings, but is a member of a 'chartered group'*).

How does the consumer understand who studied for 5 years or who studied for 2 years?

How does the consumer understand that one of those Architects had to obtain 2 years of experience after the 5 years study and passed a rigorous professional practice course during that work experience (or articles) before achieving the right to promote themselves as Architects.

It seems to me that to retain some meaning of the simple word Architect is the best way of facilitating consumers to make informed choices to suit their particular needs and budgets.

It does this at no cost to the other service providers.

Building Designers, or similar words describe without confusion the service provided by other disciplines.

Perhaps these providers might become 'Chartered Building Designers' if they perceive there is an inferred restriction on their ability to practice their craft.

Range of Providers (Page 82)

It is suggested that those who use Building Design Services infrequently such as home-owners, may not be familiar with the range of providers available and that those groups may be disadvantaged by title restrictions.

I believe it is this group of consumers that are most advantaged by the traditional labelling. (it is important to remember that only 5 to 10% of this group of consumers use Architects)

Increased Consumers Search Costs (Page 83)

It is stated that restriction on derivative terms may increase consumers search costs and create some difficulties for 'non-architects' in making consumers aware of the their services.

How?

Why?

The term 'architect' simply informs the community of a level of education, training and professional obligation.

Distortion of the mix. (Page 83)

The best evidence I could obtain suggest that there is no distortion of the mix of service providers for all types of projects. Architects are commissioned to produce approximately 30% on average of all types of non-residential projects (by value, or numbers), and only 5-10% of residential projects.

This does not suggest that the term 'architect' distorts the procurement of work in favour of the architect. Other factors obviously matter.

Factors that are not Influenced by labels.

It is suggested that because the word 'architect' and '*architecture*' are terms increasingly used outside the building industry that there is some confusion created in its use applied to a specific or restricted use of the term in the building industry.

I believe the reverse is the case.

The fact that the term is well-understood as a wholistic concept reinforces its logic to describe the highly trained, experienced and accountable professional.

Indirect Restrictions - Local Government (Page 85)

Architects may be used by the various levels of government because those consumers want someone who has the educational, practical and professional background, as well as being selected as the appropriate person, or practice to suit the task.

ie. architects will not have received the commission simply because they are a 'Registered Architect'.

Similarly, the building designers will not be excluded because they are a 'Building Designer'.

Someone - (the consumer) makes the choice of "fit for purpose".

High Costs to Architects of Registration (Page 90)

It is suggested that registration requirements may impose unnecessarily high costs on architects.

What are the costs?

- education - 5 years
- training- 2 years
- professional conduct course and examination
- a small annual fee

These are the only costs.

Costs that are the process of becoming a professional - costs that are rewarded by recognition of achievement.

Architects do not, and cannot rely on the title restrictions to protect them from competitive pressures. There is no mechanism in the present system that facilitates this.

Anyone can do the work - architect, or non-architect - there is no restriction.

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What Is the Community Benefit of the Restricted Use of the Label 'Architect'?

Ask the Corporate Executive, or Board.

If she/he seeks the services of a person, or company to design a building - does the current system maximise choice and options making the decision easy?

- Of course it does.

They are usually familiar with the processes and they will almost certainly choose their consultant on the basis of 'appropriate for the project'.

If they interview 'Architects' as well as 'Building Designers' the label clearly identifies at least part of their background.

To interview 'Architects' & 'Chartered Architects' shall not improve the system.

It informs no one.

Will they save any money by a 'chartered' system?

No.

Ask the Government Body

I believe the above applies.

Ask the Tradesmen

They all know and are well-informed as experts in the building industry. Some love architects. Some love building designers. They are used to education and registration as being the basis of recognition. ie. such as registered building practitioners, plumbers, electricians & engineers are restricted terms.

There is no confusion.

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Ask the new Home Seeker (professional)

If this person is a professional, then almost certainly they will know and understand the difference between 'Architect' and 'Building Designer'.

They usually know the concept of registration and understand the relationship between a draftspersons' qualifications, and the architects' education and practice requirements.

Does the current system restrict choice, limit competition, or make it difficult to find out information?

Of course it doesn't.

The consumer can choose a building designer, or draftsperson, or builder, or architect to assist them.

Their decision on who to commission shall be based on many factors and identifying the person who has completed a course of architecture, obtained registration through experience and further examination, shall assist them in their choice.

Ask the Home Seeker (non-professional)

This person may not understand the difference between a 'Building Designer' and an 'Architect' and most times shall refer to their 'draftsperson' as 'their Architect'. (My experience is that it is almost always true).

ie. they like to think their building is being designed by an Architect.

This seems to me to support the notion that there is some value in identifying formally those people who have committed to the rigours of that profession.

If this person is 'casting their net wide' and wishes to explore all of the options (beyond the cost of the service), then it is useful to them to be able to distinguish between potential consultants.

Try and describe the difference between 'architect' and 'chartered architect' in 100 words, or less.

It shall be an impossible task.

To describe the difference between 'building designer and 'architect' is really simple.

Education and Registration

There is no need to describe the conceptual difference between the work they are permitted to do because there is no restriction to the practice of building design. Your local butcher, or the fairy godmother is permitted to design buildings.

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ask the Student

Students of Architecture

Why are you committing yourself to:

- 5 years of study?
- 2 years article type experience?
- A rigorous professional practice course and exam?

“Because I want to be an ‘architect’”.

If you could call yourself an 'architect' and still design buildings for any client who wished to use your services without studying architecture, would you still study architecture?

“Probably not. What's the point. I'd look at 2 years of drafting as an easier option”.

Student of Drafting

"Would you like to complete your 2 year course and be able to call yourself an 'architect' as a generic term that describes someone who designs buildings"?

Of course you would. It would be great to go to parties and say "I am an architect, *(but it would be better if I could call myself a doctor or lawyer)*"

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Community Benefit

The restricted use to the work 'architect' is very useful tool for the community.

- It identifies those who have completed a long rigorous course that explores:
 - > quality of the built environment
 - > ecologically sustainable development
 - > social welfare
 - > equity considerations
 - > community service obligations
 - > government legislation & policies
 - > building practice, structures and construction
 - > professional conduct
 - > design
 - > documentation

- It identifies and recognises the significant role the profession plays in the fundamental education of graduates in the practice of architecture.

- It recognises the post graduate focused study undertaken by graduates with 2 years of practical experience within the industry.

- It allows the community to clearly identify these people.

- It costs the community nothing.

- It places no restriction on any other person designing, or administering building contracts.

Note: The community is protected in the service of documentation of buildings by registration of all practitioners - (at least in Victoria).

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What is the difference between an 'architect' and a 'building designer'?

These issues are subtle, but easily understood by most of the community due to the longstanding traditions.

The restriction on the use of the word 'architect' places no restriction on the services provided by any person within the community.

The restriction on the use of the word 'architect' cannot lead to any confusion between providers of building design services.

The maintenance of the 'Registration of Architects' avoids wasteful, expensive, meaningless marketing of new brand names for unequally educated and experienced service providers.

Please maintain the rigour of architecture as a pursuit that strives for excellence rather than reducing it to a meaningless term.

(signature)

Col Bandy – June 2000

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Att. A

Is Architecture A Profession in the year 2000?

What is the difference between being professional and belonging to a profession?

I believe it is a code of ethics.

Does it matter?

One would hope that all of us are professional in what we do.

One would also hope that much of societies endeavours aspire to a vision beyond doing the job professionally. Many of the issues identified as issues to be taken into account by this commission are aspects that go beyond doing the job professionally.

They are issues that are profound and are explored through education.

- Quality of the built environment
- Ecologically sustainable development
- Social welfare
- Equity considerations
- Community service obligations

(Most courses shall touch all of these issues but 2. years does not allow enough time to address these issues in any depth).

A 2 year drafting course can produce someone who is trained to do drafting work professionally.

The 5 years of an architecture course together with 1 year's experience during the course establishes the base for research and concern into these broader issues.

From this develops the Profession of Architecture.

col bandy - june 2000

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Att. B

What has the Productivity Commission Review of the Architectural Profession Draft Report - May 2000 Established?

That the 'legislated monopoly' (or as I would term it the profession) of architecture.

Does

- Not restrict the practice of architecture by any person or entity. (2.4 Page 15 Page 82)
- Provides for a similar registration requirement for all jurisdictions. (2.5 Page 17)
- Provides a mechanism for disciplinary actions. (2.6 Page 19)
- Restricts some ownership opportunities. (2.7 Page 20)
- Not advantage architects in the private residential sector (around 5 - 10% of all work done by architects) (Page 41)
- Not seem to advantage architects in the commercial & industrial sectors where non-architects account for more than 50% of the market except for multi unit housing and offices. (perhaps the areas where design expertise is of primary importance)
- For the public sector at all levels seem to require a prequalification system identifying service providers that meet specified criteria relating to qualification, experience & fees. (The word 'architect' simply assists in identifying qualification & experience) (Page 42)
- Identify the profession within and international market. (Page 47)
- Not create an opportunity for graduates or experienced registered architects to demand high salaries or fees. (3 lowest paid of 23 fields of study) (Page 28)
- Not seem to advantage males over females. (Page 30)
- Assist in identifying the qualification of the majority of architects who work in small businesses. (Page 33)
- (68% in business of less than 10 people, 51% less than 5 people).
- Not restrict competition for architectural or related (Page 84)
- services by non-architects.
- Not benefit architects through restrictions on advertising. (Page 93)
- Not cost the community anything (self-funding). (Page 94)
- Not control or effect fees.

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Att. C

Under the CPA (Competition Principles Agreement)

If regulation that restricts competition is to stand - it must be demonstrated that it is in the public interest and that objectives cannot be better met in an alternative way.

(Page 50)

Public interest considerations include social, cultural and environmental impacts.

I do not believe the report has given any hint as to how the public interest can be met in a better way through repeal of registration.

The critical test:

“Does Government (by regulation) offer a better service than the market”. (Page 59)

I believe the existing system can be improved ie.

- Registration Boards in each state seems unnecessary and efficiency would probably be gained by a single Australia wide entity.

I am sure other more expert than I can suggest many more improvements within a regulated system.

Nett Benefits of Architects Acts

8.1 Benefits

This chapter starts with the premise that registration of architects of itself has the potential to protect the community against all of the potential pitfalls that exist within the endeavour of constructing the built environment.

I do not believe any architect would subscribe to that concept.

What registration of architects does is provide a very cheap equitable way in which to inform the community of the training achieved by one group of service providers.

- Registration of electricians is perhaps easier because the training and registration is related to safety issues.
- Registration of lawyers is like registration of architects. It is to provide information to consumers.
- Registration of architects is unique in that R provides information but does not restrict anyone from practicing the craft.

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Att. D

"Why Chartered Architect"

Legislated Monopoly? What Monopoly?

Monopoly over a name is similar to the trade practice regulations controlling trademarks, or copyright. It is not a monopoly over any business activity.

The Commission comments that the *major advantages of self-regulation would be that competition would not be impeded.*

What competition is impeded by regulation?

Most consumers of architectural services do not appear to rely on generic labelling provided by current certification and undertake extensive search to find an architect, or non-architect who suits their particular tastes and requirements.

The Commission comments that *confusion could be minimised by allowing a notification period of say 2 years prior to the legislation being repealed.*

What is the purpose of this 2 years?

To avoid the confusion by allowing time to create another label.

Confusion can be avoided by retaining the simple unambiguous terms of:

'Building Designer' (or any other selected terms) To describe people who design and document buildings, be they architects, or draftspersons, or others.

'Architect'

Describes someone who has completed a professional and rounded education in the practice of architecture.

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How does a label describing ones qualification inhibit, or create:

- Impediments to competition
- Promoting transparency
- Promoting accountability

In the architectural profession there currently exists no impediments to competition, no restriction to practice and registration of practitioner facilitates accountability.

Shortcomings of Current System (Page 147)

The Commission comments that *certification provides negligible additional consumer protection and community benefits and little information over and above that which is or could be provided by a self-regulating profession and other more comprehensive regulations which are already in place.*

Is this a reason for change?

No - It is a statement of circumstance and it comes at no cost to the community.

(Chapter 6) The Commission states that there is little *indication that* architects earn substantially higher fees because of protection *of* title.

Again, this is not a reason for change.

The Commission suggests creating a *new voluntary labelling system in consultation with users if they wish would be* a good thing.

I do not understand the logic of this conclusion. If a label is useful, why not keep the existing label?

A changed label would come at a very substantial cost to someone for what benefit?

Commissioners comment that the current system may have created inward *looking* attitude amongst architects *encouraging them* to rely on a legislated monopoly over *use of* a title to protect *them from* competition.

The report clearly establishes that there is no protection from competition.
(Page 147)

To remove the valued and recognised label of 'Architect' to become a meaningless term would remove the incentive for a very large number of talented young people to pursue the rigours of a tough, rewarding, meaningful, important and responsible profession.

col bandy - June 2000