

21 December 1999

**Productivity Commission**

Architects Inquiry  
LB2, Collins Street East  
MELBOURNE, VIC 8003

**Attn: Professor Judith Sloan & Dr. Neil Byron**

Dear Commissioners,

**Subject: Review of Legislation Regulating the Architectural Profession**

Thank you for the opportunity to comment on the above mentioned issue. As a registered and practising Architect I wish to express my views on the issues raised by the Inquiry. The vital aspects raised are; firstly, the restrictions on competition; secondly, the identification of the public interest rationale for legislation; and lastly, the recognition of qualifications in the building design industry.

**Restrictions on Competition**

From my perspective as a sole practitioner I am constantly faced with competition whether it be from within my own profession or from either qualified or unqualified draftsman/designers. The reality as a registered Architect running my own practice is that I am often placed in a position where my qualifications (to the general public) are not acknowledged and my role is perceived as 'just drawing the building'. What often gets lost is the fact that my role on a project often goes well beyond drawing and involves issues ranging from understanding industry standards (including Australian Standards), legislation for planning and building through to contract administration during construction of a building.

What is frustrating is that in some situations the unqualified competition often purports to be an 'Architect' and benefits from this misrepresentation to the perceived detriment of my practice. The ability to monitor this specific issue is covered in the next heading. It is hardly a level playing field when, as a Practice Member of the Royal Australian Institute of Architects, I strive to maintain my qualifications, keep up to date through professional development and must have Professional Indemnity Insurance whilst others are not under the same restrictions and can benefit by being 'mistaken' as fully qualified Architects.

The current situation where the title 'Architect' is protected by the Architects Acts throughout the country is not an anomaly – just about every country has similar legislation. Therefore in a global environment it is imperative that Australia maintains and strengthens the means by which to compare in the international market place and not fall into disrepute when building design services may be exported to areas around the globe.

In open market competition whoever is ultimately entitled to design and administer the construction of buildings in Australia there should at least be a standard by which a fully qualified Architect can be recognised by the purchaser of these services.

**The Public Interest & Legislative Objectives**

Many of the topics in the previous section above discuss issues that relate to the public interest.

The public interest is often misconceived, in regards to the Architects Acts as protectionist and looking after the perceived privileges of the profession. The Architects Act 1921 in Western Australia maintains of a register of persons, partnerships, companies and corporations that have been qualified to practise Architecture for the public's reference to verify the qualifications of any person/s regarding registration. This identification (in the form of a register) should be made more readily available and the possibilities of maintaining this listing of registered Architects via the media are endless, especially with the advent of the internet.

The public interest also includes assets owned and/or controlled by the taxpayers via government bodies (whether they be local, state or federal). Why then are there many projects (i.e. Bunbury ABC Offices, Contract and Management Services jobs, Conservation and Land Management Offices, etc.) being undertaken by unqualified persons without any formal education and no Professional Indemnity Insurance? This may stray from the intent of the review, however it just further emphasises the extent the Public Interests span.

If there were changes to the current legislation the main objectives should be the clear identification of work produced by Architects. I sit here looking at a registration certificate, which has a number on it, so why not utilise this identification with a stamp that can be used to demonstrate the legislative objectives and inform persons either paying for Architectural services or other regulatory bodies which require the lodging of documents – such as local councils for planning and building licence approvals, Fire and Rescue Services reviews of documents, Water Corporation W.A. stamping of plans, etc. By stamping documents provided by a registered Architect there may be an increased awareness of the differences and clearly identify who is registered for the public benefit.

There should be a consistency of the Architects Acts across Australia with the objectives clearly stated. Furthermore the registration of Architects should be maintained and administered by local State or Territory Boards in accordance with an Australia wide Act.

I do not believe there is any other consumer protection legislation, which provides the same protection to the public as the Architects Act. I agree with the RAIA's position paper on Architects Acts as noted on page 42:

*The central purpose of Architects Acts is to provide protection for the consumer and the public .... To permit others (people not registered) to hold that they have such an expertise (in design, documentation, etc.) without the associated education and training would expose the public to unexpected and unwanted risks. This is the protection provided by Architects Acts.*

### **Recognition of Qualifications**

The current restrictions on the advertising of Architects under the Western Australian Architects Act 1921 limits our ability to inform the public of the services we as qualified professions are able to provide. If these restrictions are to remain then there should be a nationwide public awareness campaign undertaken in a similar way that the attached ad has been taken out to clarify the title "Chiropractor". This may assist the public in making an informed decision on whose services they use.

Practising in a regional centre in the South West of Western Australia there is often confusion regarding the title 'Architect'. I have noticed and confronted issues where unqualified/unregistered persons have told local newspapers that they are Architects or the writers of the article did not know the difference (and didn't much care to either).

The market sector that I spend sometime working for is clients wanting a single residence. There is often both a misperception of who is and isn't an Architect and that Architects cost more. This does not allow my qualifications to be compared on an 'apple for apples' basis.

I lecture casually at the local TAFE to students who may or may not be looking to further their qualifications beyond a Diploma of Drafting. Whilst there are not any problems with the

course itself it is difficult to hold the limited duration and therefore comprehensive nature of this course with a five year course leading to a Bachelor of Architecture degree through a university. The Diploma is competency based – meaning the student is either competent or not. The Diploma course also, and rightly so, can only offer the basic requirements with the first year concentrating on residential scale projects and the second year concentrating on larger buildings. Whilst I believe this course suits the requirements for a basic understanding of the building industry it is in no way comprehensive in a thorough understanding of the administering of services that currently registered Architects practise.

In closing, I believe there is a market for Architects to provide ‘professional’ services and that the Australian Council of Professions definition of a ‘profession’ applies to Architects as noted below:

*... a disciplined group of individuals who adhere to high ethical standards and uphold themselves to, and are accepted by, the public as possessing special knowledge and skills in a widely recognised, organised body of learning derived from education and training at a high level, and who are prepared to exercised this knowledge and these skills in the interest of others.*

Without legislation regulating the Architectural Profession by a local State or Territory board to administer a uniform act across Australia it is unconceivable how the public interest could be met.

I would be only to happy to discuss the matters raised above or any item in the inquiry’s terms of reference should the need arise. I can be reached on

Yours faithfully,

(signature)

**Kent Lyon Architect**

Attachment:  
Advertisement for Chiropractors