

WA

13th December 1999

Productivity Commission
Architects Inquiry
LB2, Collins Street East
MELBOURNE VIC 8003

Dear Sirs/Madam,

I am writing to you to add my weight to the defence of the Architects Act already presented to you by the Architects Board of WA, I support the thrust of their defence of registration and the protection of the title "Architect". I wish to add further argument, which shall be somewhat emotive. I find this unavoidable, because the challenge to the very existence of my profession, as an identifiable profession (legally and linguistically) is nothing short of emotive in the extreme.

I am led to the conclusion that the whole suggestion of the abolition of registration and restriction on the use of the title "Architect", is driven, not by, rational analysis, but by an utterly outdated and poorly conceived ideological basis. Therefore, whilst I shall present rational reasons as to the specific issues at stake, I must needs attack also the ill informed and undisciplined ideological basis of the push. Rational argument. I fear, will be insufficient as the propagators of the anti-architect push are neither rational in their motives nor in their ability let alone willingness to understand our objection. Strong words? You are attempting the annihilation of my profession. Strong enough words don't exist.

It is customary to ignore appeals made with a hint of emotion. The presence of emotion is sometimes held up as grounds to ignore an argument. The sheer outrage I feel at the illogical and stupid proposition - and its basis in the confusion of authentic principals such as fair competition - leave me little choice.

I shall therefore precede my, argument by establishing my credentials, so that my submission will be taken in the seriousness it deserves. I am a registered architect both in WA and in the UK. I am a corporate member of both the Royal Institute of British Architects and the Royal Australian Institute of Architects. I have practised for eleven years both in Australia and overseas. After graduation I was originally employed by the Commonwealth Govt of Australia (The Dept. of Housing and Construction was subsequently renamed Australian Construction Services - suffered several further name changes and Canberra- driven re-structures of contradictory natures before becoming Works Australia and then being sold to GHD - a large Australian owned Multi-disciplinary Design Consultancy). Whilst with the Commonwealth I was an important member of the small architectural team, working in the multi-disciplinary environment of engineers, project managers, QS's and architects – who delivered the \$250M HMAS Stirling Naval Base facility development here in WA, and then the \$200M Christmas Island Re-building Programme. I was project architect for many of the major facilities. Since then I have delivered, as project architect, in excess of \$20M worth of Commonwealth funded housing and health projects meets to Indigenous communities in WA. I may therefore claim great familiarity with Commonwealth protocols and policy. I am also ideally placed to understand the different roles that the

various professional disciplines each bring to a building project. May I start by making the point that under the Commonwealth Dept. (variously named) it was always architects appointed as the lead team member to deliver building projects and for good reasons, which shall be discussed later. I have in my possession letters, flattering of my contribution from high up in Defence and other clients also.

My more recent work with GHD, a multi-disciplinary, consultant which employs architects, (though is not - at this point in time - a registered architectural practice in its own right), further qualifies me to comment on the intricacies of those who practice architectural services, and those who may, call themselves architects. The proposition that architecture as a legally recognised profession be abolished is naive in the extreme and demonstrates utter ignorance of the industry, and of the evolving global trends within the industry towards integrated multi-disciplinary, service providers in which Architects continue to play a key role. precisely because they are (and no one else is) in fact Architects.

If I had to put advice to the Productivity Commission in a nutshell, it would be this: Don't fiddle with what you have no understanding of.

May I recommend to the Productivity Commission, if it hasn't already done so, to thoroughly educate themselves into the precedent push in the United Kingdom to abolish the equivalent Architects Act there, a few Years ago. This proposition, heavily sponsored by some sectors of industry, was ultimately thrown out. You would do well to familiarise yourself with the reasons. In the United Kingdom, therefore, a Government which was, and remains, years ahead of Australia (in matters of the "economic-rationalist" dismantling of civilised government), the term Architect has nevertheless survived and is still set out in Legislation to apply only to architects. As in many things, Australia is catching up with international trends after other nations have already tested and rejected them.

I scarcely know where to begin explaining the self-evident.

Let us start by saying that the qualifications that an architect holds, are earned only after a full 5 Years University tertiary education followed by a minimum of two years post-graduate practice before a candidate is even eligible to sit the Registration exams. It is more often in excess of two years before a graduate manages to acquire the amount of necessary relevant experience to allow him/her to sit the exams. Thus an Architect has a minimum of seven (7) years professional training before she/he can earn, the title. 7 years. This is easily equal to or greater than any of the other equivalent professions, being Medicine, Dentistry, Law. Veterinary Science. It is inconceivable that an intelligently directed government authority could seriously entertain the idea that it is "unfair" or "uncompetitive" for doctors, lawyers, veterinarians and architects to be entitled to state definitively and unambiguously to the public, that they hold the expertise that they do, and that conversely other persons lacking the title do not.

Are you even remotely capable of suggesting how this maybe unfair? uncompetitive?

If other persons wish to dupe the public into believing they hold qualifications which they don't, are you not even a little capable of discerning the possibility that, THAT would in fact constitute unfair practice, and be counter productive, if not plain fraud"

How does one begin to explain the obvious?

It would be a mistake to respond to the proposition that the architectural profession as a whole be "de-registered" as an intelligent proposition, one worthy of careful and rigorous argument. The proposition itself is absurd and its proponents ought to be utterly, ashamed.

Perhaps it has been suggested to you that architects simply make buildings look "nice" and that the important matters of building procurement are handled by every one else... engineers, project managers builders, draftsmen. Nothing could be further from the truth. I have already recorded the fact that in the days of the Commonwealth Dept of Works (variously named, and vandalistically, restructured by Canberra to the point of destruction) enough sense nevertheless prevailed that every major project, and indeed most minor building projects were headed up by Architects. This is a matter of record. I may report to you also that the most competent Project Managers practising in the field of construction today are often architects, and that recent developments in the appointment of persons and firms other than architects as the lead consultant for building projects (for example ATSIC projects), can be demonstrated to be gravely, mis managed, due to ignorance of Contract procedures, building science, project team integration, and the actual Design and Consultative process itself should you wish me to elaborate on this point I should be most willing to do so.

I request that you invest a little time in educating yourselves as to the content of an architects training. If you do so you will discover that many specialist and very serious matters pertaining to building procurement are in fact covered only in the architects qualification, and furthermore, ONLY the Architects qualification packages the complete body of knowledge together in a single professional qualification. I refer to such areas of knowledge as: construction methodology, materials technology, compatible material detailing, appropriate climatic design, the legal aspects of construction contract tendering and administration, legislation governing planning and building, project team management, consultation and interpretation of user needs, and the aesthetic, psychological and sociological impacts of architectural work. The mistake of the uninformed opponents of the profession of architecture is the supposition that architects merely "design". That is perhaps the least of what we do. The core of the architect's professional responsibility lies in their role of agency to the building owner. The architect is trained to act roundly and comprehensively as advisor and representative (Agent) to the building owner in every matter pertaining to the building's procurement. In a typical architects week, such activities take easily 90% of his/her time. The legal responsibilities and liabilities carried by an architect, arising from this role of Comprehensive agency are enormous. The sheer value of wealth invested in building projects comprises a massive proportion of a client's available investment capital whether it be a small client with a small house project or a major corporation or Government agency with a major infrastructure project. Nothing short of the thorough and protracted training in the full breadth of responsibilities and liabilities, such as is imparted in an architects training - can qualify a person for the task. Are you aware of this fact? Are you aware that an architect carries Tort liability for his work effectively for life. Are you aware in how many diverse matters and how often. cases of liability come before arbitration or the courts. Does not the sheer value of the building industry indicate to you the grave importance of the matters of which I write?

The builder clearly, cannot act as the clients representative, his agent, in dealings with the builder. So called Project Managers often have no training at all in the complex science of building, an engineer knows only about structures. A draftsman may have gleaned a little knowledge about common detailing but is not thoroughly trained in the full and evolving body of knowledge, let alone the legislation and contractual legal aspects of building.

That these matters are serious and the ramifications serious, is clearly evidenced in the recent tragic failure of apartment blocks in Turkey and South east Asia where competent professionals have not stood between the owner and the builders. It is not far fetched to suggest that similar tragedies may emerge in Australia if we naively adopt the economic irrationalist de-civilising of our own hard-won civilisation.

It is no ignore "unfair" for an architect to be able to call himself so than it is for an orange to call itself an orange and an apple to call itself an apple. What the hell is your objection to the legally correct use of precise language to mean what it actually means? Do you not call yourself either a man or a woman. on the basis that the term carries some currency, some mutually exclusive identification? Would you have all language abolished on the principle that the ability to discern between one thing and another is the ability to discriminate? and that the ability to discriminate is (under the political use of the word, not the dictionary meaning) ... unfair?

Do you not understand how currency devalues to the point of worthlessness if it is printed in unregulated (deregulation) quantity? Are You incapable of comprehending that the precise meaning and value attributed to the term architect - that exists only BECAUSE of the limitations on its use - will quickly disappear when building procurers learn that hiring an "architect" could mean hiring anybody at all, from the tea lady, to opportunistic fraudsters?

Do you honestly believe it is "fair" for charlatans to imply that they have equal training - in all the diverse facets of a respected profession - as do the real thing?

How do begin to pretend to believe that it is against the values of competition to disallow foggy self-identification and public deception?

The error in the proposition is that of muddled thinking, in attempting to apply the principle of "competition" where it is rationally and intellectually utterly inapplicable. That is between the qualified and the unqualified. You must wake up to the central fact that persons unqualified as architects ARE permitted to compete for design to project management commissions against architects – and regularly do so. They are simply not entitled to claim qualifications that they do not have. You ought to educate yourself to the fact that in other parts of the civilised world – in many European countries- laws exist which actually make it mandatory that an architect be hired for building projects above a certain value. This is a wise practice that does not exist in Australia. Can you not see that the Australian industry is already de-regulated? It is far less regulated than countries older, and better developed in these matters than ourselves? What you propose is not deregulation but anarchy.

So-called de-regulation is a Myth. Do not be fooled into adopting political or economic trends just because they are (or more accurately - WERE) fashionable. Nothing is fashionable for long. Only responsibly thought-out and rationally derived intellectual constructs endure, and benefit the civilisation they serve. If you don't understand this, then you don't understand the very field you purport to work in.

One might argue that the abolition of Law in its entirety is the logical extension of deregulation, and whilst government may be hell bent on its own self-annihilation, it is the people of a democracy who in the first place came to earth and agreed on the need for government, for laws and for regulation - to protect themselves from sharp practice, deception and opportunistic fraud.

Why would you have architects compete against non-architects, not only, for projects but for the use of a differentiating title? Would you have doctors compete against backyard herbalists? and forbid either the

use of a mutually, exclusive name? Would you have law that allows food products to be falsely identified so that a bottle of white paint may be sold as milk? in the interests of "competition" Do you say that it is unfair and uncompetitive that this is not so?

If non-practitioners of architecture wish to call themselves architects they have as much opportunity to engage in the minimum seven (7) years study that it takes to qualify as anybody else. That is fair.

If you have taken the effort to research this subject, you will be aware that excessive competitive fee cutting is possibly the single most damaging issue facing the profession of architecture today. The consequence is that reduced levels of service is the only way excessively competitive fees can be serviced. This has direct and grave consequences to the level of attention to construction detailing, to site administration and so on. This is a very real and widely, discussed issue in the profession. You ought to take the effort to study this matter. Because then it is possible that you will awake to realise that "competition" is only an idea, and a generally good one, but not a magical panacea. It is a mark of the intellectually impoverished mind which takes any one idea and pursues it to irrational extremes, rather than tries to understand the diverse complexity of the whole field and acknowledge that too much, and wrongly assembled competition is actually a very bad thing indeed. Learn this. Educate yourself. Learn to think.

Although the short term benefit of cheaper fees delude the market, the longer term problem of poor service is already manifesting. This grave problem would be exacerbated beyond measure by the abolition of the protection of the term "Architect". Even major Government clients who ought to be better educated and more responsible, still often look for the cheapest fee and then wonder what the level of service is not what that had hoped for. Don't forget I am writing as the Architect for major Commonwealth projects, with an established and supportive network of high ranking Commonwealth clients who come again and again to me for my work, abilities and professional attitude.

Wake Up!

Philip Kirke BArch(Hons) ARAIA RIBA

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