

ROBERT KNOTT Architect

Building & Property Dispute Consultant

10 June, 2000.

SUBMISSION TO PRODUCTIVITY COMMISSION ON REVIEW OF LEGISLATION REGULATING THE ARCHITECTURAL PROFESSION.

I consider that in order to protect the public at large whatever legislation is planned for Regulation of the Architectural Profession must meet the following criteria:

1. Whatever system evolves must provide for appropriate training and disciplinary procedures to ensure maintenance of professional standards in order to provide the community with an adequate standard of Architectural Services to meet "world's best practice", this is particularly important to maintain and enhance the present export potential.
2. The system must provide appropriate dispute resolution procedures to resolve disputes between architects, and others relying upon their services, expeditiously and economically; if possible maintaining continuity of service.
3. There must be provision for public information services to ensure that practitioners and potential clients are properly informed of matters affecting their interests and choice of consultants, expeditiously and economically.

I would be pleased to be given the opportunity to participate in development of proposed draft legislation regulating the architectural Profession.

DETAIL COMMENTS.

In respect of multi-discipline business - companies and partnerships - it is important, if these are registered, for them to be under the effective financial control of registered persons in an appropriate professional alliance. e.g. it would not be appropriate for real estate agents, property developers or building contractors to purport to offer independent professional architectural services Or any other professional service which would protect the interests of the customer/client if it were by an independent consultant.

"In-house" design services should be clearly seen as tailored for the provider organisation rather than to protect the client/customer.

There are some registered architects who choose to designate their practice as design consultancies without using the word architect or architecture. One of these is a major practice with offices in several states.

There is no hindrance at present to advertising the services of both architects and non-architects. Neither appears to be disadvantaged in any way by the "protection of title".

National registration and consistency of regulation is desirable, and AACA appears to be an appropriate organisation to fill the role of registration body with registrars operating in each state and territory for implementation. Disciplinary procedures are presently not exercised in many cases because complainants wish to obtain direction for specific performance or compensation for damages arising from inadequate performance. These options are only available at present by arbitration, litigation or via tribunals in some states. Offenders are very rarely "disciplined" as a result of such procedures.

On the other hand there is opportunity for vindictive or vexatious complaints to registration authorities, which are not always discovered to be so before considerable expense has been incurred. There seems to be no penalty at present for this activity.

Codes of conduct are valuable and should be retained particularly in respect of conflict of interest provisions and constraints on unfair competitive activities. Whilst redress for these matters is available to a degree from existing legal provisions and precedents., litigation can be costly and prohibitive sometimes favouring a financially stronger party rather than justice and fairness.

ROBERT KNOTT.

Robert George Knott

Registered Architect in Victoria
Fellow of Royal Australian Institute of Architects
Member of the Royal Institute of British Architects
Associate of the Australian Property Institute
Member of the Institute of Arbitrators & Mediators Australia

The Company, Morrish Knott and Vaughan Pty. Ltd., was formed in 1964 to acquire the practice known as "Morrish Nelson and Vaughan". The name was changed in 1969 to Robert Knott & Co. Pty. Ltd.

As an employee prior to 1964 Robert Knott was actively engaged in Industrial Architecture, since 1952 in the United Kingdom, and since his arrival in Australia in 1957 has been involved in such developments as, Airport operations buildings at Port Moresby for DCA, and as one of the team of Architects on the Ford Broadmeadows plant from its inception.

As Company Architect for the John Holland Group for four years prior to 1964 he was responsible for a wide range of major industrial and commercial projects in all states of Australia.

Since 1964 architectural work of the practice varied widely, from Churches to Abattoirs, from major industrial plants to restoration of Historical Buildings, and included residential, commercial, educational, health care and retail premises.

The Real Estate Consulting and Valuation aspects of the practice embraced land utilisation and development in all respects. A particular specialty was handling unusual or problem commissions, including site investigations and feasibility studies for a wide variety of projects.

Expert Witness - Arbitrator - Mediator - Expert Referee - Expert Consultant.
Experience in a variety of Disputes ranging from Professional Consulting Contracts to Building and Real Estate including Body Corporate situations, from 1964 as Arbitrator, from 1974 as Building & Property Dispute Consultant and from 1993 as Mediator.

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Institute of Arbitrators and Mediators Australia Graded Arbitrator and Mediator

In addition to qualifications for the above, holder of Certificates

Real Estate Valuation RACT
Real Estate Management RMIT
Concrete Technology & Practice RMIT

Senior Counsellor RAIA Member of Panel of Arbitrators maintained by the RAIA Vic. Chapter Member of Panel of Mediators maintained by RAIA Vic. Chapter Member of Panel of Expert Witnesses maintained by the RAIA Vic- Chapter Department of Justice Victoria Domestic Budding Tribunal Mediator. County Court Building Cases List Arb. Med. Ref.

ROBERT KNOTT Architect
Building & Property Dispute Consultant North

19 June, 2000.
Robert George Knott

Summary of Experience to June, 2000
Expert Witness :

89 cases total from 1964 to date, including Real Estate, Building and Architectural Disputes in various jurisdictions including Supreme Court, County Court, Magistrates Court, Small Claims Tribunal, Domestic Building Contracts Tribunal and Arbitrations.

Expert Opinion :

One reference by nomination of NSW Department of Water Resources. Investigations conducted in Victoria and New South Wales, published November, 1998.

Arbitrator :

14 references carried to completion from 1964 to date, including six consent awards. Two of the Arbitrations were as Co-arbitrator.

Mediator :

14 references from 1996 to date. All from Domestic Building Tribunal of which six were settled, six referred to the Tribunal and two withdrawn during mediation.

Expert Referee :

One reference by Nomination of President Institute of Arbitrators & Mediators Australia. Signcraft v. Lend Lease. Subject to S. A. Law conducted in Melbourne. Reasoned Determination published October 1996.

One reference by RAI Victoria Chapter - in progress.

Senior Counsellor) 12+ ~ References from Royal Australian Institute of Architects Victorian Chapter. Ratio of Dispute enquiries to Practice enquiries, approx 50:50.