

REVIEW OF LEGISLATION REGULATING THE ARCHITECTURAL PROFESSION

SUBMISSION

DATED: 31st May 2000

1- USE OF THE WORD ARCHITECT

There is a general perception in the public that a person with the title “architect” indicates a level of skill, which is above that of, say a building designer or draftsman. We believe that unqualified use of the word will create confusion and allow into the “market place” those persons who have little or no experience. For example, this office, in looking for staff recently, ran an add seeking architects and received applications suggesting they are suitable, from graduates of ‘diploma in drafting’ courses from Tafe with clearly inadequate skills. By allowing such people the opportunity to use the word architect, and with a possibility of poor performance, it will only diminish the standing architects have in the community rather than enhance it. We believe that other adjectives such as “certified”, or “certified practicing”, or ‘chartered’ would be insufficient descriptions of the adequacy or otherwise of the person. Unlike accountants where a poor decision choosing an accountant will be corrected by choosing a new accountant the following year after some greater investigation perhaps, architects are only approached once or twice in a household’s lifetime. The decision to engage an architect is much more critical and the costs of a mistake significantly larger, and it will be too late once the work is done. Therefore widespread use of the word architect will only provide confusion for the public and create more harm.

2- COMPETITION

This practice is skilled and experienced in the areas of domestic scale work mostly and we have found that competition is around us always. It is quite common for our fees to be considered along those of a building designer or draftsman and that our clients or those inquiring, clearly understand that there are two different levels of service and expertise being provided. In fact, we often provide design services firstly, then with the client taking our design work to be completed by a building technician or draftsman. We don’t believe that there is any “expense” to our clients associated with our title of architect. Our fees have been calculated and are usually based on the level of work involved. Our clients understand that there is a different service provided by an architect.

We are often compared to other architectural practices and their fees and are often in open competition against such practices as well as building designers. Even in our various roles as parts of larger practices prior to starting this one,

large commissions were also the subject of fee competitions and fee cutting. I do not know of any practices who trade on set fixed fees or the recommended RAlA fee scale without responding from time to time to the market place.

We believe that competition exists and influences fees, benefiting the public.

3- SKILLS LEVEL

The architect in the process of training and subsequent registration must exhibit by form of a logbook, sufficient practical experience in construction issues and other things in relation to the construction and supervision of the built environment. Beyond this though the architect's training includes conceptual and design issues not found often in the building design group despite the 'design' title. The broad training is an important element in the architect's role. The base drafting skills may often be similar between an architect and a draftsman but there, the similarity ends. Uniformly, allowing everyone to use the work architect will confuse the public who currently expect these greater skills to be held by a registered architect.

4- DUTY OF CARE

The propensity for litigation puts an onus for performance on the architect that goes well above that of the draftsman's profession. In court, a "skilled architect" is used as the base line against which his actions or otherwise are judged to be appropriate. Insurers and the courts demand professionalism and a minimum skill level. Again, allowing this title to be more broadly used by others will only expose those less able to potential litigation, further diminishing the status of the architect in the community. We feel again that this will harm more than help the public.

5- IMPEDIMENTS TO REGISTRATION AS IT EXISTS

Anyone who is able to illustrate skills in design and construction and design and management of contracts can successfully sit the board exams for registration. A building designer could avoid the 6-year university degree and the required training under an architect prior to registration in this way. The registration exam even for those who have approached it from the more orthodox way of a degree and work experience finds the registration process difficult, as it should be to establish a minimum level of competency. To dismiss this process as irrelevant will again allow those without appropriate skills to represent themselves as having a holistic approach to the built environment when they may not.

6- SUMMARY

Competition exists certainly within professions and most certainly between architects and non-architects and especially within the domestic market within which this practice now specialises. The free market exists. There must however be a clear differentiation between the levels of expertise and we believe that protection of the title "architect" is one very important way to do

this. People are currently well used to this as they are with use of the word doctor, as we would hate to see used by a naturopath for example under a similar deregulation. We do except that accountants appear to have regulated themselves reasonably well but caution that the damage a poor accountant can do to the public is generally limited as they are generally consulted each year and can be changed the following one where an architect is used but once or twice over the lifetime of an individual and their family. There are some faults in the act and uniform regulation would be easier but this calls more for an amendment to the act rather than its abolition. The damage it will cause in the time between deregulation and the public perception of the new meaning of the word “architect” would create the potential for great damage. The cost to the profession to attempt to explain the difference would be huge and surely more than the current costs to administer the act. Any costs to administer the act could surely be counted by an increase in annual fees to architects.

There have been architects de-registered for poor professional conduct (Donald Spencer for example) who will now be able to promote himself as an architect again if the act is disposed of. He was de-registered because of poor professionalism and without the capacity to call himself an architect his opportunities for exposure to the public are less. This must be in the public’s interest to be able to regulate those who do and do not operate within the profession.

There is a perception in the market that there is a greater value to an “architect designed” house. Real estate agent adds often note of a design by an architect, whether it is generic or specific as a note-worthy aspect of the property. This speaks of a public understanding of a clear difference between an architect and non-architect.

We believe the public is well aware of the options to use an architect or draftsman and that competition exists for fees keeping them as low as possible. We see abolition of the act (rather than its amendment) as creating confusion and has huge potential for costly consequences to the public who for a considerable period will not know the difference.

Yours faithfully

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