



**SPARK AND CANNON**

Telephone:

Adelaide	(08) 8212-3699
Melbourne	(03) 9670-6989
Perth	(08) 9325-4577
Sydney	(02) 9211-4077

**TRANSCRIPT  
OF PROCEEDINGS**

---

**PRODUCTIVITY COMMISSION**

**REVIEW OF LEGISLATION REGULATING THE ARCHITECTURAL  
PROFESSION**

**PROF J. SLOAN, Presiding Commissioner  
DR N. BYRON, Commissioner**

**TRANSCRIPT OF PROCEEDINGS**

**AT BRISBANE ON FRIDAY, 9 JUNE 2000, AT 9.30 AM**

**Continued from 8/6/00 in Adelaide**

**PROF SLOAN:** My name is Prof Judith Sloan. I am one of the commissioners of the Productivity Commission and this is my colleague Dr Neil Byron, who is also a commissioner. We have Margo Hone over there and Vince Manion, who are both staff members of the Productivity Commission and they're here to help us.

This is the third day of the public hearings of the review of legislation regulating the architectural profession and it's being held in Brisbane on Friday, 9 June in the year 2000. I just want to spend a couple of minutes before we get going to talk first about the Productivity Commission. I'm not sure all of you would be aware of the Productivity Commission, or perhaps you are now. The Productivity Commission I think is best described as the federal government's principal micro-economic advisory agency. Would you agree with that, Neil? Can I stress that we are only an advisory agency; we're not a regulatory body. We don't make binding rulings. The outcome of this inquiry, as is the outcome of all our inquiries, will be advice to the federal government and through that to the state and territory governments, so that needs to be borne in mind.

I think there's been quite a deep lack of understanding of this issue, that this inquiry is being held under the auspices of the National Competition Policy. I think one needs to understand what that involves and particularly what the National Competition Agreement involves, that essentially all governments - state, territory and the federal government - are required to look at all pieces of legislation which have potentially anticompetitive elements and to ask themselves this question, or to commission an agent to ask this question: do the public benefits outweigh the public costs of these arrangements? The second part of that question is even if that can be demonstrated are there means which don't restrict competition which can serve those objectives?

I stress in particular that there is an onus of proof on those who wish to retain those pieces of legislation, so in that sense it's a kind of different approach. It's not saying, "Oh, here's something there. You know, it might a little bit costly, but let's keep it." The onus of proof is in effect reversed: the presumption is that these pieces of legislation should go unless it can be demonstrated that the public benefits outweigh the public costs and that there are not alternative, more efficient non-competitive policies that can achieve the objectives.

Let me just make another point partly because of our experience of the first two days of public hearings - this inquiry is not about architecture. It is not about the role of architecture in Australia. It is not about the role of architects, except insofar as it relates to the Architects Acts. We seem to have in the submissions really a lot of what I'd call superfluous information about the place of architecture in Australia. I don't think the discussion on that issue really gets us anywhere, and just as a word of advice - I don't think bagging the competitors also gets anyone anywhere. We have had way too much of extolling the virtues of architecture, which is fine but irrelevant, and far too much of denigrating competitors such as the building designers.

As far as the rules of the day are concerned, again another piece of advice is that

we're the messenger. Shooting the messenger generally is not a good idea and therefore I think trying to, how shall I put it, play the man rather than the ball is not a very appropriate way to approach this kind of public hearing. In addition to that - and it's partly a matter of feasibility - we really can't take any interjections from the audience. This public hearing will all be put onto transcript which will be available almost immediately, so in that circumstance we can't have any injections from the audience.

We've got a very full program today - which I think is good, that we've got this response - but that means we'll have to try and stick to the time guidelines as tightly as possible. It seems to me in my experience that you can all take it that the submissions have been read and that by and large it wastes time if those coming up to appear before us read too much of their submission. It's better to try and make a short presentation and then we can open up for discussion. Is there anything I missed? No. I think we're running a bit ahead of time, which is good, but can I call Elwyn Wyeth - if you could state your name and your organisation for the purpose of transcript.

**MR WYETH:** My name is Elwyn Wyeth.

**PROF SLOAN:** Did you want to spend five or so minutes just going through your submission? We have read your submission.

**MR WYETH:** I think it may be better if I just put some examples of what I believe competition, competition in architecture and other services, associated services, has done to the community and how in fact I believe it has had a negative influence and is costing the community quite a bit of money.

I've been involved in architecture now for a long time. I have developed special knowledge and expertise in the area of management systems. I studied systems theory back in 78, project management about the same time, and construction management. Since then I have been very involved - as a number of people around here would know - with improving management systems for design professionals with a view to reducing risk and therefore improving the cost-effectiveness of services. One of the objects obviously is to make entities more competitive internally so that they can minimise their foul-ups and produce acceptable product at a much lower cost and therefore be employed on the basis of being known as good suppliers.

**PROF SLOAN:** Is this architectural practices that are being made more competitive or are these the whole building - - -

**MR WYETH:** This is architectural and other design - - -

**PROF SLOAN:** Right.

**MR WYETH:** The design process is an intensive information-handling and decision-making process. I'm working with colleagues and we're actually developing

a model now for assisting not just designers but, if you like, local authorities to ensure

the management of those decision-making processes minimises waste of resources and those sorts of things. What I've come up with - I've been engaged by various clients over the past few years because of that expertise to assess problems. One particular one was a bit over 12 months ago. I was asked to go to a construction site where the site manager had all but resigned on the spot because of all the trouble he claimed to be having with project documentation. I was asked to attend the site and establish whether that site manager was indeed right in his assessment of the documentation of the problems or whether there were other issues.

To cut a long story short, it was shown that the problems with the documentation were real problems. In the end those problems effectively cost the taxpayer probably \$100,000 on a \$2.5 million project initially.

**PROF SLOAN:** So were these documentations not done by an architect?

**MR WYETH:** No, these documentations were done by architects but - - -

**PROF SLOAN:** Registered architects?

**MR WYETH:** Done by registered architects but on the basis - and this is the point - the architects were selected on the basis of tender for services.

**PROF SLOAN:** But they were registered architects under the Architects - - -

**MR WYETH:** Yes.

**PROF SLOAN:** I just want you to pin it back to what this means for the Architects Act.

**MR WYETH:** Yes, that's right. They were registered architects. I'm not going to name names - - -

**PROF SLOAN:** No.

**MR WYETH:** - - - because they've already been reprimanded, whatever, by the client group. The fact was that - - -

**PROF SLOAN:** Were they disciplined by the board?

**MR WYETH:** I don't know about disciplined by the board, but they were certainly disciplined by a very major client by being removed from the tender list.

**PROF SLOAN:** Okay, but there wasn't any professional discipline.

**MR WYETH:** I don't know. I haven't followed that through. The point was that they had won the project purely on the basis of tendering at a very low sum to

provide

services, and this tendering is a result - a direct result I believe - of a competition policy that has now been going on for some years. The effect has been - and I've been in the position of sitting on the periphery of some of these to watch the competition force firms to provide services at extremely insupportably low cost and therefore get themselves into trouble, and I think this is the thing that really is at the heart of the issue as I understand it.

We need professionals; I don't care whether they're called architects or whatever - but whoever they are they need to be adequately reimbursed so they can actually provide the services that the community expect without having to, if you like, buy jobs, cut corners, those sorts of things, because otherwise the community ends up paying from another pocket with all the problems.

**DR BYRON:** We've had a lot of discussions in other states we've been to about the hazards of fee bidding, and I guess that goes back to the removal of a minimum fee schedule from the Trade Practices Commission in 92 or something like that.

**MR WYETH:** It goes back earlier than that actually. It went back to about - they were removed in about 68 or 70.

**DR BYRON:** The CSIRO came out with a report last year - I think it was - documenting a lot of the costs of inadequate documentation and so on, and I had read that last year - a different inquiry that I was working on about improving the environmental performance of commercial buildings, as part of my ecologically sustainable development role in the commission. But it seems to me that there is a real information problem that prospective clients out there can't distinguish very well the exceptionally talented, gifted and experienced from the average, from the ordinary or even substandard, that we have this sort of black-white distinction that, "You're registered or you're not registered; you're either extremely good or you're not," when in fact there's probably an enormous spectrum of qualities, experience, and so on.

I would have thought a system that provided more information to prospective clients - two slogans spring to mind: "You pay peanuts, you get monkeys," and "Good architecture doesn't cost, it pays." Somewhere along the line the people who are commissioning buildings - whether it's somebody doing a luxury beach house or whether it's AMP doing a high-rise office tower - somewhere out there people are assuming that price is the only thing that matters.

It seems to me you've got a sort of a marketing problem in the sense that clients aren't appreciating that they get what they pay for and that spending a few hundred or a few thousand, whatever, extra dollars in the design and documentation phase is incredibly good value for money because it's going to save them \$30 million over the remaining 30-year life of this high-rise commercial building.

Coming back to Judith's point: what has this got to do with the regulation? It seems to me that the simple system of registration that we have at the moment isn't



really providing the sort of information that would solve your problem. If there was a

system - I don't know whether you'd call them gold, silver or bronze, whatever - that would actually make it very clear to people commissioning building works that if you want something that is really good you pay appropriate prices; if you want to put up something that's awfully cheap and nasty then, you know, buy on the basis of price. The reservation of title in the current registration system just doesn't seem to help get that information into the marketplace.

**MR WYETH:** Can I suggest that I believe the current registration system is deficient - and I've said that in the report - that in fact it should be tightened up a hell of a lot, that it should be a national system with a national board. I guess the quid pro quo is that there is more restriction on the use of the title "architect" and the activities that go with it.

**PROF SLOAN:** You see, in a sense it's very confusing at the moment, because this register, if we think of it in economic terms, might overcome what we call "information asymmetry", so the provider knows a whole lot more than the consumer, okay, so you then set up a system which generates more information for the consumer. But the registration system actually generates precious little information for the consumer, because - - -

**MR WYETH:** We could modify the registration system.

**PROF SLOAN:** But the point is at the moment - and bear in mind we have to examine the acts as they stand - you can have someone who got registration in 1959 and then has driven a taxi ever since, and you compare that with someone who got registration in 1998. As far as the consumer is concerned, if they sought no more information, both can legally call themselves "architects" and they are both architects.

**MR WYETH:** Yes, I agree that - - -

**PROF SLOAN:** By the same token, you've got people out there who have a bachelor of architecture, who work as architects, so they're not taxi drivers yet they're not registered, but they can't legally call themselves architects. So you've got this strange system where you get the taxi driver calling himself an architect and people who have got architecture degrees working as architects but it's illegal for them to call themselves architects. That strikes me as being extremely confusing.

**MR WYETH:** One could put it more strongly than that, couldn't one, as being bloody stupid? Obviously I would suggest that the act needs to be modified.

**PROF SLOAN:** Right.

**MR WYETH:** I don't think anyone is going to argue against the modification of the acts. Whether it's state acts or a national act, I don't think anyone is going to argue with that because people appreciate the problems. I mean, the taxi driver is the oft-quoted example. I know a few fellows who have had to drive taxis because of the economy. This was before the competition policy came in. But it was for months

and

not for years.

**PROF SLOAN:** Of course, there's a difference between competition or competitive pressures and competition policy. Competition policy is relatively recent. What you're saying is the competitive pressures have been strengthening for a long time.

**MR WYETH:** Exacerbated by - yes, because of other people promoting successfully that they can do certain parts of the architectural project, or provide certain parts of the architectural service.

**PROF SLOAN:** But that has nothing to do with government policy.

**MR WYETH:** No.

**PROF SLOAN:** Can we also thank you for your thoughtful submission. You've spent a lot of time on it - - -

**DR BYRON:** Honestly, there is a lot of very good information in there and a number of ideas that we hadn't actually thought of before. I sincerely thank you for that and the information in it. What the registration actually does - you see, we got picked up in Western Australia. We were trying to find how many practising architects there were and they said, "No, the register has nothing to do with who are practising architects. It is a list of people who are eligible to use the title."

**MR WYETH:** Yes, I understand that the AACA - - -

**PROF SLOAN:** You pass a once-off registration test.

**MR WYETH:** Yes. I have worked with Hamish Merrison - that you would know, on occasions - and I know that he was, before his retirement, trying to improve the registrations and get a national authority together, as well as improving international reciprocal arrangements and those sorts of things. I know he was very concerned about exactly these sorts of problems you've been talking about.

**DR BYRON:** I guess the criticism of some of the boards, when it comes to maintaining quality in the profession and the protection of the public, etcetera, that in one state, which probably should remain nameless, proven incompetency is not grounds for being removed from the register.

**MR WYETH:** Yes.

**DR BYRON:** That seems to defy a bit of logic too. I think what we are arguing is that there needs to be a system that gives good information to all prospective clients about the quality of the services that are on offer. We're actually very strongly in favour of some sort of differentiation, accreditation, respect - differentiation or whatever you call it, for those who have exceptional skills, experience, talent, whatever. But the question comes down to whether it has to be government run,

whether it has to be statutory accreditation and certification, or whether it could be done on a non-statutory basis.

That's when we turn to the examples of the engineers and the accountants. They do differentiate themselves. They do claim that somebody who is a CPA is different from Joe Bloggs down the street who is not a CPA. There is a lot of, if you like, information that comes with the brand or the label, and the professional engineers have also been able to do that, even though they're not government-run systems.

**MR WYETH:** Can I just say that I prefer the statutory model, or the statutory authority, because I believe this sort of activity should be carried out - particularly where there's potential disciplinary action and whatever required - by an entity that is divorced from the practitioners. I have spoken - - -

**PROF SLOAN:** Except it is run by the architects, the Architects Board.

**MR WYETH:** I mean the constitution of the board could vary, couldn't it?

**PROF SLOAN:** Yes, it could. But, in practice, we're having to look at what has been the practice.

**MR WYETH:** That's right. But we're talking here about the future as well, aren't we?

**PROF SLOAN:** Yes.

**MR WYETH:** So we're talking about improvements of the future - - -

**DR BYRON:** All the options. Any alternative that - - -

**PROF SLOAN:** So you wouldn't object to a lay majority on the Architects Board?

**MR WYETH:** No, not - - -

**PROF SLOAN:** Plenty would. Plenty of architects seem to oppose that.

**MR WYETH:** Yes, but I have chaired advisory boards where we had a number of non-professionals, or non-particular-discipline professionals, working in areas of community skill and whatever. That meant we were assessing evidence, we were interpreting the requirements of the legislation in particular circumstances. We didn't have to know, for instance -, and this was to do with vegetation protection - whether that tree over there was an ironbark or a wattle. We had to interpret the legislation. I believe the same thing can happen, provided you've got sensible people on any board.

**PROF SLOAN:** It seems to me that it's an extraordinarily weak model, to tell you the truth, because it really has no teeth. If it is there for consumer protection which, I

might add, if you read the acts in the states they don't have an objective to protect the

consumer - they say their objective is to regulate the architecture profession, or to create a register of architects.

**MR WYETH:** Yes.

**PROF SLOAN:** So, you know, that's not a good start.

**MR WYETH:** No.

**PROF SLOAN:** But we heard a really interesting story or case study yesterday from the building surveyors. They have what is called the Building Surveyors and Allied Professions Accreditation Board. It actually is a private company and its role is to assess, accredit and reaccredit the competency, ongoing competency, of building surveyors.

**MR WYETH:** Yes.

**PROF SLOAN:** People will say, "Well, you know, they're not interested in standards. They will let the standard dilute and the like." Not a bit of it, because they actually, in a legal sense, have their head on the chopping block, because if they accredit a building surveyor who then acts in an incompetent fashion, the client will then sue them, the accrediting body. So there's a very strong sense of obligation built up from that which maintains standards highly.

In this case, with the Architects Board, you've told me those architects, through a fee-bidding arrangement, have produced inferior work. What happens? It's not a requirement of registration for them to hold insurance. The client can go to the Architects Board and complain. The Architects Board might do something or might not, but they can't order any restitution. A client really wants some remedy, some damages. They probably don't have much interest in seeing the architect deregistered, because they're saying to themselves, "I'm never using those guys again as long as I live." So is it a good system? You know, does it really protect the consumer?

**MR WYETH:** I would suggest the existing system doesn't and it needs to be improved.

**PROF SLOAN:** Right.

**MR WYETH:** I don't argue with that at all.

**PROF SLOAN:** Because you've got some figures in your submission about the cost of registration, but in fact it seems to me that, yes, you've got the \$63 for the Board of Architects, but all the others - RAIA, professional indemnity, certainly seminars and papers are because you want to be an up-to-date competent architect - none of those are a requirement of registration. You only have to pay your \$63.

**MR WYETH:** I was thinking later that maybe what should have gone there was the



actual cost of getting to the stage where you can actually be registered.

**PROF SLOAN:** Yes, but once you're in - - -

**MR WYETH:** There's a nominal fee.

**PROF SLOAN:** It's a nominal fee. None of those other things - those other things are a requirement of actually doing practice really.

**MR WYETH:** Yes.

**PROF SLOAN:** But it's not actually a requirement of registration.

**MR WYETH:** No.

**DR BYRON:** I might have interrupted you before. Do you mind if I go on to another point in your submission?

**MR WYETH:** No.

**DR BYRON:** You've made some very interesting comments about the ownership and control restrictions that are in a lot of the current state acts. I guess you've argued very much for the retention of the status quo.

**MR WYETH:** Yes.

**DR BYRON:** In the sense that architects, if they were employed by a multi-disciplinary firm and had to take guidance or direction from someone who wasn't an architect would, in some way, have their integrity and professionalism compromised. That sounded quite reasonable until I thought about all the doctors who work for companies like, you know, Ramsey Health Care or Mayne Nickless, or the health care industry generally. The companies are not professional. The people who run them are probably accountants or whatever.

But I wouldn't like to go up to those doctors and say, "Your surgery stinks, because you're under the direction of someone who is not a member of your profession," or, "I think you are lax, slack or your integrity is compromised because you're an employee of someone who isn't a fellow member of your same college or professional group." I think that's a very big call, to say that a professional's integrity - an architect who had to take orders from an engineer would be less of an architect - that starts to confuse me.

**MR WYETH:** What I was trying to get at there is not the fact that the architect has to take orders from the engineer, or the doctor has to take orders from the accountants - what I'm getting at is that architecture is a profession. If it is the primary income source, if you like, of an entity then plain and straight management theory would suggest that people who know the industry best should be in control.

They employ their experts to help them, and I know of several architects who regularly use people from outside their practices, either on their boards or at regular functions, to assist them to find where their practices should be heading. But the architect is in control.

**PROF SLOAN:** But it seems extraordinary that you should want to legally restrict that. It seems to me that most architectural practices will remain under the current ownership arrangements. But this is reducing innovation, you know. It reduces the scope for multi-disciplinary practices; it reduces the scope for - - -

**MR WYETH:** No, we're talking about control of practice, aren't we? Personally I don't believe it does anything to reduce the potential for multi-disciplinary practices.

**DR BYRON:** As long as the architect is the boss?

**PROF SLOAN:** Yes, as long as the majority - - -

**MR WYETH:** If the entity wants to be called the architect and take on the architect's responsibilities.

**PROF SLOAN:** So if you wanted to call something an architectural and engineering firm you could only do that if a majority of the directors were architects?

**MR WYETH:** That's if you accept that an architectural and engineering firm is the architect.

**PROF SLOAN:** If you use the label. It's interesting that the AACA don't support the continuation of these ownership restrictions.

**MR WYETH:** I know.

**PROF SLOAN:** There are some funny situations. We had one case where it was just a tiny little arrangement where the husband was an architect and the firm was going to have the wife as a director and the husband as a director. But of course that was illegal, because the majority of the ownership were not architects. Is that not an absurd situation?

**MR WYETH:** Yes, I agree.

**PROF SLOAN:** The wife was actually contributing in the practice.

**MR WYETH:** I agree there are things to be sorted out.

**PROF SLOAN:** Would that be a die-in-the-ditch issue for you? It seems to me that the key for the consumer is that the person who is delivering the architectural services is a competent architect, not really about the ownership of the firm.

**MR WYETH:** Ownership can face restrictions. I would suggest that the architects within Lend Lease or Civil and Civic, for instance, don't have a free hand, or as free a hand as if they were in an independent entity.

**PROF SLOAN:** That's their choice, isn't it?

**MR WYETH:** What I'm getting at is that people other than the architects are making the final decisions.

**PROF SLOAN:** Yes. I'm not sure the ownership restriction actually necessarily guarantees that, but it just seems an anachronism in these days of diverse corporate structures.

**MR WYETH:** Yes.

**DR BYRON:** Especially when the clients at the big end of town have been telling us in this inquiry that they see a major move towards multi-disciplinary practices. The fact that there are some institutional impediments to changing the way firms are organised is sort of Canute-like.

**MR WYETH:** I didn't think I was that far back in history.

**DR BYRON:** No, I'm not talking about you. But the legislation is trying to enshrine a particular type of organisational structure or economic entity when in fact there are pressures in the marketplace to have multi-disciplinary practices, and somehow the acts are trying to prevent that from happening. Whether this is really in the best interests of the architects is one of the points that has been raised to us.

**MR WYETH:** Do you happen to know whether there are any studies going on into consumer satisfaction with multi-disciplinary firms as against pure-discipline firms?

**PROF SLOAN:** I would imagine that they undertake their own market research all the time. In this part of the process we have spoken to a lot of the bigger firms.

**DR BYRON:** A lot of them were talking about, as you've also mentioned in your submission, the change in the role of architect and the fact that all these project managers and people like that are coming in. Although architects still offer the full service it seems that more and more recently the clients are not actually opting for the full service. Although architects are perfectly trained and so on to be the head of everything that goes on on the site, increasingly it seems that that's less common than it was before. That seems to be suggesting that the different type of organisational structures have something to offer out there.

**MR WYETH:** Certainly the world is changing very rapidly. You know, we're talking about possible national legislation. It won't be that long before we're talking global legislation, really.

**DR BYRON:** That is a very interesting point because people have already said that they can get a contract - a Brisbane firm can get a contract for a job in Sweden. If you wanted to, you could subcontract the drawing to somebody in Pakistan or Bangladesh that will do it for a dollar an hour, will email the stuff to you and you - - -

**MR WYETH:** Yes, it's happening. That's happening now. It has been happening for at least the last five years.

**PROF SLOAN:** Which is an interesting issue then of who is controlling it really, because you're purchasing the service of a - I put this to some of the larger firms thinking that they would say, "No, we don't do that," and they said yes.

**MR WYETH:** Of course we do, we've got to.

**PROF SLOAN:** No, but it's quite an interesting consumer protection issue. You think you're actually employing the services of A. Smith, registered architect. They're actually then going back late that afternoon and, through the Internet, getting a lot of the plans in a process and documented - well, Thailand seemed to be quite a common place. This seemed to be a practice in - where's the responsibility there? Do you have a duty to inform your clients that that's happening?

**MR WYETH:** I would suggest it would be reasonable to inform your client. I would suggest a lot of it is happening because of competition policy, and I think a lot of our problems with documentation are coming from the fact that the documentation is coming from countries which don't have the educational background requirements in the industry that we have here.

**PROF SLOAN:** But you talk about architects requiring a registration system because they're of high rank. But if it's consumer protection and I think I'm employing your services and in fact you're basically subcontracting a lot of that service provision overseas without my knowledge, the consumer protection loop is becoming a little fuzzy, it seems?

**MR WYETH:** I think it depends on - can I make an analogy?

**PROF SLOAN:** Yes.

**MR WYETH:** You buy a car these days and you think it's Australian made, but how much was actually made in Australia?

**PROF SLOAN:** Yes.

**MR WYETH:** I think architecture and all the disciplines are going the same way.

**PROF SLOAN:** But we don't have a government registration of car sellers.

**MR WYETH:** No, but the point is that the primary contract, if you like, is between the client and the architect, the nominal architect, and it's up to that architect to provide the appropriate documentation or whatever, no matter where they get it from.

**DR BYRON:** Yes.

**MR WYETH:** They're saying, "Here's the output. It's fine. It's 100 per cent. You've got no worries." Whether it came from Melbourne or Sydney or, you know, Bangladesh the architect - and I say this in the report - should be making sure that the output is 100 per cent before it goes out, and that's terribly, terribly basic. I don't think it matters where it comes from provided when it's finally used it's appropriate.

**DR BYRON:** Fit for the purpose.

**MR WYETH:** Yes.

**PROF SLOAN:** Do you think accountants are an inferior profession in Australia?

**MR WYETH:** I'd better not say anything about that. No, I don't.

**PROF SLOAN:** No, and the public gets on pretty well without them having any statutory registration.

**MR WYETH:** Let's say that over the past 10 years I'm now using my fifth accountant -because of problems that I've had with accountants - so I don't think we'll get into that argument. I think the public do have problems, quite honestly.

**PROF SLOAN:** Right, and so you think that would be sorted out by having a kind of Accountants Board like the Architects Board.

**MR WYETH:** I think it could go a long way to helping. Whether the CPA is in there backing up the same as the RAI is backing up, that's another matter.

**DR BYRON:** Yes. One of the other options for an accreditation system that has been suggested to us is the National Register of Professional Engineers, and I actually attended one of their board meetings a month or so ago and found that very interesting. One of the most striking comments to me was when they said, "Some of the people who are on our register are incompetent and we have to weed them out." I thought that was in a way a very positive sort of statement, that they were determined to maintain the quality and respect, the integrity, the reputation of their badge and they weren't willing to allow a couple of bad apples to spoil it.

That seems to me to be a system of registration and accreditation that works pretty well for the engineers even though it is not statutory. I believe even though the Institute of Engineers set it up they're subsequently sort of separating from it and making it much more independent. Again we're just wondering is there something we can learn from that in terms of an option for architects that will do as well or

better

without having the statutory controls.

**MR WYETH:** Yes. I find it difficult to put 100 per cent support behind that idea unless we have some major changes within the equivalent - that's the RAIA - and this is through - I first joined the institute in 1964 and have been involved in a few matters since then. I think a lot of people here in Queensland know and would suggest that unless there's a more even influence or distribution of influence and control than there is presently we could head into a lot of instances of conflicts of interest, which I've mentioned there in the submission.

**DR BYRON:** Sorry, it was probably unfair of me to ask you a question about the Engineers Registration Board because you may not be as familiar with that and we're here to talk about architects. You mention conflict of interest. One of the other things that occurs to me arising out of your submission, when you point out that Australia has a very high number of registered architects per head of population compared to other sort of OECD countries. I think you also referred to the medico profession - there are allegations that they try and restrict entry into the profession to limit the number of people so that there is, if you like, less competition.

**MR WYETH:** No, that reference was actually to public perception. It wasn't to do with limiting people coming in but - for instance, the public perception that the AMA protects its own.

**DR BYRON:** Yes, okay. There's the suggestion - not suggestion, but it has been put to us in submissions that the state boards of registration for architects can also operate in a way that is, if you like, exclusive, that limits entry into the profession. We notice what seems to be an awful lot of wastage of people who graduate from university with architecture degrees but never actually get registration. For example, I don't know what the Queensland figures are but in Tasmania you've got 50 people a year graduate but only three or four a year go for registration. Where are all the rest and what are they doing and why aren't they going for registration, assuming that the reason they spent five years at university is because they wanted to be registered architects? So what's keeping them out?

**MR WYETH:** I think the simplistic answer is there's no work for them in the architecture profession so they don't bother to register. They find they have to go somewhere else to derive an income. Architecture is a marvellous basis for doing all sorts of things, it really is, apart from driving taxis. Some of the people leading major urban renewal projects, for instance, were architects but they've gone on to do other things. Some of our biggest developers were architects. Some of the best photographers in the land were architects and they still talk about it and they're still interested but they're doing it a different way.

**DR BYRON:** Right, yes. I suppose we're just worried about - not at that level. We're worried at what looks like a tremendous seepage as it were between graduates and then, for several years after that, registration.

**MR WYETH:** Yes.

**PROF SLOAN:** And you say that but you know there seems to be to us quite a lot of frustrated architecture graduates out there.

**MR WYETH:** I think there's a lot of frustrated architects out there who are either on the verge of leaving the profession or whatever because of current conditions.

**PROF SLOAN:** It's just that the maintenance of standards through the practice exam - and let's say that happens in other professions - where maintenance of quality or standard can easily be a smokescreen for restrictive practice - and there does seem to be a lack of transparency about the practice exam - we seem to have heard about 10 different versions of what it's supposed to be testing, as a matter of fact.

**MR WYETH:** It's a long time since I did mine. I'm not really up to date.

**PROF SLOAN:** Do you think you'd pass?

**MR WYETH:** Yes.

**PROF SLOAN:** Yes? If you went along?

**MR WYETH:** Too right, because I have a lot of back-up experience, because I did a part-time course. I was one of those struggling bachelor students who actually did a part-time course and survived on three guineas a week or whatever it was.

**PROF SLOAN:** There seems to be some quite serious concern about the transparency of the exam for overseas students - for overseas graduates.

**MR WYETH:** I can't comment on that. I don't know. I do believe the way the - with the, if you like, limit on the amount of building work that's going to be available over the next few years personally I believe there are too many students in the architecture school, which is a shame.

**PROF SLOAN:** Elwyn, thanks very much for that and, as Neil and I said, thanks very much for spending the time on your submission. Thanks for coming along.

**DR BYRON:** Thank you very much.



**PROF SLOAN:** I now call Tony Fitzgerald. If you could state your name and organisation for the purpose of transcript. Thanks very much, Tony.

**DR BYRON:** The microphones are only for the transcript so you might have to speak up for those who are present.

**MR FITZGERALD:** Okay, right, may as well make a fool of myself out aloud. I'm Tony Fitzgerald. I'm the director of A.M. Fitzgerald and Associates, architects and planners. I'm a sole practitioner. My area is general practice and in particular high-rise work in the central business district of Brisbane. I've been an architect for 35 years and in private practice for 20 years. I come to you from the coalface. I've been on a job site this morning and I'm going to a board meeting straight after this.

**DR BYRON:** Excellent. Thank you very much. We especially value the time you're giving up.

**MR FITZGERALD:** I felt it a duty to be here.

**PROF SLOAN:** Okay. Did you just want to spend four or five minutes telling us - - -

**MR FITZGERALD:** Yes. You have my submission.

**PROF SLOAN:** Yes, we have.

**MR FITZGERALD:** They may have been arguments you've heard many times before but - - -

**DR BYRON:** Some of them are familiar.

**MR FITZGERALD:** I'm sure. In reading the draft report I had six basic areas or care areas that I thought I disagreed with the opinions expressed and I thought I'd like to give those opinions to the commission simply for your consideration.

**PROF SLOAN:** Yes.

**MR FITZGERALD:** Can I read from what I have? It's a week ago since I've done this.

**PROF SLOAN:** Yes. If you just read out the main proposition and then maybe we can go through them one by one.

**MR FITZGERALD:** Each opinion has a series of reasons.

**PROF SLOAN:** Yes. If you read out the opinion for everyone and then - - -

**MR FITZGERALD:** Right, and then perhaps picking probably the key bit of the argument, if that's all right.

**DR BYRON:** Yes.

**MR FITZGERALD:** I wouldn't mind reading the introduction because this is where I came to it from:

We write on behalf of the directors of our company. As a sole practitioner registered architect our experience includes 20 years in private practice and 35 years in the profession. Our field is general architecture and commercial work in the central business district of Brisbane. The overview. When the Productivity Commission was announced we thought it would review the multiple state architects' acts and their regulations. However, on reading the draft report we find that it reads as an attack on the architectural profession itself - - -

**PROF SLOAN:** I think that's absolutely wrong, to tell you the truth.

**MR FITZGERALD:** Sorry, that is my opinion after reading your draft; and that may be the case. I am here because I believe -

it reads as an attack on the architectural professional itself, in many cases quoting directly from submissions from the Building Designers Association. We find it incredible that a government should commit considerable public moneys to undermine the productive and public protected profession to enable unqualified people to adopt the title "architect" and all that flows from such a proposal.

I was fairly passive until I read the draft report. So that's where I come from, commissioners.

**PROF SLOAN:** Let me say I don't think that attitude is particularly helpful because it's not really focused on the issues at hand.

**MR FITZGERALD:** I needed that direction to read further to your report. I'm used to assessing reasoned argument and following the line down. I just found in reading the report some of the conclusions at the end of the argument something that I can't follow. Nevertheless I came to the conclusion there are six key items that I'd like considered:

Opinion 1, that there should be a National Architects Act and it will provide substantial additional community benefits to the various other acts attempting to provide building safety and the propriety of building service providers.

I can give you six reasons for that but I choose items (b), (e) and (f) as being the key issues:

Building codes, planning codes and fair trading laws do not provide community benefits or protection for the public against substandard work or under-qualified providers until there is a problem with the building work. These codes set only minimum standards for building works and safety, even with the poorest quality workmanship it may take considerable time for a concealed defect to be detected. The work can have passed inspection from the administrators to the building and planning codes and the Fair Trade Practices Act. Architectural documentation and inspection requires the adoption of standards of construction and detailing above the minimum codes and provides public protection before construction.

**PROF SLOAN:** Can I just remind you of the previous submission we had.

**MR FITZGERALD:** I wasn't here then, sorry, commissioner.

**PROF SLOAN:** Of Elwyn having to come in and remedy a very serious problem associated with defective documentation undertaken by a registered architect.

**MR FITZGERALD:** So?

**PROF SLOAN:** It seems to me that we've got a registration system which provides a tick, a once-off tick of people who then - we have absolutely no more information about their competency at all.

**MR FITZGERALD:** You have. If they're in business, I mean, they're - I'm a sole practitioner. If I'm not good at my job there's no backup; my family starves. Right? I've been in business for 20 years simply through the sheer knowledge and the way I operate.

**PROF SLOAN:** Absolutely. So what has government registration to do with that?

**MR FITZGERALD:** No. Going to the previous argument, if Elwyn is investigating some other architect who made a mistake in his documentation then the process is working. If he keeps it up he won't be in business.

**PROF SLOAN:** But the point is we have about the acts, they're not there for the benefit of the profession.

**MR FITZGERALD:** No.

**PROF SLOAN:** They're supposed to be there for the benefit of the public. Right?

**MR FITZGERALD:** And my point was that they act only in hindsight, commissioner, whereas the - - -

**PROF SLOAN:** The Architects Act?

**MR FITZGERALD:** No.

**PROF SLOAN:** But here was an arrangement. We've got the Architects Act, we've got registered architects - - -

**MR FITZGERALD:** And an architect has made a mistake - - -

**PROF SLOAN:** Yes.

**MR FITZGERALD:** - - - which Mr Wyeth is investigating.

**PROF SLOAN:** In what sense is that a prospective policy? Isn't that an ex post policy?

**MR FITZGERALD:** No, but if he's still in business the majority of his business has been successful. He has made a mistake which is being investigated.

**PROF SLOAN:** Okay, exactly. But that's got absolutely nothing to do with government registration, has it? In other words you survive or die according to your reputation in the market.

**MS FITZGERALD:** Yes, but - - -

**PROF SLOAN:** As far as he could see those architects continued to maintain their registration.

**MR FITZGERALD:** Yes. That's all right. What he's saying is that those architects - I didn't hear the argument, commissioner - have made a mistake which is being investigated. But generally - - -

**PROF SLOAN:** No, by him, not by any government agency.

**MR FITZGERALD:** Yes, all right. It has been referred to him for correction and there's a process for that investigation. What I'm saying is, generally, obviously if they're still in business they are doing things correctly. They have made a mistake.

**PROF SLOAN:** But isn't that then - how do you think people go about choosing an architect?

**MR FITZGERALD:** In my own case it's done by reputation, I suppose.

**PROF SLOAN:** Yes. So do you think their first port of call is to ring the Architects Board to see whether you're registered?

**MR FITZGERALD:** I think their lawyers certainly do. The area I operate is in the

centre of the city. One mistake can mean millions of dollars of loss to client.. They most certainly check on my registration, then my reputation, and sort of look at the qualifications as well; definitely.

**PROF SLOAN:** So where does registration - if you were just a registered architect how much work do you get?

**MR FITZGERALD:** All your commissions are dependent on your registration.

**PROF SLOAN:** In this state, because you've got that large - - -

**MR FITZGERALD:** I can only speak for myself, commissioner, but in the area that I work I would imagine all my clients check my current registration as a condition of my employment.

**PROF SLOAN:** So you haven't got people who have architecture degrees who work as architects but then are not legally allowed to call themselves architects in this state?

**MR FITZGERALD:** Sorry, I didn't follow that question. Do you mind repeating it?

**PROF SLOAN:** So there are people - this is the degree of confusion - there are people out there who have architecture degrees, who work as architects, but are not legally allowed to call themselves - - -

**MR FITZGERALD:** They work in the field of architecture but are not really legally allowed to call themselves architects, and that's the way it should be.

**PROF SLOAN:** Is that confusing?

**MR FITZGERALD:** Not at all.

**PROF SLOAN:** Why not? Why wouldn't that confuse the consumer?

**MR FITZGERALD:** If they work in the field of architecture, that's fine, because they've trained in architecture, but the responsibilities of an architect cover the legal situation - and I'm sure there have been people in this seat telling you the scope of architecture - but unless the competency is in the wide range and the base knowledge is there they shouldn't be calling themselves architects.

**PROF SLOAN:** So someone who was ticked off in 1956 and then someone who was ticked off in 1998, that's all the information - you actually don't even get that - - -

**MR FITZGERALD:** Is he still in business, commissioner, or he is retired?

**PROF SLOAN:** That's not information that is generated out of the registration system.

**MR FITZGERALD:** In the field of business if you're still there practising and are vital and they're looking at the work you've just done last month and last year, this is the way it is.

**PROF SLOAN:** Yes, so you're saying that's the important information in consumer choice.

**MR FITZGERALD:** That's part of it - check the registration, check the reputation, what work has he done, etcetera - otherwise they go to some other person whom they know has the basic knowledge and information: another architect.

**PROF SLOAN:** Right, so you don't think your consumers need protection really.

**MR FITZGERALD:** I'm sorry, that's just contrary to what I've just said.

**PROF SLOAN:** If they're seeking out all this information they're obviously quite savvy.

**MR FITZGERALD:** Yes, that is the protection that they require. Knowledge of registration, knowledge of previous jobs.

**PROF SLOAN:** What about Elwyn's case, though? They actually did use registered architects but got defective work? What protection was in that?

**MR FITZGERALD:** They're able to go to another architect knowing that it's going to be properly examined. This poor unfortunate has made a mistake which Elwyn - a qualified architect, a respected qualified architect - is being asked to comment on.

**PROF SLOAN:** What legal obligations should the Architects Board then have in that case?

**MR FITZGERALD:** If it's referred to them, and Elwyn's report will probably make a recommendation, the registration board will call them to account publicly and publish the result.

**PROF SLOAN:** How many architects have been deregistered over the years?

**MR FITZGERALD:** I can think of a particular case here in Brisbane which was widely - - -

**PROF SLOAN:** Yes, we've heard of one.

**MR FITZGERALD:** Yes. I don't know the number and I'm not in a position to

state authoritatively, but the one that I am thinking of received wide publication.

**PROF SLOAN:** So are you in favour of the ownership restrictions in the current legislation?

**MR FITZGERALD:** The ownership restrictions?

**PROF SLOAN:** Yes, which requires a majority of directors of architectural firms to be registered architects.

**MR FITZGERALD:** Yes.

**PROF SLOAN:** Why would that be?

**MR FITZGERALD:** I think it gives depth to the company, and I'm only speaking as a sole practitioner but I have been in partnership, and I think when you select a larger firm you look for the depth of qualifications, the depth of experience in the firm and if - in fact, it's not infrequent to have 200 employees and you only have one qualified practitioner; one would assess the depth not to be very great at the top. I would speak for the majority of the directors of the company to be qualified.

**PROF SLOAN:** So what about those very small cases where it's a husband and wife team? That's just bad luck for them?

**MR FITZGERALD:** No. I'm sorry, I'm just not following. The husband and wife team survive on business of a certain type and - - -

**PROF SLOAN:** Yes, because they're constrained by the legislation.

**MR FITZGERALD:** I've assumed the wife is the qualified architect. That's the way it is nowadays. What does the husband do?

**PROF SLOAN:** The husband helps in the practice.

**MR FITZGERALD:** Yes.

**PROF SLOAN:** But then they can't call themselves an architectural practice because it's not a majority ownership.

**MR FITZGERALD:** That's not the case in Queensland.

**PROF SLOAN:** I think you'll find it is.

**MR FITZGERALD:** There are only two directors of my company and I'm the only qualified architect.

**PROF SLOAN:** Maybe you're violating the legislation.

**MR FITZGERALD:** I don't think so, because I apply for registration and it's clearly stated and I'm awarded my certificate. Commissioner, could you just check that fact, please?

**PROF SLOAN:** Yes, it does vary from state to state.

**MR FITZGERALD:** I'm not qualified to tell you, but I'd say you have the wrong impression if that's what you think.

**PROF SLOAN:** It does vary from state to state, and of course if you went for a national act it may be that in fact those kinds of arrangements would be more stringent.

**MR FITZGERALD:** That's all right. We'd apply for it to be changed.

**PROF SLOAN:** Right, but this would be legislation.

**MR FITZGERALD:** Legislation is there for the guidance of wise people. If it can be demonstrated that a husband and wife team, who both participate in it and only one of them is qualified and that's advantageous, then you'd expect the law to read that way.

**PROF SLOAN:** It hasn't. We had a case in Victoria where that precise situation was frustrated.

**MR FITZGERALD:** A case which I thought this commission would address, the anomalies in the situation with all the Architects Boards, but I find it's more than that. You're actually looking at the poor old hardworking architects who do it for the good of the community.

**PROF SLOAN:** I feel that's an important point. We're not looking at measures that protect the profession.

**MR FITZGERALD:** No, I understand that.

**PROF SLOAN:** That would be anticompetitive.

**MR FITZGERALD:** I've read your charter.

**PROF SLOAN:** We are looking at the public interest, so it's very important to keep that in mind.

**DR BYRON:** Should we continue?



**PROF SLOAN:** Yes, go on to second opinion.

**MR FITZGERALD:** Still on the first one, I've just highlighted this:

Cost savings to the public are achieved by avoiding defective construction, by benchmarking knowledgeable design and documentation. It is easy for an architect to distinguish architectural detailing from non-architectural detailing -

and I've underlined that. I've just come from a case this morning where it's absolutely obvious -

as the latter most often - - -

**PROF SLOAN:** We've had a professor in Western Australia who said that's absolutely not true and that architects cannot distinguish houses, for example, that have been designed by architects and by non-architects.

**MR FITZGERALD:** I'm talking about detailing, commissioner.

**PROF SLOAN:** Yes, okay.

**MR FITZGERALD:** You can see a house from afar. You go up there and an architect can very quickly distinguish the detailing, whether it's been done with knowledge or without knowledge.

**PROF SLOAN:** This is a case of you bagging the competitors. We've really got to stick to the point of protecting the public through the Architects Act.

**MR FITZGERALD:** The public is protected if their windows don't leak water and their overhangs are correct for the environmental conditions and various other things - scientific things, artistic things, functional things. So the public is protected if the architects have an influence on that particular design.

**PROF SLOAN:** May have.

**MR FITZGERALD:** I beg your pardon?

**PROF SLOAN:** May. We've heard this morning about an example of defective work by architects. There's no guarantee that just because an architect is involved it generates those benefits.

**MR FITZGERALD:** In the case of probability the person with the education and experience to do that and has received a registration in acknowledgment of that is more likely to consistently produce good design than the non-architect.

**PROF SLOAN:** That's a good basis for marketing your wares.

**MR FITZGERALD:** Okay. Just on the final point, and I don't want to exceed my time:

The Architects Act ensures consumer standards for the present and future projects while other acts can only offer protection in hindsight after the defects occur.

The second opinion, commissioner, was that even if relatively few people engage architects as a percentage of the total building work, an Architects Act does a great deal to ensure better building standards and the reason I give that I've chosen:

As with other industries, technology in the building industry is constantly changing. Because of their knowledge architects are in the best position to assist the products of technology for application to provide new solutions to the building services. Correct assessment saves costly mistakes and it is not infrequent for an architect to see solutions and detailing first developed by himself to be copied by non-architects. The architect saves the community from expensive mistakes by non-architects and the Architects Act identifies persons able to take this lead in the use of technology. Consumers benefit,  
opinion 3 - - -

**PROF SLOAN:** That seems extraordinary, because there is no requirement for ongoing professional development as far as registration and, I hate to say, we've actually met some rather ancient architects who are not up to date with the latest technology at all. That's just a conjecture, because there is no requirement of registration that people are up to date.

**MR FITZGERALD:** That may be the case. I come to you from the coalface. My daily mail would give me literature that much - that high - of new technologies, new products, etcetera, which you've got to wade through and assess.

**PROF SLOAN:** Yes, but that's not a requirement of registration.

**MR FITZGERALD:** It is the practicality of the architect's education to be able to correctly assess this information.

**PROF SLOAN:** But that would happen whether or not people were statutorily registered.

**MR FITZGERALD:** The public is entitled, in selecting a registered architect, to know that he is up to date with this information and able to correctly assess technology because of his education.

**PROF SLOAN:** But that's my very point: the registration system gives no such indication at all.

**MR FITZGERALD:** The public have the reassurance that if they choose a

registered architect their project will be addressed with this depth of knowledge or this ability to assess latest technology.

**DR BYRON:** What we're really getting at is whether the accreditation, certification system has to be statutory, government-run, or whether a non-statutory alternative could do the same thing. If there was a system equivalent to a certified practising accountant, something like that, I would suggest that you would still get the same volume of mail, you would still read it, you would still be highly respected by your peers and by your clients because of the excellence of your work, but the accreditation would come from a non-government accreditor rather than a government accreditor and it may actually give everybody much more information. In fact, you might get a much stronger endorsement than the very weak one that comes from, "Yes, he's on the register of Queensland."

What I'm trying to say is your professionalism, the quality of what you do, the fact that you keep up to date, would be at least as great - in fact, it would be more ensured, encouraged, give more confidence to the clients - than is required at the moment. You're doing it now even though it's not required; if it was a condition for you having whatever the architectural equivalent of CPA is, then you would still do it but you would get more credit for it.

**MR FITZGERALD:** Commissioner, we have a set of regulations at the moment. You're proposing another set of regulations. Simply modify the existing set of regulations requiring up-to-date education of the architect. Why change it? It works.

**PROF SLOAN:** I don't think it works at all; in fact, most architects would see the regulatory arrangements as extraordinarily weak.

**MR FITZGERALD:** Most architects would wish that it be updated, yes, commissioner, but the system of registration of architects in various states works. The public has access to a list of registered architects. I'm not saying - - -

**PROF SLOAN:** The public appears to have very little knowledge of it as a matter of fact.

**MR FITZGERALD:** Then that needs changing, commissioner. No-one is saying keep the status quo. Don't introduce a new system of regulatory bodies when the existing system works. If it needs changing - - -

**PROF SLOAN:** A lot of people seem to think it doesn't work.

**MR FITZGERALD:** Okay, I'm only bringing my opinion from the coalface.

**PROF SLOAN:** Yes, that's fine. Opinion 3 then?

**MR FITZGERALD:** Opinion 3:

Certification of architects does not restrict competition or impose costs on the community -

and I won't go through the reasons. I choose an extract here:

The ability to discriminate from the wide range of manufacturers' claims for their products requires the application of this depth of education. The public requires a system which identifies persons with this knowledge from those who profess to know or, more importantly, do not appreciate what they don't know, to the detriment of public safety and financial loss.

**PROF SLOAN:** Maybe if we can go on to the next point.

**MR FITZGERALD:** Okay, opinion 4:

Registration is mandatory where self-regulation is voluntary. The public has protection at no cost.

Commissioner, I may have misunderstood in your report. If in fact you're proposing a different system of regulation rather than simply self-regulation - I might jump that; if that's the case, I've misunderstood it.

**PROF SLOAN:** Okay.

**MR FITZGERALD:** Opinion 5:

Competition for architectural services would not be greater after deregulation of architects -

and the reason that I choose to read here:

Deregulation of architects will enable non-architects to claim these skills without public awareness that the degree of skill has not been applied to the complex projects. Costs for replanning, rectification and legal consequences after the project's completion would be detrimental to the public and very costly to the industry and the country.

That's simply a summary of the reason. Opinion 6 is one that I think is important:

The defined meaning of "architect" enables the law to refer to this title without ambiguity at the moment. This will not be the case if non-architects use the title and the reason - the law has in the past relied on the term "architect" to define the responsibilities of agency to the parties of a building contract. "Architect" means proprietor's agent. The actions of the architect are binding on the owner. This enables the architect to issue instructions to contractors for which the owner is liable. During the building construction stage of a project

the title

"architect" is relied on by the contractor for fair administration of the terms of the contract; the architect has received the education and has been trained for this role. Costly disputes and arbitration are avoided.

"Working drawings" is the term for construction drawings. They are correctly described as "architecturals" when prepared by an architect. The term is a reassurance to the building contractor and subcontractors during the pricing and construction as to the quality of documentation. If non-architects are permitted to use the title "architect" or its derivatives both the law and building contractors will be adversely affected, the reference to precedent in reference to the outcomes of past cases of law involving architects will no longer be relevant and building contractors will no longer have the assurance of quality of documentation.

During the normal course of practice architects are frequently called upon to correct the work or the results of non-architects, poor documentation or failed details. The evidence of lack of knowledge is astonishing.

**PROF SLOAN:** Again I'd reiterate the point that I think bagging the competitors doesn't actually get you anywhere, but thanks very much, Tony, for that.

**MR FITZGERALD:** They're comments from the coalface, commissioner. That's all I can say. I experience this on a daily basis and I feel qualified and able to come here and say that, offer these opinions from practical experience.

**PROF SLOAN:** Can I just read out what we concluded:

Architects have unique skills and expertise to offer the community and it is in the community's interests that they market and use their skills as well as possible.

I think your idea that we're denigrating the profession is not well founded if you do read the report carefully. So thank you - - -

**MR FITZGERALD:** Okay, thank you for the opportunity.

**PROF SLOAN:** It's a pleasure.

**PROF SLOAN:** Do we now have Tony Calabrese? If you could come and give us your name and affiliation.

**MR CALABRESE:** On paper or - - -

**PROF SLOAN:** No, just for the purpose of transcript. We haven't got a written submission from you. Is that right?

**MR CALABRESE:** I've got some points here. I've been overseas and I've picked up the form a bit late.

**PROF SLOAN:** That's fine. If you could just give the name and your affiliation for the purposes of transcript.

**MR CALABRESE:** Okay. I'm Tony Calabrese, I'm a registered architect. I'm a sole practitioner and, of late, I've been moving into development. I have an interest in this issue, because having read the report, while there are some points that seems to indicate that perhaps the Architects Act may need a bit of updating, I was - I won't say alarmed, but I was surprised at some of the summarisations and conclusions of the report and the recommendations. I just wanted to address some of the issues; perhaps clarify exactly what the intent is. As I was just listening before, there appears to be some confusion, well-founded or ill-founded I don't know, but I certainly want to get the facts straight and see just how the dust is settling.

**PROF SLOAN:** Okay, that's fine.

**MR CALABRESE:** I'll use the OHT if I can. I've got a few points which address the sort of core issues about what is going on. I have read large sections of the report. I haven't read the whole 140 pages, but the conclusions - - -

**PROF SLOAN:** We will need copies of those for the purpose - - -

**MR CALABRESE:** I can give you those later if you wish.

**PROF SLOAN:** Okay, that's fine, thanks.

**MR CALABRESE:** The first point that I have for addressing the commission is that the government has proceeded with the implementation of licences, which is effectively the registration of tradespeople, including draftspersons. My question to the commission is why is the commission moving to deregister architects? It appears to have no logic, since the trades now have to be registered.

**PROF SLOAN:** Licensed. They're licensed - - -

**MR CALABRESE:** It's effectively a certification process.

**PROF SLOAN:** Yes. A very low hurdle but, yes, go on.

**MR CALABRESE:** That's the question. Can I - - -

**PROF SLOAN:** No, you keep going and we'll come back.

**MR CALABRESE:** Okay. If the Productivity Commission wants the Architects Act removed, thus allowing anyone to call themselves an architect, question: how are the public to be informed who is fully qualified in design at a high level, and who is highly qualified in contract administration so they can make an informed choice?

**PROF SLOAN:** Can I just make the point that legally anyone can call themselves professor. I don't really mind to tell you the truth, because, you know, if it's going to have any credibility someone is going to ask a few additional questions like, "What are you professor of? What's your university affiliation? What's your qualifications?" So I'm actually not in the least bit perturbed that it's not a legal restriction.

**MR CALABRESE:** Well, it comes up in a resume and everything and we give it credibility. I mean my understanding of a professor is someone who has done a PhD, who has done further research, who is expert in certain fields and has a certain deep understanding of the situation. I would accredit you as having those - I would expect that from the certification process.

**PROF SLOAN:** Yes, but there's no legal restriction on anyone calling themselves professor.

**MR CALABRESE:** But you're using the title to assign credibility to the position and to your opinions. This is, I think, what is plaguing the profession.

**PROF SLOAN:** But I'm also an economist, and there's absolutely no legal restriction on anyone calling themselves an economist. Do I mind? No. Why don't I mind? Because I'm a miles better economist than those pretend economists. So I don't worry at all.

**MR CALABRESE:** Would you like it if there was no accreditation process in the university connecting a professor, say, higher than a PhD?

**PROF SLOAN:** Look, there are some professors who have no qualifications at all.

**MR CALABRESE:** Do they call themselves professor?

**PROF SLOAN:** Yes, there was one in my university, because he was brilliant.

**MR CALABRESE:** When I went to the University of Queensland, it wasn't my understanding.





**PROF SLOAN:** All I'm saying is that reservation of title is not actually as common as you might think. It's actually not illegal for anyone to call themselves a doctor. You know, you don't have to be a medical practitioner to legally call yourself a doctor. I'm not talking about PhD, I'm talking about chiropractors who call themselves doctors - - -

**MR CALABRESE:** Are you talking about Italy or - - -

**PROF SLOAN:** No, here, in Australia. So it is a bit peculiar: architecture, reservation of title. Similarly, in that first example, there's no reservation - someone can call themselves a plumber if they want to. It's just that you have to have a licence to undertake certain work. So it's licensing the activity, not reserving the title.

**MR CALABRESE:** You still haven't addressed my point: the government has moved to regulate those people and now they're trying to deregister the architects. It doesn't make any sense.

**PROF SLOAN:** No, because it's a completely different form of regulation.

**MR CALABRESE:** No, you get a gold card - - -

**PROF SLOAN:** No, it's licensing the activity, because they think - - -

**MR CALABRESE:** They're controlling it in some form.

**PROF SLOAN:** Yes, because they think the consequences - - -

**MR CALABRESE:** If you want to call yourself a plumber and you go onto the site you have to have a gold card.

**PROF SLOAN:** Because they think the consequences are now - - -

**MR CALABRESE:** And it has to say "plumber".

**PROF SLOAN:** Yes.

**MR CALABRESE:** If that were the case - - -

**PROF SLOAN:** But in fact there is no reservation of practice in architecture.

**MR CALABRESE:** No, I think the core issue is that there is a move in regulating the tradespeople. What we're talking about here is deregulating people that work with tradespeople.

**PROF SLOAN:** No, we're not talking about deregulation.

**MR CALABRESE:** What are we talking about?

**PROF SLOAN:** We're talking about removing reservation of title. Okay, keep going. We want to get through, in other words.

**MR CALABRESE:** This one here, are we going to address that later? How does the public know what the level of expertise of an architect is if there is no independent certification process?

**PROF SLOAN:** Well, because we understand how the consumer process works. As I say, no-one is going to - you know, they ask a wide variety of questions, including, as Tony said previously, they seek out their experience, their previous work and all manner of information is taken into account in the search process.

**MR CALABRESE:** Would you let a doctor operate on your child if there was no regulation on doctors?

**PROF SLOAN:** No, but I'd probably let someone take my blood pressure.

**MR CALABRESE:** But you wouldn't let a doctor work on your child?

**PROF SLOAN:** No, that's a good example. You license activities which have potentially serious consequences, and probably don't do anything about the other.

**MR CALABRESE:** Doctors and specialists have a registration for exactly the same reasons that architects have. There are good and bad doctors, but certification secures the public an expected level of competence. What you were talking about before was an isolated case where an architect was guilty of negligence. There are plenty of doctors that are guilty of negligence, plenty of lawyers. It can't be isolated as a point to try and drive a deregulation argument. What I'm saying is certification is fundamental to life. I mean, if I go into another state I can't say, "I've educated my child. I want to put her in grade 4." They're going to say, "Well, did she do grade 3?" We need certification. You can't deregulate - - -

**PROF SLOAN:** But I think that's a good example and I'm glad you've used doctors, because I'm actually married to a specialist and he actually couldn't retain his certification unless he continued his professional development. He would actually be decertified. Whereas you've got people on your register who registered in 1956 and have done absolutely nothing since, yet they are legally allowed to use the title architect. So I think that doctors is really - it's a good example in the sense that for them - - -

**MR CALABRESE:** Are you saying that those doctors are no good any more if they haven't been in the profession? Just as architects, if they haven't been in the profession for 10 years, are no good any more?

**PROF SLOAN:** Frankly, I don't want to have a neurosurgeon operating on me who

hasn't done an operation for 20 years, and I would like to know that.

**MR CALABRESE:** Part of my qualifications are that I have a maths degree, and I had an ophthalmologist come to me once and he wanted to learn calculus. I had had trouble with my eyes, and I asked him something and he was able to tell me - and he wasn't practising - better than anyone else what the problem was. He wasn't a practising ophthalmologist. You cannot negate experience.

**PROF SLOAN:** No, let's get going. Let's not get onto the - - -

**MR CALABRESE:** We seem to be avoiding the points. Is the Productivity Commission also planning to deregulate other professions?

**PROF SLOAN:** Let's go back to the point - we're an advisory agency, not a regulatory agency.

**MR CALABRESE:** Sorry? Well, advise, whatever you will, because if so, and say you've got a nurse who has been practising, say, as a surgeon's assistant, for 35 years, might well think that she knows so much about it that she can perform the same work.

**PROF SLOAN:** I'd stick to the architects.

**MR CALABRESE:** No, this is a professional argument as well.

**PROF SLOAN:** Yes, well, we've got the answers to that - - -

**MR CALABRESE:** We've got levels of hierarchy both in architecture - you have building designers, you have architects, you have GPs, you have specialists, you have legals, you have paralegals. So the argument is a valid one, as far as I'm concerned.

**PROF SLOAN:** There are plenty of professions which don't have any statutory certification at all. For example engineers, for example accountants, for example social workers interestingly enough, for example building surveyors. There are a large number. Economists - - -

**MR CALABRESE:** But the funny thing is, commissioner, that all over the world the proposal that has been advocated in this report is against what other countries are doing. So we don't have to say we're going to try something new or perhaps the other people, as England has done, have tried to come back to regulation; perhaps it's not so productive.

**PROF SLOAN:** I mean, England is a good example. They had to alter their regulation of architecture dramatically, including the fact that there are no legal restrictions of the use of the derivative in England.

**MR CALABRESE:** Well, the use of the derivative has always been a debate, and I don't think anyone here - most people in this argument - would have any problem with

that. I mean there's no problem with, say, introducing the term architectural technician, as a person who assists an architect. There have been - - -

**PROF SLOAN:** Some architects are worried about that.

**MR CALABRESE:** I think with the proper institution into the legislation that shouldn't be a problem. But, at the end of the day, if we're talking about productivity and consumer protection, it is fundamental that the consumers know what they're getting. If you open the ball game to anyone, and I'll have an example in my conclusion, then I submit that you're highly diluting consumers' rights and understanding, fundamental understanding, of what an architect can deliver. I only had that same comment given to me yesterday. I said, "Look, they're thinking about deregulating the Architects Act," to someone and they said, "How are you going to know what an architect does?" It's quite fundamental. We don't have to get into high-ended, esoteric, economic, academic argument. What does an architect do?

**PROF SLOAN:** We have to keep going.

**MR CALABRESE:** Question: if the building designers want to have the same rights as architects, why doesn't the Productivity Commission suggest to them that they should be required to undergo degree level study at university and sit for a practice exam, because they claim they can do the same stuff.

**PROF SLOAN:** Because there's a niche in the market for building designers and the market has figured it out. Next point.

**MR CALABRESE:** I submit that the commission must enforce a distinction between those qualified with university degrees. Hence intensive design and contract education versus a two-year TAFE or learning-on-the-job course, who then apply to be building designers, because that's essentially what happens, commissioner, in the marketplace.

**PROF SLOAN:** Right. If you would like to sit down. Did you want to ask a question - - -

**MR CALABRESE:** I had one more, if I may.

**PROF SLOAN:** Sorry.

**MR CALABRESE:** I haven't finished, no. If the Productivity Commission wants the architects acts removed and replaced by self-regulation by the RAIA, then where is the logic, productivity or otherwise, in removing one registration method to be undertaken by another?

**PROF SLOAN:** We never used the term "deregulation"; that's your term. We're actually not advocating deregulation.

**MR CALABRESE:** What is being advocated?

**PROF SLOAN:** We're advocating a strong form of self-regulation.

**MR CALABRESE:** Self-regulation? Well, I term deregulation as killing off the Architects Act.

**PROF SLOAN:** That's not what we - to rescind the Architects Act does not mean that it's a deregulated environment, both because there would be strong points of self-regulation and there are very many forms of regulation affecting the practice of architecture, as you know.

**MR CALABRESE:** Apparently one of the places where deregulation occurs is in Ireland, and I have had experience with an Irish architect. I understand that quite recently there have been some competitions overseas and the Irish architects were excluded because they weren't registered. They went to the Royal Institute of British Architects to try to enter the competition and they were refused.

**PROF SLOAN:** That's a good example of anticompetitive practice.

**MR CALABRESE:** Talking about the Europeans now - - -

**PROF SLOAN:** But it's a good example.

**MR CALABRESE:** They're pretty good economically - - -

**PROF SLOAN:** No, they're not good at economics.

**MR CALABRESE:** Well, I've got an Italian background and I can tell you they're not bad. Given this fact, how can the commission argue that repealing the architects acts will increase productivity for Australian architects who, of late, have exported their services quite significantly - Indonesia, China.

**PROF SLOAN:** Yes, as indeed the engineers and the accountants have been very successful in exporting their services.

**MR CALABRESE:** Commissioner, we're talking about a system - - -

**PROF SLOAN:** Yet they have no statutory registration.

**MR CALABRESE:** Yes, but we're going to have a hitch when we turn up, say, in Europe and we're unregistered and we want to design the next opera house. We're going to have a hitch. That is not productivity to me, which this commission is about. I've got a summarisation. I took the liberty of ringing BSA on Monday, I think that's when it was, and they told me there was approximately 5000 complaints at the BSA regarding builders and poor workmanship that they had, I think, in the 98-

99 period



approximately. These projects generally do not have architects because all building contracts involving architects have arbitration clauses.

The process for a registered architect is to liaise and act with the contractor to resolve building disputes. If a dispute cannot be solved, then an independent arbitrator can be appointed. If that fails there is recourse to court and possible contract termination. The architect will always be productive for the client and builder, because they are skilled in protecting the interests of the contract, and they receive those skills by doing the extended architect's course; not doing the building designer's course or learning on the job. They have specific skills. I know that a lot of people are pushing the design area, but what must not be forgotten is their contract administration skills.

There are very senior architects in this town who only work on contract administration, which some people of late have been terming project management. But in fact architects, good architects, have always been managing projects. That is part of their charter for the client, their consumer - and their productivity skill. To remove the certainty as it exists now, will open the possibility of more disputes with more costs. That cannot be productive.

It's my opinion, as the author, that the Productivity Commission has not convincingly made a correlation between the repeal of the acts and the subsequent increase in productivity of the industry. You have to have more meat in the pie. It is not contested by the author that the act should not be amended from time to time. Legislation does this all the time. It is proposed that a streamlining of the current state board system be replaced by national legislation controlled, perhaps, by the RAlA. But there has to be some sort of legislation. If you want to repeal the eight acts, that's fine, but you've got to bring in something to replace it.

As a conclusion, I've worked with building designers. There is no problem with them at all. Most of them understand what their area of expertise is. This particular gentleman who I've crossed out - this is one of the communiques he gave to me. This particular encounter cost me about \$6000 in the States. This is a building designer. I would like you to note here what he says:

Such-and-such incorporates service workshop for auto mechanical, electrical auto airconditioning and truck refrigeration units. Building design and drafting. Registered architect consultant service.

This is a building designer who is doing anything he can - - -

**PROF SLOAN:** You should have dobbed him in to the Architects Board. This is the current system you're telling me?

**MR CALABRESE:** No, these are the sorts of people that the commission is trying to open up the market to - - -

**PROF SLOAN:** But this is one of the existing arrangements - - -

**MR CALABRESE:** He's doing anything he can, including drafting. He's not regulated at all.

**PROF SLOAN:** That's actually illegal if he's not a registered architect.

**MR CALABRESE:** He's not an architect, he's a designer.

**PROF SLOAN:** Right. So why don't you dob him in to the Architects Board?

**MR CALABRESE:** He's not claiming to be an architect. He's claiming to be a designer. He was aiding me on a project and he made several mistakes. It cost me \$5000 and I had to correct them all. When I said to him, "Don't you read the code?" he said, "I haven't got the code. Anyway, that's your job."

**PROF SLOAN:** But if he's writing, "Registered architect consultant service - - -"

**MR CALABRESE:** I think he's saying that he's consulting to registered architects, who I was.

**PROF SLOAN:** I would have dobbed - what do you reckon, Neil?

**DR BYRON:** Yes, that's - - -

**MR CALABRESE:** He's from Ireland, and he was very angry when he came here to Australia, because the Board of Architects would not register him. Ireland is a deregulated system. He said to me, "I had to go home and have a few Scotches. I can't understand it." Do you know what the board said to him? They said, "Could you please do a couple of years in design. Come and do the practice exam and we'll register you." He didn't want to do it. The question I ask is if the building designers are so up in arms about this, why don't they just do a couple of years of design at uni - - -

**PROF SLOAN:** Is he an architecture graduate?

**MR CALABRESE:** He was an architect in Ireland under a deregulated system and this is what he's doing here.

**PROF SLOAN:** Yes.

**MR CALABRESE:** And he's making mistakes. He's not reading the code and he openly says that he's not a designer and he doesn't want to be. He's an architect's assistant. He's an architectural technician. We have to delineate between people who assist architects and architects. Thank you very much.

**DR BYRON:** Thank you.

**PROF SLOAN:** Okay. That's of course under the existing system.

**PROF SLOAN:** I now call Dorothy Jewell to the stand. If you could state your name and your affiliation, that would be most appreciated.

**MS JEWELL:** I am Dorothy Jewell. I am president of the Australian Council of the Professions. The Council of the Professions represents a wide diversity of professions, going from the health professions through to the engineers and the architects, through to the accountants. We cover a range of professions that have a broad diversity of regulation that I have been hearing you talk about today.

**PROF SLOAN:** Are teachers professional?

**MS JEWELL:** The public probably think they are, but they haven't made application to our council to be a member.

**PROF SLOAN:** Are social workers professional?

**MS JEWELL:** They may be, but they haven't applied either.

**PROF SLOAN:** Plumbing, they are not professional?

**MS JEWELL:** We do have a definition and I haven't actually brought it with me, but it is a body of knowledge at a high level.

**PROF SLOAN:** So plumbing is not either?

**MS JEWELL:** No, plumbing hasn't applied either, but I doubt whether they - - -

**PROF SLOAN:** So as long as you apply you can be in?

**MS JEWELL:** No, we have a criteria.

**PROF SLOAN:** I suspect economists are professional.

**MS JEWELL:** They may be, but they haven't applied either to the council.

**PROF SLOAN:** But you wouldn't say that a professional is defined by their membership of your council?

**MS JEWELL:** No, not at all. Not at all, it's just that we do have a criteria for membership and I just stated it was a diverse membership that we have within the Council of Professions. So I'm not speaking on behalf of architects per se, but the architects are a member of our council. The council has a competition committee which is looking at these issues and I am aware of registration issues, particularly from the point of view of a health profession. I am the chairman of a registration board here in Queensland of a health profession, so I have an understanding of why there is a need for protection of the public in that area. I do understand the engineers'

NPER scheme and how that has been set up. I do understand how the accountants are not registered, but in fact have had to spend millions of dollars in fact to identify themselves as CPAs and people who have a basic qualification.

**PROF SLOAN:** Are accountants professionals?

**MS JEWELL:** Absolutely. They are a member of the council.

**PROF SLOAN:** Okay, so that definitely gets you in, does it? I just wonder whether the notion of a profession is a rather arcane one.

**MS JEWELL:** Some people may think so, but in fact the council does exist and is quite active.

**PROF SLOAN:** Because yesterday we heard that the only professions are the lawyers, the doctors and the architects.

**MS JEWELL:** I would have to disagree with that, wouldn't I? The issue I wanted to raise with you this morning was the public interest issue. You have mentioned it already this morning, that you were looking at the public interest. I suppose I would have to challenge you as to how broadly that has been looked at. When I look around the room I am not sure how many people who are here are not architects or perhaps building designers. I wonder whether the consumer groups have been involved in this public interest discussion or whether it's simply - I am aware that you are moving around the country and that you are trying to have that input presumably, but I just wonder how successful that has been able to be.

**PROF SLOAN:** It is a perennial problem. We certainly have been able to access the big users of architectural services, because they are readily identifiable. So we have been able to do that. There are a few smaller consumers. It seems to me the knowledge actually by consumers of the Architects Act is extremely limited.

**MS JEWELL:** It may be. I take on board some of the points you have made earlier this morning about acts that are perhaps not as relevant now as they have been in the past. In fact acts take a very long time to change. Legislation grinds on for many years before changes are made and the Health Practitioners Act in Queensland came out with a discussion paper - or Queensland Health came out with a discussion paper in 1994. In fact that legislation is still under review. If you looked at the Physiotherapists Act at the moment in Queensland, it's a 1964 act that spends about a third of it talking about who may use the badge and who may not.

It may be that the Architects Act has not incorporated or doesn't incorporate at the moment some of those issues you have been talking about earlier. For instance, maintaining competency: there is no doubt in the health professions that we are currently writing into those acts ways to protect the consumer. Of course it has never been a particular problem for the health professions to identify that they are looking after the public rather than looking after the profession. I have to tell you that none

of

the people that my board has deregistered would think that we are looking after them. They certainly know that we are there to protect the public.

I think that issue of whether it should be statutory regulation or whether it should be a co-regulation situation is a very interesting point, in that a statutory regulation is seen I think by the public as being - the perception is that because it's government regulated it is independent.

**PROF SLOAN:** Even though in this case it's actually run more or less entirely by architects.

**MS JEWELL:** Then I would suggest to you that not all - - -

**PROF SLOAN:** And indeed architects who have often sat on the board for years and years and years.

**MS JEWELL:** I think that has been the case in some registering authorities in the past, but as I said to you things are evolving and changing.

**PROF SLOAN:** But does that engender public confidence? That looks like the judge and jury situation to me.

**MS JEWELL:** As I said to you, things are changing and in the health professions we now have tribunals that have been set up independently to take away from that judge and jury situation. We have lawyers and consumers on our boards. Perhaps the health professions have moved a little faster to be able to get these changes. Perhaps the architects still are trying to do that. I understand they have been trying to make changes to their registration act. So to use the argument that they are still back in 1964 situation - - -

**PROF SLOAN:** Of course you have to understand our point. We have to actually assess the acts as they stand, rather than what hypothetically might be..

**MS JEWELL:** And no doubt if you looked at some of the acts currently in Queensland you would see they are quite old acts, too, but does that mean you throw out the baby with the bathwater?

**PROF SLOAN:** No. Go back to that point of the value of government registration. It seems to me that there might be a real negative in it, because it implies a government guarantee that actually doesn't exist at all.

**MS JEWELL:** I don't think that's true. I don't think it does imply that.

**PROF SLOAN:** It implies preferring a degree of public confidence which may well not be at all justified because the Architects Act doesn't provide for any ongoing assessment of competency at all.

**MS JEWELL:** Then it may be just again an evolutionary process because all of the other acts of the health professions acts are moving in that direction to - - -

**PROF SLOAN:** But isn't that a very serious indictment of the acts as they stand?

**MS JEWELL:** I quite agree with you.

**PROF SLOAN:** If they have someone who can legally call themselves an architect who may be extremely incompetent but in fact has a government stamp that says, "I'm a registered architect," which really can't be taken away from them as long as they pay the \$65 a year - - -

**MS JEWELL:** What I am saying to you is that the acts in some cases have become outdated and just to say that you are going to throw out the acts without looking to see whether the acts can be updated, as some of them are being, is not necessarily a good way to go.

**DR BYRON:** Even updating the acts, would you think that there are probably a lot of reforms, improvements, that could be made by the boards within the existing acts - for example, co-opting a lawyer to run the disciplinary procedures?

**MS JEWELL:** In fact that's exactly what is happening in the health professions. We have now district court judges that are being set up as tribunals. Within the Physiotherapy Board - up until early this year the Physiotherapy Board sat as a judge and jury. I quite agree that was not a good way to do things. It not only was not a good way, it was exhausting for those board members who were doing it part-time after doing work during the daytime for that to be the way it was. Now we have no problem at all with that being hived off to a tribunal for that to be done. I certainly think there are much better ways for these issues to be dealt with, but just to throw out the legislation as it is now and say, "Well, it's a very old legislation, therefore let's scrub it and start with something totally different," isn't necessarily the only way to go.

**PROF SLOAN:** No. It seems extraordinarily hard though for the legislation to be changed. These are state pieces of legislation. In the three states we have been to thus far we have heard of efforts over very long periods of time to try and get these acts changed, but the politicians - there doesn't seem to be any constituency for this much.

**MS JEWELL:** I would disagree with that again. Within the health professions it is changing. It has taken a little while, but - - -

**PROF SLOAN:** Within the architects they seem to have been working on this forever.

**MS JEWELL:** But is it their fault if the legislation isn't done yet?



**PROF SLOAN:** It seems to me that there has been a very high opportunity cost in this and that they could have got on with a really quite aggressive form of self-regulation which probably would have involved marketing their skills a lot better and informing the public a lot better.

**MS JEWELL:** There is probably no reason why the professional associations still can't do that, and do. What I am saying to you is that legislation of them as a profession isn't necessarily opposed to that. It doesn't have to go down the other way.

**PROF SLOAN:** It's very patchy though, isn't it, how the profession is - I don't really like that term "interpreted", you know, because I think kindergarten teachers are professionals.

**MS JEWELL:** I wouldn't disagree with it.

**PROF SLOAN:** Everyone who is doing their job to the best of their ability and the requirements of the job is really a professional. My housekeeper is a professional in my opinion. We have the accountants, no statutory registration.

**MS JEWELL:** That is not quite true, because the accountants do have some certification. The auditors do, tax agents do, the financial planners do.

**PROF SLOAN:** They have some licensing of particular activities here. No, the financial planners, that is self-regulation.

**MS JEWELL:** Okay, but to say that they have no regulation at all is not true.

**PROF SLOAN:** No, absolutely not.

**MS JEWELL:** I am not saying that the accountants don't have a very good system. I believe they do.

**PROF SLOAN:** Yes, and the engineer. You see, as I understand it, and I don't know about in this state, but in most states social workers - there is no statutory registration of social workers.

**MS JEWELL:** Social workers have been trying to get that for many years.

**PROF SLOAN:** Yes.

**MS JEWELL:** They think it's a good idea.

**PROF SLOAN:** Yes, but has it diminished the profession of social workers?

**MS JEWELL:** They would say yes, I believe.

**PROF SLOAN:** And economists, they are not a registered profession.

**MS JEWELL:** I can't speak for economists.

**PROF SLOAN:** They wouldn't, they couldn't, I don't think in all honesty, seek statutory registration.

**MS JEWELL:** Presumably what you do isn't a threat to the public.

**PROF SLOAN:** Some people would say it was a serious threat actually.

**MS JEWELL:** Then perhaps you do need it.

**DR BYRON:** But what we are really discussing, as I think I have already said twice today or maybe I am just repeating what I said in Adelaide, I think the draft report the commission has released proposes that it would be in the public interest to have much better information out there about the great spectrum of quality, skills and expertise that is available across the whole raft of things. For consumers to be well informed about what is available, what it costs and so on, people should get what they pay for and know what they are getting and all these sorts of things. When we compare the existing registration system to that sort of benchmark - - -

**MS JEWELL:** I think you are talking about two different things.

**DR BYRON:** - - - it basically doesn't work.

**MS JEWELL:** I think there's no reason why that sort of marketing can't be done. I don't know that registering is necessarily about that. Registering is about showing that there is a level of competence that these people are saying they have. It's a registration. There is public trust involved in knowing that somebody has a level of competence, has a level of education which is certified by the government to say - now, I don't believe it's a government guarantee of their standards, but I do believe it is a public trust issue that says these people have a level of competence. I do agree that that level of competence should continue to be upgraded and I think there should be ways of doing that.

I agree with all those things you said about how the registration should be maintained, but I don't think that necessarily you should throw out that system which has existed - perhaps it can be updated - for another system which is extremely expensive to set up. If you go to the accountants they will tell you that that is so. The engineers certainly have set up their registration system. Queensland of course with the engineers does have registration and I believe that the engineers would still prefer to have legislation of title, while the co-regulation system they have set up allows the competencies to be measured by the NPER which is their register authority.

There are just so many different diverse levels of accrediting courses and how you maintain that public trust in the qualifications of the people who are doing a job, and a job that potentially is quite detrimental to the public if it's not done properly. I think I started off on the whole issue of public interest and I am giving you just some dot points because I didn't have a proper presentation because we were late putting our submission in. But most of my points come back to the public interest and how the Productivity Commission is ensuring that the public knows what you are doing and you are getting feedback from the public, not just from those consumers. Does the public at large have a view, do you believe?

**PROF SLOAN:** No, because they don't even know about the Architects Act. So I am not sure it can instil public trust if they are not even aware of it.

**MS JEWELL:** How do you know they don't know there is some registering of architects? How do you know that they don't know that?

**PROF SLOAN:** They seem to have like an extremely small number of queries, for example. A couple of phone calls a week for information; say about 100 calls a week. That doesn't sound like widespread knowledge of it.

**MS JEWELL:** No, but that's an anecdotal sort of - - -

**PROF SLOAN:** Yes. I think if you ask the boards themselves, we know the boards would admit they have a sort of image problem, if you know what I mean.

**MS JEWELL:** And does that go back to an evolution?

**PROF SLOAN:** They would like to advertise their existence more widely, but of course they have opted to charge a very small fee, they don't have any money. So it's become a circular problem really.

**MS JEWELL:** Certainly. I would still come back to the issue of I believe there do need to be some changes in registration. I think some of the issues you have talked about this morning are certainly some of those issues that need to be moved through. To say that the legislation takes a long time to get there I think begs the question. It just has to be done and it can be done in exactly the way that this is being done at the moment. To just strike a registration and set up a whole new system, to my mind isn't necessarily a productive way of going about things.

**PROF SLOAN:** Have you got any more questions?

**DR BYRON:** I did have one, but I have just forgotten.

**PROF SLOAN:** Thanks very much, Dorothy, for coming along and putting that point of view. We will now break for morning tea and recommence at 11.45.

**PROF SLOAN:** I now call to session the third day of the public hearings of the review of legislation regulating the architectural profession on 9 June in Brisbane. Can I just say briefly that Margot has kindly supplied me a copy of the Queensland Architects Act and just to clear up this issue about ownership restrictions - and one of the complications is that all these acts are a bit different between the different states, and in fact one of the firms we went to which is registered in several states had this problem. If a company does not have a constitution there seems to be a let-out for the husband and wife arrangement. So you can have a relative if the company has two directors, but if the company has more than two directors, then at least two-thirds of the directors must be registered architects. So it seems that in the case of those very small practices or companies without a constitution, then the husband and wife can operate in this state.

They certainly can't in Victoria, they wouldn't be able to call themselves an architectural company down there. I understand that we're going to have a bit of a group session here. Is that right? So we've got Phil Davidson.

**MR DAVIDSON:** Yes.

**PROF SLOAN:** You're coming along with your friends?

**MR DAVIDSON:** Yes, I am.

**PROF SLOAN:** So David Cox? No?

**MR DAVIDSON:** David has just absented himself

**PROF SLOAN:** What about Jayne Hackett?

**DR BYRON:** That's it.

**PROF SLOAN:** That's it?

**MR GOUGH:** I'll be standing in for Graham Seagrave. I am Philip Gough.

**PROF SLOAN:** So you won't want to appear later in the day? I know we're nice, but you know - - -

**MR .....**: Can I answer that later?

**MR .....**: I was also going to appear separately. This is a group thing, but I've also listed for a separate thing - not very long, a quarter of an hour, which I'm quite happy to do.

**PROF SLOAN:** Why don't we do it as a group, but which involves you having some individual contribution as well? Is that a good idea? For the purpose of

transcript, if the three of you give us your name and association.

**MR DAVIDSON:** Phil Davidson.

**PROF SLOAN:** Phil, you're going to speak firstly on behalf of what's called the Sole Practitioners Group?

**MR DAVIDSON:** Yes, we're all going to talk on that.

**PROF SLOAN:** Then you'd like to speak as individuals? Is that right?

**MR DAVIDSON:** I would, yes.

**PROF SLOAN:** If you could introduce yourself.

**MR DAVIDSON:** Philip Davidson. I'm a registered architect practising in Brisbane.

**MR GOUGH:** Philip Gough, registered architect, director of Philip Gough and Associates, which consists of five people. My wife is a director of the company as well and three others.

**MS HACKETT:** Jayne Hackett, architect. I'm a director of Hackett Architects and I regularly attend Sole Practitioner Group meetings.

**PROF SLOAN:** Phil, are you going to initially speak on behalf of the Sole Practitioners Group.

**MR DAVIDSON:** And we'll chime in if we have to.

**PROF SLOAN:** Yes.

**MR GOUGH:** We felt probably, as a group of practitioners with a common interest - as I've said here, we've met since 1985 to discuss various topics of common interest and concern, and we feel because we're sole practitioners we are constantly having to contend with all the disciplines of a good rounded practice, design documentation, take in briefs, all the disciplines, all the activities of a practice and therefore we're probably well qualified to comment on the everyday practice of architecture and have focused on particular issues, of course, which I've laid down in the submission. Do you want me to just keep going through these then?

**PROF SLOAN:** Yes, I think if you go through the main points of your submission, that's best.

**MR GOUGH:** We believe there was a definition of "architect" which was fairly loose, as far as we were concerned, that was used in your submission as "somebody

that draws plans". I wish. In fact, the Heinemans Australian Dictionary version says that, "An architect is a person trained in the art and science of designing buildings." We support that with a curriculum from QUT and the OP or the entrance levels the secondary school graduates have to do to enter our schools of architecture. They are trained in human sciences and cultural context, design and research, technology and physical sciences. We have architectural technicians these days, who help us with the communication and the documentation of our architecture, mainly because we find that's a skill on its own. We've all been trained in that and we recognise good and bad in that sense.

**PROF SLOAN:** So you're happy for them to be publicly called "architectural technician"?

**MR GOUGH:** Yes, we believe so, because that is the title of their course and they are designed to specifically be groomed to go into an architectural practice. We, as a group, keep going back to the old derivation of the word "architect" itself, the fact that we are the chief builders still. We have been trained and we will always be trained to coordinate all the other disciplines in the building fraternity: civil engineers, structural, hydraulic, mechanical - all those disciplines in a lot of cases. The more complex cases, of course, the more complex building projects, we have to understand their individual science and dovetail all that into one project. Consequently, we invariably are in charge of the project. We have to consult to quantity surveyors, town-planners, landscape architects, interior designers and, quite invariably, public artisans as well, so all that comes under our expertise.

But we find that in recent years the building industry has also allowed project managers and building designers to perform some of these tasks that we normally take over. Even though market share has changed over the years the high standard of training and expertise is still required for us in all these tasks.

**PROF SLOAN:** So you think there are other professionals that can do at least some of these jobs?

**MR GOUGH:** Sorry?

**PROF SLOAN:** There are other professionals.

**MR DAVIDSON:** There are other professionals who can do some of the jobs, but the architect is a little bit unique in that he's got to understand how all those others do their jobs and blend in. He's the conductor of the orchestra, if you like.

**PROF SLOAN:** Or she.

**MR DAVIDSON:** Yes, I beg your pardon.

**MR GOUGH:** Yes, we just believe that we are still in charge and we carry professional indemnity insurance. There are various ways in which we're employed.

Sometimes we're called the "principal consultant", in which case we are totally responsible and normally we pay those people out. Some of our clients like one person in charge or one backside to kick, if I can put it that way, and we have to groom up our professional indemnity insurance accordingly to suit these sort of situations and we take a lot on our shoulders and we believe we're trained for it and we believe our boards register us to maintain this credibility of expertise to the public.

**PROF SLOAN:** That's not a requirement of registration to hold professional indemnity insurance?

**MR DAVIDSON:** No, not in Queensland.

**MR GOUGH:** No.

**MS HACKETT:** You're voluntarily warned of all the pitfalls if you don't do it.

**PROF SLOAN:** By the board?

**MS HACKETT:** When you're doing pre-registration exams training and you'd be very silly not to - - -

**PROF SLOAN:** I'm sure that's right, but I'm saying it's a technical requirement of registration.

**MR DAVIDSON:** No. I'll be taking a contrary view to that later.

**PROF SLOAN:** Okay.

**MR GOUGH:** Coming down to architects' incomes, over the past 20, 25 years, we've seen an increasing competition within the profession itself and, of course, with these other non-architects, building designers, who obviously are vying for a slice of the market, but for that very reason we don't consider that we're highly paid, but still the public expect us to maintain probably the highest standard of expertise and the standards need to be maintained to provide a degree of excellence in civil and civic design particularly - particularly high-profile buildings. An architect's market share hasn't changed much over the years. A percentage of building projects, designed, documented and supervised historically remain constant, that is only a small percentage, but this small percentage is of a considerable value.

Nothing much has changed. The main architectural involvement has been the larger commercial and civic projects, some industrial projects, a small percentage of residential with emphasis on unique houses and probably larger houses and more - - -

**PROF SLOAN:** Expensive?

**MR DAVIDSON:** Can be, can be much cheaper.





**MS HACKETT:** Complex. It could be someone with a physical disability.

**MR DAVIDSON:** There are some architects, though, exercising a very high degree of skill at the moment building cheap houses. There's no particular reason why they should always be expensive. In fact, I'm discussing later on that very often the average house, if you like, can be a very expensive thing to build if it hasn't had the thought put into it and the fees that go along with it - it might be from architects or others - can be very expensive.

**PROF SLOAN:** Do you want to keep going, Phil?

**MR GOUGH:** I guess clients generally expect more in design and construction expertise on high-value and unique projects and if we consider we are still at the top of the tree in a hierarchal range because of the training we get - and I believe that our consumer protection is first and foremost - because otherwise there would be a complete erosion of the standards which we set.

**PROF SLOAN:** Are you of the school that this regulation is not very good?

**MR GOUGH:** Am I of the school that regulation - - -

**PROF SLOAN:** The Architects Act doesn't provide a very good regulation model.

**MR GOUGH:** I believe any registration and regulation is good in this situation.

**PROF SLOAN:** Any?

**MR GOUGH:** What I'm saying is there has to be something, obviously.

**PROF SLOAN:** Okay. I'm just wondering whether - you know we've talked a lot about the fact that it provides for a one-off registration procedure and as long as you pay your \$65, then there's absolutely no more information in that system that might be important to the public as you've said here.

**MR GOUGH:** I think you'd be crazy to think there's a perfect registration system there at the moment and we do know that changes between states, etcetera, because I'm registered in New South Wales and South Australia, but I don't think that means you throw it all out. I think you revisit it, you see where the deficiencies are and you rewrite it for modern times. You address all these other situations that are eroding away our image, perhaps, and you say, "Righto, how can we inform our public more? How can we advertise more?" etcetera. But I don't think you just abandon it because of that.

**PROF SLOAN:** How do you think consumers choose architects or choose perhaps non-architects? How do you think that process runs?

**MR GOUGH:** Certainly word of mouth, examples of work seen, and I'm sure that if you ask anybody in the public domain, they will at least know that an architect is the specialist. After that, others might grab architectural ideas and architectural fashion and trends and water them down in the great proportion of the built environment. I think that's the way we worked for years. There are Robin Dodds, an early 20th century architect who left his mark on a lot of Brisbane housing, but it was probably an essence that was taken up and used over and over in repetitious Queensland houses and people know that's a Robin Dodds style of design and it helped to create this traditional Queensland image.

**PROF SLOAN:** He was probably not a registered architect, though, was he?

**MS HACKETT:** It was pre the registration.

**MR GOUGH:** It was pre registration.

**PROF SLOAN:** And he probably didn't go to university.

**MS HACKETT:** Universities didn't exist.

**PROF SLOAN:** They probably did.

**MR GOUGH:** Neither was Christopher Wren.

**PROF SLOAN:** No, exactly. But I think it's an important point.

**MR GOUGH:** Neither was Michelangelo, but what a dude.

**MR DAVIDSON:** I've struck cases where people don't spend much time at all thinking about choosing an architect. My brother-in-law is a builder. He goes to Joe Bloggs and off they go - or a building designer, if you like - I'm not trying to pick on building designers who have got their own group. I mean someone who is not an architect when I use that term. But people - I've seen them make the most extraordinarily cavalier choice. You know, "He lives down the road," or, "My brother-in-law said this," or, "He did a nice job for so-and-so, they were happy with him." They don't go and look at a job, they don't do this. Others do, others do do their homework.

**PROF SLOAN:** That's under the current system.

**MR DAVIDSON:** No, I'm talking about people that are out there now. There are people out there today choosing an architect or a building designer and they won't do the research that you're suggesting in here people do. I don't think they do. Some do.

**PROF SLOAN:** But then having the act is doing nothing anyway, that won't alter at all.

**MR DAVIDSON:** For those that are looking for an architect, they can check him, but if they don't care, if they're not alert to it - - -

**PROF SLOAN:** So we won't worry about them, will we?

**MR DAVIDSON:** I think probably the Architects Act could be rewritten to address some of these deficiencies. I'm one of the greatest critics of the Board of Architects around. The chairman will tell you that and Ray Hall would have told you that and David Cox will tell you that, because I don't think they've been doing their job for years. I've rung up many times - nearly every year, when the Yellow Pages come out, ring the Board of Architects, tell them, "All these blokes are not architects. What are you going to do about it?" and they don't do anything about it or give them a slap on the wrist. That's been going on for years and years.

I lived in Sydney where they did enforce it. There was a little girl who sat under a staircase in the Institute of Architects over in Mount Street and she enforced it all right and she would ring up people claiming to have an architect-designed house and say, "Could you tell me who the architect was?" and she kept the whole industry honest. But that's what's happened here, the whole business of choosing an architect and so on has become blurred.

**PROF SLOAN:** Right. Because, you see, we've heard from the Council of Professions that regulation must instil that public confidence.

**MR DAVIDSON:** I think it probably would if you rewrote the act and enforced it, but the act is not enforced.

**MS HACKETT:** But getting rid of the act is not the answer, definitely not.

**MR GOUGH:** We must have some registration situation that is the highest echelon of control on people who practise in the built environment.

**PROF SLOAN:** But I wonder why you put up with such inferior government regulation, when you can see examples in other professions where they're imposing high standards, weeding out the incompetent, creating level of confidence and re-accreditation and the like, which has got nothing to do with the government.

**MS HACKETT:** I don't believe, though, that many architects out there are the incompetent ones. It's the would-be architects that are giving all the real ones the bad name. It's the non-architects who are in the Yellow Pages claiming to be architects. That is the problem.

**PROF SLOAN:** Yes, but that is the existing arrangement. It doesn't seem to be helping you at all therefore.

**MR DAVIDSON:** But for instance, this group here is a group that meet at the

Institute of Architects, but we are not all members of the Institute of Architects. We have a structured meeting program, 20 days a year against which there are professional development points and we have different topics. We have all sorts of topics going on, dealing with professional indemnity, lift manufacture - this commission has taken up two or three meetings. There will be all sorts of subjects. We have people talking on different things in order for us, on a voluntary basis, to maintain our level of knowledge.

**PROF SLOAN:** You should be using that as a marketing pitch, surely.

**MR DAVIDSON:** We do.

**MR GOUGH:** We've had a couple of sessions in marketing, a couple of sessions on chasing bad debts, which means staying alive and getting on with it.

**PROF SLOAN:** Did you want to say something?

**DR BYRON:** All I was going to say is when you say that certain people are giving the real architects - the good ones, the ones with the real skills, talent, expertise, experience, something to offer - giving you a bad name, to me that suggests that what you really need to do is to differentiate yourself. Whether it is having a bad - - -

**MS HACKETT:** We are.

**MR .....** That is the differentiation - we are architects.

**PROF SLOAN:** But you're telling me that it's not working.

**MR .....** No, I'm not telling you that.

**MS HACKETT:** Tiny bits of it aren't working, like the Yellow Pages consumer information number. You ring up the one for plans and designs and it tells you to ring a builder; for a minute it tells you all this information about plans and designs, it doesn't mention "building designer" or "architect". The builder draws the plans.

**PROF SLOAN:** But whose fault is that? You can't blame the government for that, can you?

**MS HACKETT:** Yellow Pages. Someone is paying Yellow Pages to give this information.

**PROF SLOAN:** They are better marketers than you are, aren't they? Why didn't you put something in the Yellow Pages that runs you through to your association?

**MR DAVIDSON:** I've been through this argument, in the sense that - and I'll show you later on - I think it's in my briefcase - a printout of the Yellow Pages of a couple

of years ago, and amongst all the architects there's all these names of people who are not architects. When you challenge them they say, "Oh, nothing to do with us, Telstra did that" - or Telecom or whatever it is - "The Yellow Pages did that."

If you then do what I've done and go to the Competition Commission and go to the Queensland Fair Trading people and say, "All these guys are in there," they say, "The Productivity Commission" - Mr Fels's outfit said to me, "All you've got to do is go to Telstra and tell them they're aiding and abetting a fraud and if they do it again we will go for them." On the other side of the coin the Department of Fair Trading have said - certainly it's the law and they're there to enforce it - that all you have to do is warn one of those people once, record with them the day you've done it, and then they can knock them over. But the board at the moment don't do it, and they should do.

**PROF SLOAN:** Right.

**MR DAVIDSON:** And in my opinion the board - if they were enforcing things, coupled up with the suggestions you're making of consumer concern and so on, then we'd be getting towards a result that would be satisfactory.

**PROF SLOAN:** Yes, with no other change.

**MR DAVIDSON:** I suppose when you do that you review the whole thing.

**PROF SLOAN:** Right.

**MS HACKETT:** Yes, but the last thing you do is throw away the word "architect" because then there'll be - - -

**MR DAVIDSON:** Yes.

**MS HACKETT:** - - - open slather for anybody to say that they have the skills, and then it's up to the poor person, the customer, to try and work out if this person is lying or not.

**DR BYRON:** If tomorrow I were to hang up a shingle - let's say that the state act was repealed and I go over to mum's place and put a brass sign outside that says Neil Byron, Architect, and it was no longer illegal. The first person that comes in the door says - well, I don't know what he says. Would he ask me, "Have you got a degree" or "Are you registered?" or "Are you a member of an institute?" or something like that? Or maybe he'll just say, "What was the last building you did?" and I'll say, "I've never done one before." He'll say, "What qualifications have you got?" None. I've got five other degrees - - -"

**MR .....**: Some wouldn't even ask those questions.

**DR BYRON:** "- - - but I haven't got an architecture degree" that wouldn't - so

they'd just knock on the door and say, "Yes, I can - I've got a pen and a bit of paper."

**MS HACKETT:** They'd probably presume that you designed the building you're working out of, and if they like the look of that then they'll probably employ you.

**DR BYRON:** But what you're basically saying is - go back a bit. The point I was going to try and make is that I didn't think that I would ever be in a position to do anybody much harm because nobody would be stupid enough to give me a job, but what you're saying is that they would be stupid enough to give me a job - - -

**MR .....**: Of course they would be.

**MR .....**: Yes.

**DR BYRON:** - - - even though I've got no qualifications, no credentials - - -

**MS HACKETT:** If people believed a message on the Yellow Pages that builders can design - actually, the message on the Yellow Pages is that the only person to ring is a builder - there must be people ringing that number and believing it.

**MR DAVIDSON:** If I can just go back a little bit - - -

**PROF SLOAN:** You've got to be a bit careful. The aim of this act is not to protect the profession - - -

**MS HACKETT:** No, it's supposed to be to protect the public.

**PROF SLOAN:** - - - and if it is, it must be got rid of because then that would be seriously anti-competitive.

**MR DAVIDSON:** I accept that.

**MS HACKETT:** Yes.

**PROF SLOAN:** You know, the aim is to protect the public. Bagging your competitors and impugning their competence to do things that they clearly have demonstrated competence to do - perhaps at a lower level - I don't think actually gets your case very far.

**MS HACKETT:** No, I believe people have the right to employ anybody they want to.

**PROF SLOAN:** Yes.

**MS HACKETT:** They just have to be able to know exactly what that person is, what their skill levels are - - -

**PROF SLOAN:** Yes.

**MS HACKETT:** - - - and if they are actually getting value for money, then what it is that they are actually purchasing. At the moment if someone wants to check if someone is an architect, you make one phone call; you ring the board and you - - -

**PROF SLOAN:** Yes, but you're telling me we've got all these dopey consumers that don't care anyway - - -

**MS HACKETT:** No, I'm not necessarily - - -

**MR DAVIDSON:** Yes, I'm telling you there are some of them.

**MR GOUGH:** I think this is why the word "architect" is - - -

**PROF SLOAN:** That won't be made any worse because they're dopey anyway, you know.

**MR GOUGH:** This helps - the architect's word is held in esteem because people believe in them, because of the word "architecture" and it's fairly - in my opinion - ingrained in people's psyche, if you like - "Oh, he's an architect" meaning, yes, he has a significant responsibility. "I will go and see one." When there's a problem in a building, "Go and see an architect." If there's something of specific architectural expertise, "Looks like I've got to dish out a few bob and go and see an architect because it's not the sort of thing a builder or perhaps a designer is competent enough" - it is the degree of responsibility and expertise which we believe our adoring public, if you like, understands - that it is there for them and if it's not there for them, if it's open slather, as far as we're concerned, the system will fall apart. It might take a few years, but the deterioration will happen, and then who's going to pick up the situation?

**MR DAVIDSON:** There's another little problem that's coming about now, as to how you pick an architect. Because you can rock into Coles at Kenmore and get whatever it is, a little package that says, "Design your own home," and go home to your computer and design your own home. You can do your own landscape gardening and so on. None of that in there is guaranteed to be right, but people think it's in a computer and therefore it is right. Out of that is the computer industry of draftsmen and others in the game who can set up a very technical-looking drawing. To look at it - it looks professional, it's beautifully hatched by the machine and it's this, that and the other thing and it's written in all sorts of fancy lettering and so on, but unless they have the skill and the training of what they're putting into that, it could well be rubbish.

**PROF SLOAN:** I'm sure that's right, but I don't actually see how that relates much to the Architects Acts. No-one is proposing a law which says, "You must use an architect to design your home."





**MR DAVIDSON:** No, what we are saying - - -

**PROF SLOAN:** And I don't really see why it's relevant to the Architects Act.

**MR DAVIDSON:** What we are saying is that if the Architects Act is reworked and enforced and if someone wants to go to an architect and is aware of that, maybe through public education or something else, which architects have not done a lot of, then that would answer a lot of your problems.

**PROF SLOAN:** But you see, unlike engineers and accountants who have strong self-regulation models - you can't call yourself a CPA unless you've gone through an accredited university course, done specific subjects within that course, undertaken a professional year, undertaken a practice examination - sounds pretty familiar, doesn't it?

**MS HACKETT:** Yes.

**MR GOUGH:** Yes.

**PROF SLOAN:** Yes?

**MR DAVIDSON:** And spend a fair bit of money getting there with the association - - -

**PROF SLOAN:** Yes, but you only spend money because you know the benefits are worthwhile.

**MR GOUGH:** But why have there been several situations - why are there several registration disciplines in engineering? Don't they all agree, or why - - -

**PROF SLOAN:** Probably because I think there's healthy competition for accreditation, as is the case in accountancy. They've got a system - say, for example, if you are more of a bookkeeper, TAFE qualified, then there's an association for them. There's actually quite a lot of knowledge to the public through that differentiation as well.

**MR DAVIDSON:** I don't have any problem with the different levels - - -

**PROF SLOAN:** I'm just wondering why you're hooked up on having a government system which is actually of course really run by the architects, so it's only - it's embedded in a piece of legislation but it's not as if the bureaucrats are running it.

**MR DAVIDSON:** To go the other way, you're not going to get anything cheaper than the Board of Architects here for \$65.

**PROF SLOAN:** Yes, but you see, none of you understand what costs are.

**MR DAVIDSON:** To go the other way - - -

**PROF SLOAN:** That's a cash outcome, cash outlay but you - in fact, it probably is only worth \$65 because the benefits generated are trivial, I would have thought. You wouldn't want to pay more for it as it exists.

**MR DAVIDSON:** No, I have always said the fee is very reasonable, but if you're going to go to the other extent that you're proposing - different levels, the way the accountants have gone - - -

**PROF SLOAN:** Yes, but you - - -

**MR DAVIDSON:** Someone here before said it cost them a fortune to set that situation up, but your report in some parts talks about the Board of Architects being an expense that could be done away with - - -

**PROF SLOAN:** Well, it is.

**MR DAVIDSON:** - - - and that's a tiny expense.

**PROF SLOAN:** It is a tiny expense.

**MR DAVIDSON:** That's 23 cents a day, one phone call a day.

**PROF SLOAN:** But it's a tiny benefit. That's the point.

**MS HACKETT:** No, it isn't, it's protecting - - -

**MR DAVIDSON:** If it was enforced properly it would be of considerable benefit.

**PROF SLOAN:** The fact that the fee is so low does in fact preclude them doing examples - you know, actually having a proper public information campaign.

**MR DAVIDSON:** You're right there, we'll admit that.

**PROF SLOAN:** And promoting the value of using a registered architect.

**MR GOUGH:** But, as we said before, use the core model that's there now - - -

**MS HACKETT:** And improve on it.

**MR GOUGH:** - - - and improve on it.

**MS HACKETT:** Don't throw it away.

**MR GOUGH:** If I asked you what our consumers feel gives them better protection - the wonderful word "government" or "self-regulating professional body apart from government," what would your answer be? Wouldn't you think that government control means a lot to our clients?

**PROF SLOAN:** Not necessarily. We'd have to figure out how it works. I'd be asking a lot more questions, yes. Anyone can call themselves a professor, but I don't care about that. I really couldn't care at all. Because anyone who that was more important to, they'd be saying, you know, "What's your discipline, what's your training, what university were you at?"

**MR DAVIDSON:** Yes, but if someone does do that, it shows their morality.

**PROF SLOAN:** Yes, but they'll be quickly caught out.

**MR DAVIDSON:** Or lack of it. Yes, they'd be - - -

**PROF SLOAN:** So I'm not getting worked up about it. They may in fact undertake activities which are quite competitive with mine, but I'm not getting worked up about it.

**MR DAVIDSON:** But some people might put a reliance on them without checking the background - "He's a professor, therefore" - and they're dealing with a con man.

**PROF SLOAN:** But they're going to do that whether or not - you're telling me they're doing that now in the case of architects; people are choosing architects or building designers on the basis of the flimsiest pieces of information notwithstanding the fact that we have an Architects Act. So essentially they are - - -

**MR DAVIDSON:** Some are, some aren't. Some do a lot of research.

**PROF SLOAN:** So that's telling me that there are no benefits to the Architects Act.

**MS HACKETT:** There is, a lot.

**MR GOUGH:** There's a lot of them.

**PROF SLOAN:** You say there's a lot, but I mean - - -

**MR GOUGH:** Take another name and call us whatever you like, but still give us a name, a title, to do a certain amount of expertise, and register us under that - specifically government-registered, we believe, as a group.

**MS HACKETT:** Yes. The system has to be third party, it has to be impartial, and if the general public have a problem with some behaviour or a question to ask about what we've done - you know, query us - then they've got a third party, impartial body

to question.

**MR GOUGH:** They have recourse.

**MS HACKETT:** If it's industry based and industry organised, there is this distrust that you're just going to be protecting your own.

**DR BYRON:** Do you think the boards are actually third party and independent?

**PROF SLOAN:** Yes.

**DR BYRON:** And are seen - and in practice are - totally independent of the profession, those who are being monitored or regulated?

**MR DAVIDSON:** Not if your board is completely made up of architects. I'll concede that.

**PROF SLOAN:** No.

**MR DAVIDSON:** I think you're dead right, and we should be - - -

**PROF SLOAN:** Not only just made up entirely of architects in most states, but architects that have been on the board have often been on the board for decades. I'm not sure that imbues a lot of public confidence, so that's - - -

**MR DAVIDSON:** That's because a lot of boards are not active, they're not - - -

**PROF SLOAN:** That looks like a club to me.

**MR DAVIDSON:** - - - being turned over.

**PROF SLOAN:** Yes, and they - I know you've tried to separate the disciplinary procedures away from the board, but there might also be a case - as in the case with other separations - of accrediting the function in some independent way, too.

**MR DAVIDSON:** More costly.

**PROF SLOAN:** Yes, I go back - this is about serving the public - - -

**MR DAVIDSON:** That's right.

**PROF SLOAN:** - - - not serving the profession.

**MR GOUGH:** That's right.

**MS HACKETT:** So the public have to be able to - - -

**PROF SLOAN:** The idea that you've got is this Architects Board dominated by architects - the same architects who sit on the board for many, many years, I might add - you're telling me they're not even actually enforcing the act, and you expect us to believe that there are net public benefits in it.

**MR GOUGH:** No, we expect you to revisit the Architects Boards and bring them up to the 20th century and streamline them and make them work more effectively, but still have that registration there at government level to create a standard.

**DR BYRON:** But the question is, why it has to be done by government. It is being asserted to us that you can have a very, very strong, highly respected accreditation or certification that is done by a body other than a government statutory agency. The engineers are doing that, the architects are doing that, and the building surveyors are doing that, and a lot of others are doing that - - -

**PROF SLOAN:** Not the architects, actually.

**DR BYRON:** - - - but not the architects.

**MR GOUGH:** I have this feeling that a lot of the other professions are protected because of what they offer the public. Doctors offer the public comfort, physical comfort. Solicitors, the law, the legal profession, offers the public legal freedom and peace of mind. I believe our public don't perceive the quality we can create until it's not there. Our environment, if it's going along all right, okay, they don't perceive that they're our building and environmental experts - the people in the team, the landscape architects, the town planners, the environmentalists that we are very conscious of now - they perceive that somebody is looking after it. They don't realise that there is that architect-led team, perhaps, that are doing it. Until such time as we're deregistered and building designers and all sorts of other non-architects join this big, happy bunch of people - we believe that's when the rot will set in. Then, too late, they realise that we did have a place originally. It's not as direct but - - -

**DR BYRON:** No, what I'm suggesting is that people who have that skill and expertise would immediately, even before the repeal of the acts that give reservation of title - would set up another way of distinguishing themselves from all the riff-raff and everyone else that is even more informative, that is even more credible, that is even more authoritative and up to date than the thing that we have at the moment.

If there was repeal of the state acts, and with that went the reservation of title, and if that was the end of the story, I'd agree with you. But I think that wouldn't be the end of the story, that those who really have something incredibly valuable, useful to contribute, immediately say, "How do we show ourselves to be way above the riff-raff? How do we authoritatively, highly credibly, communicate the expertise, the skill, the talent, the gifts that we've got to offer?" and within days you would have a system that would do that.

Whether that's called the CPA or the National Register of Professional Engineers or something like that, I don't know, but I'm very surprised by the assertion that any system, unless it's done by a government, is rubbish and won't work.

**MR DAVIDSON:** I go to an accountant every year for my tax return and other matters, and I can't recall whether he's a CPA or whatever else he is. I know he's got a little logo on his letterhead, but - - -

**PROF SLOAN:** He probably can't recall what you are, either.

**MR DAVIDSON:** - - - every so often I use the wrong term and he corrects me. So for all the money they have spent, they haven't driven anything home into the general public - and we're all sitting over there - as far as accountants are concerned. What you're asking us to do as a bunch of architects is to go and spend all that money again and end up with probably the same result. Because I really cannot - - -

**PROF SLOAN:** I can't believe you wouldn't end up with a better result because you're really - - -

**MR DAVIDSON:** A better result. It'd have to be.

**PROF SLOAN:** You couldn't get it much worse, could you?

**MS HACKETT:** The thing I don't get - at the moment, the term "architect" is a legal word so in contracts, building contracts, as an agent we have a role that is legally defined, and there's lots of case law and a huge buildup of past experiences and it's all been documented as to what an "architect" is and what an architect's role is in a building contract. It's very clear and precise. If we don't have that word any more, what are we going to end up with?

**PROF SLOAN:** I don't - I saw that point - we'd have to seek legal advice on that. I'm not sure that's right. I act as an expert witness in a lot of legal cases, but I'm not part of a registered profession. I can form part of precedents. I don't think government registration is required at all.

**MS HACKETT:** Except that we have two types of building contracts - I'm going on now for what my thing is. Is that okay?

**PROF SLOAN:** Yes, that's okay. I think it's all going to get mixed up anyway. Is that all right by you?

**MR DAVIDSON:** Sure, yes.

**MR GOUGH:** Yes.

**MS HACKETT:** There are two types of building contracts, basically. There's one where the building proprietor, the owner, elects to nominate an agent, and the agent

has certain things in the contract which they have to fulfil to make sure that both parties to the contract do their work - namely, the builder performs and builds it exactly as per the contract documents, along with variations, etcetera, and the proprietor pays them the amount of money. Then there's the person in the middle that makes sure things go nicely. In other words, that person in the middle is sort of the umpire.

**PROF SLOAN:** Yes.

**MS HACKETT:** The other alternative is that there is no umpire and it's just the builder and the proprietor. If we don't have a clear legal definition of what an architect is in - - -

**PROF SLOAN:** I don't think that's required. I think that's a very minor point, because I can think of plenty of other commercial transactions where there's a contract and a provider and there's some dispute about it. They would appoint an independent arbitrator and that person doesn't have to be - - -

**MS HACKETT:** Yes, but we aren't just the arbitrator when something goes wrong, we're integral in the whole thing, and how the whole thing works from day one.

**MR GOUGH:** Also the agent would be answerable to the proprietor - - -

**PROF SLOAN:** Yes. In some cases there seem to be - honestly, we've heard so many things about what an architect does - there seem to be a very large number of models out there, including many instances where they don't stand as that arbitrator between the builder and the client.

**MS HACKETT:** There's lots of different building contracts, but that particular model - - -

**PROF SLOAN:** Yes. I think we'll follow that up. I think that was a good point, Jayne, but I'd be very surprised if that was dependent on government registration of architects.

**MS HACKETT:** It would certainly affect contracts that were written that end up finishing after the act is repealed.

**PROF SLOAN:** Yes. Yes, I think we should follow that issue up. Did you, Phil, want to just finish this whole practitioners group and - - -

**MR .....** I guess the bottom line is that we would certainly like to see one official government situation, whether it's a federal board with local chapters or local representation. We believe they should also have disciplinary committees to further discipline professionals, make sure they maintain standards. I think probably we have put most of our case forward already. The other one I think is the export

dollars. Australian architecture is certainly held in fairly high esteem internationally  
and - - -



**PROF SLOAN:** That's indeed Australian accountants and engineers - - -

**MR GOUGH:** That's fine, but for that very same reason I think an Australian government registered architect just has that little bit more credibility as far as foreign clients and - - -

**PROF SLOAN:** So more powerful than being a registered architect of Queensland. You want to be a registered architect of Australia.

**MR GOUGH:** I think so. I think that is quite common - - -

**DR BYRON:** I have no problem with that.

**MR GOUGH:** No problem at all.

**PROF SLOAN:** Might be able to get rid of the local board.

**DR BYRON:** Yes, might have a win.

**MR GOUGH:** Also overseas students reluctant to support our universities if, at the end of seven years of training and what have you, they came out with something that doesn't have the support of the government or a government.

**PROF SLOAN:** The trouble is I can cite you lots of counter examples. The area in higher education which has been most successful in attracting overseas students is accountancy. Overwhelmingly in both absolute and proportional terms and there is no government registration - - -

**MR GOUGH:** That's probably because we have got so many government regulations that require accountants that they are a well sought after profession.

**DR BYRON:** Can't get enough of them now with the GST.

**PROF SLOAN:** That might be right but the trouble is that it tends to undermine the argument that you only attract overseas students because of a government registration system.

**DR BYRON:** I would like to think that students come here because Australian universities have so much to offer in terms of the quality of the skill, the expertise, the experience, the reputation, the background, the understanding, plus the fact that we're incredibly good value compared to European, British, North American universities, especially at the rate of today's peso. We happen to also have here a system of state-based reservation of title, which has got a few warts on it at the moment, and that is why I find it a little bit hard to imagine that if you take away that somewhat rickety little thing called "reservation of title" on a state base with all its

existing warts

suddenly all that skill, expertise, experience and relevance isn't worth anything. I think the students would still come.

**MS HACKETT:** No, they'll opt for the three-year TAFE course. Why on earth would you spend five or six years banging your head against a wall if you're going to end up with - - -

**DR BYRON:** Because they want to be better qualified so they can do better work and make more money.

**PROF SLOAN:** You only did architecture because of the registration system?

**MS HACKETT:** No.

**MR DAVIDSON:** There is plenty of evidence though to suggest that you don't make more money as an architect over say an unqualified person.

**DR BYRON:** You may, yes, yes.

**MR DAVIDSON:** You do architecture because of your love of it and because it's a professional thing to do, if I can use the word - - -

**PROF SLOAN:** Of course most of them don't seek registration here anyway.

**MS HACKETT:** Graduates?

**PROF SLOAN:** Yes, the overseas students.

**MS HACKETT:** No.

**MR DAVIDSON:** And you pass that on to your clients. Sorry, I beg your pardon.

**PROF SLOAN:** No. I just was saying that most of the overseas students don't seek registration in Australia anyway.

**MS HACKETT:** No.

**PROF SLOAN:** Our role in life is in a sense to give you a hard time, so I hope you don't take it personally but you can give us a hard time.

**MR DAVIDSON:** Coming to the overseas people though, I am a little bit different to most architects. My specialty is architectural illustration, so I work for 30 or 40 architects, developers, people all around Australia and overseas. I have done a lot of work in Indonesia, Thailand, up through there, for architects here who have gone up there and, believe me, they wouldn't even have been looked at up there unless there was some system down here - an internationally-recognised method of

registration,

and neither would I be actually - and an Australian architect is held in high regard. I have worked in England. They are very highly regarded but they are still an architect and they know, coming from Australia, they have been through these courses and are registered. That's what they're interested in. "Bring your registration certificate."

**PROF SLOAN:** No. I take this point very seriously. It has been raised a lot.

**DR BYRON:** Yes, it is very serious.

**MR DAVIDSON:** Yes.

**MR GOUGH:** There is just one more point I think we are all fairly strong on and, that is the number of other government acts that have come into our jurisdiction of late.

**PROF SLOAN:** Yes, it's a highly regulated profession.

**MR GOUGH:** Town Planning Act, of which there is one that all cities and shires have their own version. The Environmental Protection Act, the Heritage Act, and so they go on. We must be fairly well versed in all those scenarios and they are government acts and why can't the government register somebody who has so much control over those and has to protect their clients so that they will abide by those acts? To me it is just handing over all the way.

**PROF SLOAN:** You have to abide by the act anyway, don't you?

**MR GOUGH:** Yes, but I just think it's crazy that the guy who is let loose, designing within - - -

**PROF SLOAN:** Or girl.

**MR GOUGH:** Sorry.

**PROF SLOAN:** I hear that the majority of the architectural graduates are now female.

**MR DAVIDSON:** A lot are, yes.

**MR GOUGH:** That's right. I guess what I'm saying, we have this power, if you like, or this responsibility to make sure that our projects abide by all these acts which are government enacted. Why take the government out of the registration?

**PROF SLOAN:** I would like to ask Jayne a few questions because she looks a bit younger than you boys. Is that okay? I would really like some sort of personal reflection on what you saw after graduating from architecture. First of all, I think some impression of what the course in a sense enabled you to do and not do at that

point, and then the value of that - you know, the logbook - that experience process - and then the practice exam, or is it - it's not that long ago since you did it.

**MS HACKETT:** I started working in architectural offices in 1980.

**PROF SLOAN:** So that's after you had graduated?

**MS HACKETT:** No, straight from high school. I did the part-time QIT course, the BArch course, which was two nights, one day. We had 13 contact hours a week and you were expected to work full-time and study part-time. The course taught you lots of technical subjects and design but absolutely no technical drawing. You were expected to learn to draw at work. I started off working at Peddle Thorp and Harvey, which was the second-largest firm in Brisbane at the time, and I was well and truly the baby - the nearest person in age to me was five years older than me - and I took the opinion that there were 80 people in the room that I could ask dumb questions of and I made a point of not asking anybody three dumb questions in a row. Everybody thought I was a little bit stupid; nobody thought I was totally dumb.

**PROF SLOAN:** You're obviously smart to share the dumb questions around.

**MS HACKETT:** It was a really good environment because you got to see really, really huge projects being drawn. You got to see the whole thing from whoa to go and the first year I didn't touch a drawing board. I was the office dogsbody but got to see everything.

**PROF SLOAN:** Did you feel that architecture was your vocation?

**MS HACKETT:** This is doing to sound really dumb. I decided when I was about 10 that I wanted to be an architect.

**PROF SLOAN:** Is that quite common?

**MR .....**: Yes. I would have made the decision when I was about 10, when you think about it. Yes, that would be right. It wouldn't be unusual.

**MR .....**: Me, too. Just five years earlier than when Jayne did.

**MS HACKETT:** So consequently when you were going through you were really acutely aware that if you didn't try and push yourself to work a bit you then weren't given any more responsibility and you were really itching to get on site. Itching to actually see it being built and have some of responsibility. I was lucky. In about the end of fifth year one of the jobs that came into the office was a convent and I was the obvious person to pick to go running around in the nuns' home - - -

**PROF SLOAN:** I didn't think we had nuns much any more, so the idea of building a new convent - but, yes, go on.

**MS HACKETT:** Consequently I leapt up quite a bit in what my responsibility level was because of this one particular job but, towards the end of working in that situation - you kept showing your logbook to your boss and getting them to - it was quite clear. Have you seen one of them?

**PROF SLOAN:** Yes.

**MS HACKETT:** And it was a really good tool when showing it to your boss to say, "Look, you can tick off all these things. Oh, I've got a bit of a blank spot here," and I ended up at one point just coming to my boss and saying, "I'm going to have to resign and leave this office unless you can fill in these holes for me." And he was really good about it.

**PROF SLOAN:** So it's a sort of tool of the trainee architect in a way, too.

**MS HACKETT:** Yes, and you also get to write down in it who is in the team, who is below you, who is above you, and you get - - -

**PROF SLOAN:** Do people take it seriously, do you think - your contemporaries?

**MS HACKETT:** Yes, very much so because the real aim is to get that exam. I had a bit of a holiday in the middle. I went overseas between when I had graduated - - -

**PROF SLOAN:** We all do that. You looked at architecture while you were there.

**MS HACKETT:** Yes, studied architecture in China. You really are trying to strive to get this exam.

**PROF SLOAN:** I suppose therefore I really can't ask you the question - how many years after graduation did you then sit the practice exam?

**MS HACKETT:** We finished in 85 studying. 86 I went overseas. 89, because I built a house and got married and went overseas in that three-year gap, whereas most of my other colleagues were like a year and a half ahead of me.

**PROF SLOAN:** How clear was the process of the exam?

**MS HACKETT:** Yes, there were pre-registration subjects, which was basically a recapping of all the professional practice study we had done through college, plus also you had seen it in practice. You had actually physically been out on site, physically done you know - you had actually seen it and you had been able to tell in your logbook exactly what you had and hadn't done.

**PROF SLOAN:** So did you find the exam difficult?

**MS HACKETT:** No, but because you had done all that preparation. If it had been

difficult then you shouldn't have passed. There should have been just all things you were instantly - or if there were things that you can't just, off the top of your head know, you've got enough intelligence and experience to say, "I'll have to look this up."

**PROF SLOAN:** I suppose the point of my questions is that - and I'm not saying this in a cynical way but I'm thinking of some other professions - there can be a sort of restrictive practice that creeps into this arrangement where they raise the bar of the hurdle in a way that is not really necessary for competent practice of that profession, but you're telling me that in fact the way the logbook is structured, the exam is structured and the like - - -

**MS HACKETT:** And the training.

**PROF SLOAN:** - - - they are the kinds of knowledge and skills and experience you need to be a competent architect.

**MS HACKETT:** Yes.

**MR DAVIDSON:** Incidentally, I might say here that I am not against someone who is not an architect being registered as an architect subject to some of these sorts of examinations.

**PROF SLOAN:** Yes.

**MS HACKETT:** Yes.

**MR DAVIDSON:** One of my clients is a fellow called Geoffrey Bower, who is an architect in Sri Lanka. He's only an architect by reason that people acknowledge him as one. He actually started out as a barrister and his first two clients went to the gallows, so he decided to had better give that away and be an architect, but he is brilliant and if he came here I would expect him to be registered as an architect. There are probably some cases - I was about to say "plenty", but there are cases where people maybe shouldn't be excluded from being an architect because they haven't done these exams, but that is up to the board and the board currently has a mechanism - - -

**PROF SLOAN:** Yes, it's not that easy.

**MR DAVIDSON:** I insisted that a fellow who worked for me, who I regarded as probably one of the best now architects in Australia - and I am quite happy to defend him - there would be people in the room who know him - and he had difficulty in getting through that board exam, but that was the same exam set for everyone else.

**PROF SLOAN:** Had he not done architecture?



**MR DAVIDSON:** Yes, he had worked in architects' offices for many years. He was

brilliant.

**PROF SLOAN:** But he hadn't done architecture.

**MR DAVIDSON:** He had done about three or four years at the tech in those days, which was an architectural course here, but he was too busy doing other things in the office. A lot of people - and a lot of these building designers - are people who have fallen prey to their bosses in some cases. They have been working in offices. They are very clever - and I have seen this many times - the boss involves them in work and they're too busy working in the office and doing all sorts of other things to go down to the university at night and complete the formal side of their degree and there is a fair bit of that about at times and I always get angry when I see it, and I have taken people apart, aside, and suggested, you know, "Tell Warren you're going to get your degree." That's the first bit of paper you've got to get. There are plenty of people out there who are very skilled but haven't done the hurdle.

**MS HACKETT:** Yes, to get through the course is really difficult. We started off with 30 and we got down to 11 by the end of first year and seven of us made it straight through and of those seven two were qualified draftsmen before they started the course, one was an industrial designer who had only had one year's exemption from the course, one lady had two degrees in art and was an art teacher. She has since gone on to do town planning and PhD, and they initially didn't want to let her in because she didn't have maths, senior maths. She had to convince them that she could manage the physics when we were designing structural beams. She managed that by going down to Melbourne, but that was okay. We had a really weird year. Very few of us were straight from high school.

**PROF SLOAN:** Yes, that doesn't seem to be all that uncommon, although there are quite a lot who go straight from high school, I suppose.

**MS HACKETT:** Yes.

**MR DAVIDSON:** We did in my time.

**PROF SLOAN:** My grandfather was an architect but I think he was sort of in the apprenticeship - - -

**MR GOUGH:** Philip and I started almost at the end of the old indenture system, where it was a privilege to work for an architect and do your indenture and then go to college at night, so we did seven years - in my case seven years of working for an architect permanently, three nights a week, three hours a night formal college training, for six and seven years and then on top of that was the all-night grind getting the assignments done, so we have done the hours and, I tell you what, you got to a stage about fourth year when you thought, hey, can I cop any more of this? It was almost a sentence after a while.

**MR DAVIDSON:** It's interesting that the school of architecture here at QUT -

whatever it is called - had a prize last year given by a firm - and I thought it was a terrific prize - for someone - I think about the fourth or fifth year of the course as a sort of incentive to go on because a lot of them get that far and then drop out and I have seen that many times because it's just all too long and too hard and the hours are incredible. I did a slightly different course. I did three years at the University of Queensland full-time and then we did three years part-time and then there was a year of practice and, at the end of it all, you would like to think that someone - the Board of Architects or someone - recognised that you were an architect.

**PROF SLOAN:** Yes, I think it is sort of important for us to understand this because in a sense that - I am not saying you particularly - but it has generated a degree of hysteria, this report, and I suspect reservation of title is seen as a small reward in what is often not all that rewarding - I am sure it is in a non-pecuniary way a rewarding occupation, but I come back to the point that as we review these acts as they stand they look like pretty lousy pieces of legislation. Did you want to get something else off your chest?

**MR DAVIDSON:** Yes, I did. I don't know whether you think we have finished here but I have three or four other points which I was going to do later, but we'll do them now if you like.

**PROF SLOAN:** Yes.

**MR DAVIDSON:** In your report you think there will be comfort from a compulsory professional indemnity situation.

**PROF SLOAN:** Yes.

**MR DAVIDSON:** And I think you say it is compulsory in Queensland and, as I understand it, it is not compulsory - - -

**PROF SLOAN:** No.

**MR DAVIDSON:** - - - and there are architects without it. I am very wary of compulsory professional indemnity for a couple of reasons and I think we put the boot on the wrong foot by saying the architect goes and gets the professional indemnity. If there is going to be one I think the client should go and get it - for this reason - I have experienced this myself in dealing with an accountant who made a terrible error. Cost me \$30,000-odd, but I was no match as an ordinary citizen for his professional indemnity organisation, so I forewent, forsook, whatever, my rights and privileges because I didn't have the money to fight them, and I think in many cases of professional indemnity - not just architects but anyone in the building industry - if you are serious about professional indemnity the minute something looks like it might go wrong you tell your professional indemnity people and then you shut up.

That client, if he's a small client, will then find himself fighting barristers and solicitors over there and he won't have a chance financially. If he had his own

professional indemnity then he can action the thing. I don't think, if you're talking about protecting the public, you necessarily do that through a professional indemnity insurance policy and I think that should be thought of.

**PROF SLOAN:** Yes, I think that's a fair point. I don't think the client could take out insurance; being a director of an insurance company I know they couldn't. But what you're saying is that maybe the profession would be better to set up some non-fault scheme for example where there is readily accessible - - -

**MR DAVIDSON:** Yes, it might be comforting for architects to just - - -

**PROF SLOAN:** Damages, yes, restitution. What you're saying is - - -

**MR DAVIDSON:** The architect just flicks that over his shoulder and forgets.

**PROF SLOAN:** - - - it's a hard trick to get money out of the professional indemnity insurance company. That's probably right.

**MR DAVIDSON:** But that's offered as a comfort in here. We've talked about additional costs that architecture - - -

**PROF SLOAN:** So you don't carry insurance?

**MR DAVIDSON:** No, I don't.

**PROF SLOAN:** God, what's your name again?

**MR DAVIDSON:** But, you see, I don't perform architecture in the ordinary role. I'm an illustrator.

**PROF SLOAN:** No, you're unlikely to inflict harm on anyone.

**MR DAVIDSON:** I just get the pictures, you know, and that's my side of things. A garage for auntie might be as far as I go, although I've done some other stuff, but the client in that case had bought his own indemnity on a \$3 million building, but there were no problems. So that's that. We talked about the costs of abandoning the boards and so on, you know, creeping up, and we talked - I'm wondering how much competition there should be. There must be some point where it becomes excessive and the fees are cut to billyo.

There was a wonderful example here some years ago of Ipswich City Council who called tenders from architects and the disciplines associated with them for the building of a resource centre up there. It was quite a big job; I've forgotten how many millions of dollars. The project manager published in a broadsheet all these figures and it was just astonishing to see the range of architects' fees from 1.8 per cent or something up to about 8 or 9 per cent across 40 firms of architects I think.

**MR GOUGH:** For the same - - -

**MR DAVIDSON:** For the same job, mind you. To the Ipswich Council's credit they didn't go for the 1.8 per cent, they went in the middle there somewhere - I think it was 6 or 7 per cent actually - and they obviously got the job they wanted. On the other hand they could have selected Hampton and he would be in what - we had a professor, not a professor, a reader here at the university called Bruce Lucas who was always on about the conflict of interest that's involved in this situation. You know, the client - if he's a developer or someone - wants the most number of drawings for the least amount of money and you want to give him the least amount of drawings for the most amount of money, so that is set up and it in my opinion becomes worse and worse and worse as this competition expands.

I know of cases where I have been working with clients who have been up against 70 other people tendering for the job. That's crazy stuff. Whoever wins that, unless the client is also sensible, will go broke. We're in an industry at the moment where if competition goes the way it's going - and it is an industry that can come down to one and two-man bands by the way, and you can work on kitchen tables and have no overheads at all - that's going on. But there is now evidence - you're aware of it I think, the CSIRO evidence.

**PROF SLOAN:** Yes, Neil has - - -

**MR DAVIDSON:** Edwards the builder in Sydney - they're a big old firm - he's recently been featured in an article here talking about their problems as a patrician builder with the lack of documents and the poor quality of everything that's coming out simply because the fees - not only of architects but everyone else - have just been thrashed down in competition and there must be - you know, competition is not necessarily always good for itself.

**DR BYRON:** Don't you think that - you would have hoped - already the people who are commissioning major buildings would start to realise that it's a very, very false economy. It's penny-pinching at its worst to save a few thousand dollars at the front and it costs you millions later.

**MR DAVIDSON:** That's what Edwards is saying - in an article which has just been published this month - as a builder. Even his own staff are reacting to it and are saying, "You know, what have we got to bill? We don't know what to bill. We haven't got the documents to do it" - but that's all they're going to get because that's all they paid for in the competition.

**MR GOUGH:** You get the broad document but you ad lib the rest of it and ad libbing isn't part of our culture.

**PROF SLOAN:** Again I don't really think that's got anything to do with government, except the government as a well-informed and forward-looking consumer of architectural service; they have a role there.

**MR DAVIDSON:** But I think you talk about competitor aspects in there.

**PROF SLOAN:** But that's got nothing to do with the Architects Act.

**MR GOUGH:** No, but it still leads to this attrition of values which somebody has to check regularly.

**DR BYRON:** Competition not based solely on price, assuming that the quality is exactly the same. Competition can be in the sense of, "I will give you a much better quality job. It'll cost you slightly more, but it's still value for money - very, very competitive."

**MR DAVIDSON:** Yes.

**DR BYRON:** Competitive doesn't necessarily mean you always take the cheapest - like your Ipswich example. It can be more expensive but it's still much better value for money. That's what you need to get across to customers.

**PROF SLOAN:** I think some local governments, yes, they have got better. They use the two-envelope system, so unless you can get through the quality hurdle you don't even - they don't even look at the price. In parts of my other life I sit on company boards and if we get a bid which is a very low bid for a contract which is clearly specified, that bid is immediately rejected because they have not understood the contract and what it implies. You would expect a clustering of bids around a certain price if they have understood the contract.

**MR GOUGH:** But I think you're talking about - - -

**PROF SLOAN:** But I want to go back - I really don't think the Architects Act has either contributed to it, has hastened it and their abolition wouldn't do anything either.

**MR DAVIDSON:** I think if you lower the standards more and more people come pouring into the industry because he's done a one-year course - and what's to stop a kid who's done a one-year course at the Woop Woop TAFE saying, "I'm an architect, mate. I'm allowed to call myself an architect."

**PROF SLOAN:** Yes, but you're telling me there are some rather non-savvy consumers out there anyway.

**MR DAVIDSON:** Yes.

**PROF SLOAN:** And it's the non-informed - - -

**MR DAVIDSON:** But we were talking about protection of consumers before.



**PROF SLOAN:** Yes, but they're not being protected well at the moment because you're telling me they're idiots and they don't get enough information. You can't teach people how to suck eggs, can you?

**MR DAVIDSON:** Yes, I'm telling you though that if the board, if you like, got cracking with an education program and all that sort of stuff, which might mean putting up the fees - I've no objection to that. I think the fees are very cheap and I've said it many times to members of the board.

**MR GOUGH:** But if it was effective it would be worthwhile and we wouldn't mind so much.

**MR DAVIDSON:** But we do indulge in the education program.

**MS HACKETT:** The general member of the public doesn't understand that. For example, with housing they think you go to a builder and they give you a plan and then suddenly they get all these extras. They don't realise all these extra things that they get, whereas if an architect is doing the plans, the plans are clear; there's no doubt; everybody is tendering on the same thing, and they get a contract sum that hasn't got hidden extras. So unfortunately some members of the public don't understand that it's false economy to think they're saving on one style of documentation versus the other.

**PROF SLOAN:** I think that's right, but whether or not it's right doesn't really matter. The message has to be got out and I can't see that really is the role of government; that's for you, the role of the profession.

**MR GOUGH:** I think you hit it on the head before when you said that government, being consumers too, have to be very circumspect because it's taxpayers' money they're using. Big corporations use their shareholders money and of course they've got to be responsible, but there's always that unscrupulous sort of also-ran mob in the middle that don't have perhaps the principles or the controls and that's a big section of our community. They tend to say, "Oh, this bloke did it for me for 1 and a half per cent. What are you coming at? No wonder you're driving a new car" - this sort of attitude. That isn't the point. The point is, "Pal, if you want a good job, you pay good money for it."

**MS HACKETT:** At the moment you can ring one department and find out if someone is an architect.

**PROF SLOAN:** Did you have other points?

**MR DAVIDSON:** Yes, just a couple of brief ones. Just being a bit contrary about it all.

**PROF SLOAN:** That's okay.



**MR DAVIDSON:** In your report you're talking about a reliance on the Building Code of Australia to overcome some of the problems that you see. I don't think you should take comfort from relying on the Building Code of Australia. There are great shortfalls in safety and in health in the Building Code of Australia and as a result of those shortfalls people are ending up in hospitals, they're being killed and all sorts of things, because the Building Code of Australia is either deficient or incorrectly read.

That handrail over there is illegal under the Building Code of Australia, because someone can't read the Building Code of Australia. It should be a balustrade and it's not. It should have vertical balusters to stop kids climbing up it. These wire things you see everywhere, they do not comply as a balustrade in the legal definition of a balustrade, and Dr Pitt from the injury surveillance unit here and others that I've spoken to around Australia - believe me, this is my hobbyhorse - are now finding injuries as a result of the deficiencies in the Building Code of Australia. What do they do? They've made it even easier to put these things up.

You're now allowed to erect these things four metres in the air for your kids to fall off, and adults are falling off them too. They're sitting on them, standing on the wires, standing on that sort of rail, and we're now having deaths. We now know of two deaths in Victoria, one death in Queensland, plenty of brain damage and that sort of stuff. I wouldn't draw any comfort from the Building Code of Australia as a safety point.

**PROF SLOAN:** Yes, fair point.

**MR DAVIDSON:** I also wouldn't draw any comfort from them necessarily as a health device, because I don't like some of the things in there to do with wet areas and so on; they don't work. They look great. You get through this final certificate and three years later, five years later you're fixing them up. So the Building Code of Australia and the standards of Australia are not the be-all and end-all to give you safety and health.

**PROF SLOAN:** That's a fair point.

**MR DAVIDSON:** As a group we have every standard of Australia. They're on a shelf about that long, two shelves, cost us a fortune, and no-one could ever read them all. There was just this proliferation of stuff that's pouring out.

**MR GOUGH:** But we have to be aware of them. We can refer to them.

**MR DAVIDSON:** Yes, but there is so much of it I don't think any single person can keep up with it.

**DR BYRON:** They are minimum standards, aren't they?

**MR DAVIDSON:** Exactly.

**MR GOUGH:** That's right.

**MR DAVIDSON:** I was going to say that about the Building Code of Australia as well. I've spoken to - - -

**DR BYRON:** You can aim to exceed those.

**MR DAVIDSON:** Yes. I've spoken to the Building Code of Australia fellow in Canberra - I think his name is Evans - several times about this balustrade question, because I think they're going completely the wrong way and recklessly.

**PROF SLOAN:** Yes, I've seen those little fine bits of wire. They look quite smart.

**MR DAVIDSON:** Yes, but get your kids on them.

**MR GOUGH:** They're inviting kids to climb up them.

**MR DAVIDSON:** You'll have people say, "Oh, no kids in here." You know, Saturday afternoon a kid can come up those stairs. I've been in offices in town on the umpteenth floor, eighth, ninth floor, and there they are, and I've seen kids at 11 o'clock on a Friday night in a party climbing up them, little two-year-olds.

**MR GOUGH:** There's quite a few buildings around that they've been put in; people have realised they're dangerous and they've got clear perspex over them.

**MR DAVIDSON:** Yes, they did that at the Ipswich shop. But the Building Code of Australia is a minimum standard, and if you go and challenge them in Canberra they say, "No, we're just a minimum standard, mate. You can't call on us to give evidence for you," and so on. A barrister will rely on you building a safe building - that will be the only qualification - and it will be shown that these are not safe. The minute someone pitches themselves over the side they've demonstrated it's not safe.

**MR GOUGH:** Head height clearance is another one, the number of obstructions you see round town - I mean, we just have to think that way all the time as a responsible profession, that's us.

**PROF SLOAN:** Actually I think this hotel doesn't comply either, because I'm on something called the Disability Council or something - you know, there's no way you'd get a wheelchair into the lavatory. Even though they've got a disabled lavatory they haven't got - the passages are - - -

**MR GOUGH:** That is a study on its own now.

**MR DAVIDSON:** This has been built recently. This is not an old hotel.

**PROF SLOAN:** They would have got an architect though.

**MR DAVIDSON:** I don't know.

**PROF SLOAN:** I bet they did.

**MR DAVIDSON:** I don't know. I'm not saying an architect - - -

**PROF SLOAN:** They would have legally had to get an architect.

**MR DAVIDSON:** No architect is perfect. I won't claim that.

**DR BYRON:** I think the reason for that is because the task is just so huge that I doubt if Superman himself could - it's just an extraordinary set of challenges that you give yourself to be on top of, as well as trying, as you said, to coordinate all these other disciplines. I imagine that's a bit like herding cats sometimes - some of those other disciplines don't really like to be coordinated, whether it's by architects or by anybody else.

**MR DAVIDSON:** Engineers can get very unruly.

**DR BYRON:** But you've really set yourself up this superhuman almost impossible challenge, the Holy Grail for the perfect construction.

**MR DAVIDSON:** For that reason I don't think anyone who's just done a two or three-year course would even be able to approach that sort of level of concern. Those of us who are in the profession - I've been in it now for 40 years, Phil has been the same - you know, you tend to live it day and night. He'll tell you - waking up in the middle of the night and driving up from Surfers Paradise to check a rule in the rule book. I've done it 3 o'clock in the morning, driven out to my office to check something. That's the sort of level - - -

**PROF SLOAN:** We live, the CP - dream economics too.

**MR DAVIDSON:** Yes, I know, but that's the level of intense involvement that's required to overcome this mass of stuff that's going on everywhere.

**PROF SLOAN:** Mind you, I wouldn't talk about this building much more because I suspect it was designed without a doubt by an architect.

**MR DAVIDSON:** Would have been, doesn't make that right.

**PROF SLOAN:** Including the balustrades.

**MR DAVIDSON:** That would be right if it was up on the roof to get to an airconditioning unit.

**PROF SLOAN:** Okay. It's the fee bidding that drove down the - - -

**MS HACKETT:** Yes, you don't know who actually - - -

**PROF SLOAN:** I don't think that narrow passage was ever - must have been designed by an architect.

**MS HACKETT:** Did they actually build it to the plans though?

**PROF SLOAN:** Okay. We haven't got much more time. We haven't got too many more confessions.

**MR DAVIDSON:** The other stuff I was doing we've talked about in general.

**PROF SLOAN:** I might say to all of you, but Jayne particularly, thanks for spending the time and the thought for putting in your submissions. It really is very useful. We've spent a lot of time thinking about it, and some of those points we're going to have to follow up because I think they're important points to come to grips with. Did you want to say anything else?

**MR DAVIDSON:** No, I don't think so. I think we feel fairly satisfied, but it's a big task when we're all carrying on our practices to meet extra meetings, decipher, precis and - - -

**PROF SLOAN:** Yes, I absolutely agree.

**MR GOUGH:** It's been pretty quick too.

**MR DAVIDSON:** That's why we can only really focus on those issues, to use the hackneyed phrase.

**PROF SLOAN:** Yes.

**MR DAVIDSON:** But we hope we've focused enough and - - -

**PROF SLOAN:** Thanks very much, Phil. You can go now if you like, if you don't want to stay for the rest of the day. That would suit us.

**MR DAVIDSON:** You're not expecting me any more then.

**PROF SLOAN:** Thanks, Phil.

**MR DAVIDSON:** Thanks very much.

**PROF SLOAN:** Is David Cox here? We didn't know whether you were going to come, so can we just confine your comments to about quarter of an hour? Is that all right?

**MR COX:** I'll do my best.

**PROF SLOAN:** Could you give your name and organisation for the purposes of transcript.

**MR COX:** My name is David Cox. I'm a director from David Cox Pty Ltd and I'm a fellow of the Royal Australian Institute of Architects. As a registered architect in Queensland I wish to respond to the Productivity Commission's report. This response is a brief overview of some of the aspects of the implementation of the report. It's not meant to be a detailed analysis of the same. I did not make a submission to the commission previously because I had nothing to add to the matter. This does not mean that I am disinterested in the outcome or the findings of the commission and it should not be interpreted as such.

**PROF SLOAN:** No, that's fine.

**MR COX:** It simply means that I don't believe the existing system of registration of architects and associated regulations should or need be changed but they can be improved. I therefore did not submit a submission prior to this. The system that exists, which has probably taken more than a century to develop, exists for good reason. It protects the public by setting a standard for persons to achieve before being able to be called an architect. The logic of the laws that have been written to enable this structure to be formed are very simple. In brief, before a person can practise as an architect or be let loose on society they must first demonstrate that they are capable of achieving those standards required to practise as an architect. In short, they must make the grade.

**PROF SLOAN:** Can I say that's actually legally not true. You can practise as an architect; you just can't call yourself an architect.

**MR COX:** I beg your pardon?

**PROF SLOAN:** You can practise as an architect; you just can't legally call yourself an architect.

**MR COX:** Sorry, I wonder if I can say my piece without being interjected.

**PROF SLOAN:** Okay, but that is not true, what you've just said.

**MR COX:** I'd like to come back to that, if I can.

**PROF SLOAN:** Okay.

**MR COX:** But I'd like to - - -

**PROF SLOAN:** But we won't have time for you to read all this out, so it's better just to address the main points.

**MR COX:** I am trying to address the main points but if I've taken the time to come here, Madam Chair, I'd like to be able to say my piece.

**PROF SLOAN:** That's okay but it's important that you not say things that are untrue.

**MR COX:** I believe what I've said is true and I'd like to take you up on point on that but, before, I'd like to say my piece please.

**PROF SLOAN:** Okay.

**MR COX:** Thank you. The report argues that this standard be abolished and that anyone and everyone can call themselves an architect. You also state - you being the Productivity Commission - that, "There are peripheral and indirect laws which may protect the public from persons acting as an architect when they are clearly not qualified to do so." I foresee the cost of your theoretical experiment to be very high and that it will be our Australian community which will end up footing the bill for the cost of changing the present structure, (1); (2) the failure of delivering any worthwhile benefits to the community; and lastly, the problems that these changes will bring.

The negative effect. I don't have the capacity to summarise all the aspects of your proposed changes but I wish to draw your attention to some of the basic flaws in your arguments. The first premise is simply before you change something you should always have something better to replace it. It sounds simple but you have not proposed a better system. The report recommends changes to the legislation of architects, which sounds simple themselves. However, if you do this you will dismantle much of the structure of the following: firstly, the protection of the public by ensuring that only properly qualified people can call themselves as architects; secondly, the practice of architecture in Australia - it will be severely amended and going to be damaged by this report, if it is proceeded; thirdly, federal and state legislation associated with bodies established to control all architectural practice in Australia; fourthly, the education of all architects in Australia, both now and the future; fifthly, the established academic business of training of architects from both Australia and other countries.

Again, the present marketing of Australian architectural services throughout the world presently, which is becoming more important due to our high standard of architects in Australia. Lastly, the legal and contractual arrangements which exist where the term "architect" is used, including the legal and contractual duties of an architect. The above list is not exhaustive but it simply serves to explain that the

changes proposed will have far-reaching effects, and these effects are mostly negative.

Positive effects of your report. There appears two main positives, or maybe three, of the implementation of the recommendations you afford. The first one: large house builders will be able to advertise their houses as being architecturally designed, even though they may have had them designed by building designers as we now know them. At present the marketing in this way would constitute false advertising but it would change if there was no restriction on the word "architect" or its derivatives. This group, with the backing of the industry groups associated with the same, will surely be given a marketing advantage in the short term, permitted to advertise as such. However, in the long term the term "architect", when it becomes understood in the community as being a meaningless term - this marketing advantage will disappear.

The second point: building designers will be able to call themselves as architects. The effect of this will be a bonanza to this group because they will achieve the status of an architect without the necessary pain, sacrifice, money, hard work, study and intellectual capability necessary of becoming an architect. The last point there: there are positive effects of your report. They are regarding professional indemnity insurance, professional development, the public participation on the boards, and the national cohesiveness of the boards. I see your suggestions in these regards as being positive and constructive but I'd like to now draw on a couple of other points.

Costs of change. The report argues that it will be possible for the present architectural industry to identify itself separately to the present non-architects and that the RAIA is well placed to take a lead role in this regard. What the report fails to address is if this change does occur, what are the costs of this identification? It should be noted that it will necessary to explain to the Australian public that the new role of architects is not architects as they once knew it and that the industry groups, eg the RAIA, represent proper architects as previously known. It would be like the old song, "Tie a Yellow Ribbon Round the Old Oak Tree," and then finding a hundred yellow ribbons tied around the same trees. The means of identification, the yellow ribbon, becomes meaningless when every tree has one on it. The term "architect" becomes meaningless when everyone in Australia is an architect. This is all confusing and it will take a huge advertising budget, spread over many years, to change this perception held by the Australian public. These costs are not identified in the report.

Cost benefit. The main aim of the commission was largely to find out ways of making the building industry - and this is how I understand it - more cost effective by reducing restrictive trade practices which may exist in the architectural profession. Prior to any changes at all being made as a result of the inquiry and the report, the report must demonstrate what savings will be made to the Australian public if these changes recommended by the report are adopted. When reading the report it is noted, again there is a vacuum when it comes to identifying these savings. It presumably found there are no savings to be made, consequently the Australian public will surely ask the question, "Why change anything?"



It would appear that this report has not been subject to economic scrutiny because of its failure to identify the very basic purpose of providing savings to the

Australian public. Even before one considers the huge costs I've referred to previously, which the Australian public and the construction industry will be burdened with, this report has failed to identify any financial gains to the Australian community. In this fact alone the report fails.

Cost of present accreditation. Another cost issue that must be addressed is the cost each architect has spent in achieving a qualification of architect under the present system. Once the term "architect" has become meaningless by being available to any person, the value of those who have achieved this status would be lost. Essentially, why would anyone attend a university for five years and sit a two-year postgraduate assessment program if the person could achieve the title of architect by doing nothing or maybe attending a two-night session at a TAFE college. Obviously people will choose the easier option. I do not have the facilities to calculate the net present value of all costs associated with the education of the Australian architect but if one uses the overseas student costs as a benchmark, these costs would be in the order of \$200,000 per architect.

Based on these assumptions, and if one considers all architects in Australia, then a very indicative value of cost of value of the present architectural profession would be in the order of \$1.72 billion. Who pays for this lost \$1.72 billion of value? Is it the Productivity Commission? Are you trying to say that this does not exist, this value? As indicated previously, the quantum of these costs is outside my capability but the item attempts to note that there are risks and those costs associated with this item that need to be addressed and quantified prior to proceeding with the changes outlined in the report.

The institute's role at the RAIA. The RAIA's role in this issue is important - I am an institute member, I'm a fellow - but despite this, the model idea of the registration controlled by the RAIA instead of the state boards of architects is a model proposed that has not been fully understood by the institute members. This model has never been put to a vote by the institute and, until it has done, it can only be viewed as a proposal for discussion purposes only. I share the view of the vast majority of my colleagues in the institute that the retention of the registration of architects by the various state boards should be retained.

Overseas accreditation. Should the commission's changes be implemented there would be a problem with international recognition. One problem would be that although the term "architect" is a valued commodity internationally, it would become valueless in Australia. Contrary to the commission's inaccurate statements made about other European countries' methods of architectural registration, or lack of, the devaluing of the term "architect" would be out of step internationally where standards are increasing, not decreasing. I will leave it to others to explain the international issue on this term "architect" but I wish to explain some problems which would have been encountered by myself in regard to this matter if I did not have the proper identification as an architectural architect from Australia.

**PROF SLOAN:** I think it would be better if we took this as read though, David,

because we're running out of time.

**MR COX:** I'll try and summarise it, if I may.

**PROF SLOAN:** Okay. I think it's better to just keep it more general though.

**MR COX:** I'll try and summarise this as briefly as I can. After completing an undergraduate degree in architecture I worked in practice for two years prior to being awarded my registration as an architect in Queensland. I then practised as an architect for some three years prior to deciding to undertake further academic study overseas. I'll accept you'll take it as read. The problems I would have had before conducting my overseas work would be (a) the enrolment at a British university to undertake postgraduate work would have been extremely difficult, nigh impossible if I didn't have the registration here; to gain accreditation in the working environment institute in Stockholm - that's the Arbeit Sliv Centrum in which I worked - and to gain the Australian embassy backing for my study visits throughout Sweden, Denmark, Germany and Switzerland.

The research work that I'm involved in involved the improvement in industrial working environments. I was trying to improve environments in industry using the latest developments of technology and management. When I went overseas it was a huge risk for me, financially and otherwise. It was risk, firstly, to pay for my postgraduate work; secondly, to be accredited and to be accepted in universities; but thirdly, it was the risk that I'd even pass the course when I went over there.

**PROF SLOAN:** Can I say you're not the only one who'd form those kinds of risks.

**MR COX:** Thank you.

**PROF SLOAN:** Without government registration, I might add.

**MR COX:** Thank you. But hence international recognition of my accreditation as Australian architect was necessary before commencing further international study.

**PROF SLOAN:** Generally not so, of course. Neil and I did international study without any of that, but go on.

**MR COX:** I don't agree in my case. Summary: my work with the indigenous people in Australia, which I've detailed in my report, was vastly different to trying to improve the sometimes depressing industrial buildings in Scotland and Europe. However, there is a common requirement in both areas. I was leading in new areas and that's what an architect is meant to do. The practice of architect is far more than drawing lines and copying the work of others. They are trained to lead. Architects are the undisputed leaders in the design of buildings in Australia and it is well deserved. Some can be trained to follow but it is architects who are trained to lead.

The Productivity Commission's recommendations are demeaning and belittling

to the practice of architecture. Don't belittle this leadership quality by breaking down the institutions that have taken so long to develop. Cherish and nurture this quality and the future of our built environment will benefit. The cost of education and raising the bar is expensive. I've referred to that previously. But if you think education is expensive, it is nothing compared with the cost of ignorance. Don't change the present registration and status of architects in Australia. Improve it, by all means. Keep it up to date and accountable, both to public and to the government, but don't dismantle it.

**PROF SLOAN:** Okay, David. We're running short of time, so we take on board your strong views. So thanks very much.

**MR COX:** Thank you.

**PROF SLOAN:** I now call Dr Marie Jansen. Is she here?

**MR COX:** I have been asked to respond to some of the inaccurate comments that have been made this morning. Am I allowed to speak to that?

**PROF SLOAN:** No.

**PROF SLOAN:** If you could give us your name and any affiliation - we have your original - okay, thanks.

**DR JANSEN:** Dr Marie Jansen and I have no affiliation.

**PROF SLOAN:** Okay, we just need you to be before the microphone for the purpose of transcript.

**DR JANSEN:** I'm Dr Marie Jansen and I'm here as a member of the public who has also been a client of architects. I haven't heard anybody this morning in that same capacity.

**PROF SLOAN:** No, very useful. Thank you very much for coming. Would you like to just start off. We have read your submission.

**DR JANSEN:** I'll be speaking from a consumer's perspective. The first thing I'd like to say is that I found it very difficult to find out about the work of the commission and very difficult indeed to find out about any public hearings or any follow-up work. There was a little tiny advert that went in the public notices section in about December last year, which mentioned that the legislation was being reviewed and the only way I found out about the hearings at all was the Courier Mail publication that talked about deregulation of architects. I must admit that gave me a bit of a surprise, because in the last few years - - -

**PROF SLOAN:** Can I just say there were further newspaper advertisements in all the newspapers, the Australian - - -

**DR JANSEN:** About this?

**PROF SLOAN:** About this public hearing, yes.

**DR JANSEN:** I wasn't aware of those.

**PROF SLOAN:** Can I also say that we have the most successful and transparent Web page, which includes all the submissions, the draft report, the issues paper.

**DR JANSEN:** I did find the Web page because I rang the Board of Architects to see how I could find out more and they referred me to the Web page.

**PROF SLOAN:** We're an open book.

**DR JANSEN:** Yes, but I don't think that that really has been very widely displayed in the evidence, in that there hasn't been anybody else virtually coming along. The other thing was that when I looked through the submissions I didn't see really any submissions - I didn't read every submission on your page - but I didn't see very many submissions from clients either.

**PROF SLOAN:** Large clients, yes, not small clients.

**DR JANSEN:** But not the individual person who has built a house like we did. I guess the major points I'd like to make - and I know that you don't have a lot of time left - I think registration has been established for architects for so many years that the public takes it for granted. We don't use the dictionary's definition of an architect. I think the public looks on an architect as somebody who is qualified to be an architect and when you say "architect" you expect that someone will be not holding themselves out as an architect unless they have the appropriate qualification and experience and that they're registered. It's been around for decades and I think a couple of generations of us have grown up with that idea. That's our safety net - if you're talking about an architect, you mean someone who is really an architect and so, in that way, I guess registration provides a bottom line, a safety net.

You have a number of times seemed to think that the only thing the legislation does is protect the profession, but I think in protecting the professional title, in making it a legal term, you are in fact protecting the public, because we all know if you're talking about an architect, you're talking about someone who is qualified and that has been my experience.

**PROF SLOAN:** How did you go about selecting your architect?

**DR JANSEN:** When we bought our block of land, it was a difficult site. We've built and renovated a number of houses over the last four decades.

**PROF SLOAN:** Did you have any connection with an architect at that point?

**DR JANSEN:** No, we didn't.

**PROF SLOAN:** So you'd never used an architect before?

**DR JANSEN:** No, we hadn't. We'd built two small houses in country areas - and they were very basic places - and we'd done a couple of minor renovations to houses. When we chose a block it was a very difficult block - it was a very tiny block close into town with a lot of design restrictions and things - we knew that we weren't going to be able to buy an off-the-plan or off-the-shelf design that would fit. We knew that the area had special precinct requirements, so we thought we really needed an expert in this field.

**PROF SLOAN:** But you were happy with the building design services you'd accessed in the past as well?

**DR JANSEN:** The services we'd accessed in the past before were - we went to a builder and said, "We want a three-bedroom little house on this little block way out in the country," and it was very basic. If that's the only thing that the house was, then we would have been happy with it, but we've seen houses that really do more than

just

provide a shelter; they're good to look at, they're different, they are designed specifically for the site. If there are problems with the site, they capitalise on those rather than are limited by them, and we really felt we needed an expert to do this one, so for the very first time, we chose an architect. We were delighted that we did. We had an excellent experience in building, which is very different from some other people we are aware of who haven't had such a good experience.

**PROF SLOAN:** But how did you actually secure then the services of the architect you finally chose?

**DR JANSEN:** We first of all decided it was going to take an architect to do it. Then we looked around in the Yellow Pages and we saw the Institute of Architects. We found out from them the sorts of services that are available. I also have access to Government Gazettes and when a particular architect - we started to look at whether we'd have that particular one or not, we were able to see that that person was registered, so we knew that that was a genuine one, a real one, and then we talked to this particular person. We told him what we needed and then we took it from there.

**DR BYRON:** Can we just elaborate a bit more on how you found that particular one, because that's one of the things that we've been trying to ask lots of people, but you're the first real live customer we've had. We've been asking the architects who came before us how they think their clients found them, but you can actually tell us why you chose A rather than B, C or D.

**DR JANSEN:** Right. When we went to the institute, they had a process whereby you could purchase a certain amount of service without obligation. They can draw you up a concept plan for several hundred dollars.

**PROF SLOAN:** This is this Archicentre thing?

**DR JANSEN:** Yes, the Archicentre.

**PROF SLOAN:** So you didn't go to the board?

**DR JANSEN:** We did before we engaged the architect.

**PROF SLOAN:** But you didn't go to the board at this stage to receive information.

**DR JANSEN:** No, not at this stage we didn't. But this is the whole thing, if there hadn't been an understanding of that particular profession that we had, that we knew we wanted an architect, we would have gone to a builder and said, "We'll just build it," but we knew that there was this particular expertise out there which resided in architects, that they were qualified to do this, and so that's where we chose what was the key decision - not to go to a project builder or whatever but to choose someone who would design something specifically for us and then, because we couldn't stand there and supervise - we didn't know enough to supervise the building - we wanted the whole project supervised as well.



They first of all asked us a number of questions as to what sort of design we had, what sort of ideas we had in mind, and we told them that we needed to have a building that complimented the heritage area that we're living in and we had a lot of problems. They put us in touch with one particular architect, who they said would be aware of this type of work and then we could liaise with him and decide whether or not we'd continue on.

**PROF SLOAN:** So the institute played the critical role really, didn't it, in terms of getting A rather than B?

**DR JANSEN:** Probably, yes. Then we proceeded from there on. We liked the sorts of ideas that the architect was coming up with. They were very different. I don't think there's a house in Brisbane that's quite like ours, but it suits us absolutely down to the ground. It looks wonderful. We staged the project, which we were able to do because the architect would design it in two separate stages, and at the very end of the first stage with a building only half-built, it won an award for the builder who built it and he was being supervised by the architect. We got the award for small lot development the year before last in the Master Builders Association, so it wasn't just us thinking it was a very attractive and very comfortable and well-designed building. I guess the thing is that because we had an architect, we believed we had quality assurance.

He not only made sure all of the requirements of the council and everybody else were being met, but it's a very big investment for us and we didn't want to risk the biggest investment of our lives and something we're going to have to live with for many years. He supervised the entire project and made sure that there were no short cuts and that things were done right and, if things weren't done right, the builder had to pull it out and start again. We think our house is probably more valuable because we will be able to say when we finally do come to sell it many years down the track, that it's been architect designed and supervised and the public will know what that means - provided that architects still exist as a profession.

During the construction period, he made sure that all of the safety requirements, public health and safety things, were done. There were no short cuts, there were no things like scaffolding missing and all that sort of thing, so that ours was a safe site. I think our house is not only a benefit to ourselves, but it's a benefit to the suburb we live in and to the community around. It really is a very attractive little house and there are so many comments we've had on it. It's different and yet it fits in. So those are some of the sorts of things that we appreciated who we had.

**PROF SLOAN:** I must admit your knowledge of the Architects Act would put you in .0001 per cent of the public.

**DR JANSEN:** From my submission?

**PROF SLOAN:** Yes.

**DR JANSEN:** Legislation is up on the Internet. People can look at that these days.

**PROF SLOAN:** But you took it upon yourself to make this investment in the knowledge about the Architects Act.

**DR JANSEN:** I guess I try to make myself aware of a lot of matters that go on around, but I didn't have any previous experience in this area.

**PROF SLOAN:** Which is great. My feeling is that if you didn't have the Architects Act, your experience would have been absolutely identical.

**DR JANSEN:** I doubt it.

**PROF SLOAN:** Because most of those excellent features of the architectural service that were provided to you, have absolutely nothing to do with the registration process.

**DR JANSEN:** Yes, they do. I disagree. I think it's because we didn't go looking in the Yellow Pages for the Institute of Architects just to look it up. We looked for "architects" and that's what we were looking up and because we didn't know a particular architect, we didn't look in the Yellow Pages under B, we looked under the specific - - -

**PROF SLOAN:** They still tell me that there are a whole lot of imposters in the Yellow Pages.

**DR JANSEN:** That's why we went to the Institute of Architects, I guess, in a way, just to be sure.

**MR .....:** But they then eradicate the imposters, the institute.

**PROF SLOAN:** Yes, self-regulation does a better job than government regulation. I'm sorry, I've violated my own rule. It won't come out and I'm sorry, Marie.

**DR JANSEN:** No, that's okay. I guess because I had gone to the Internet and looked up the Institute of Architects, since I've started writing the submission I take a bit of exception to a couple of things in the report and can I just let you know the ones that I'm not really happy about. The first one was that when you talked about disciplinary action, you really focused on the sections under the disciplinary action that talk about architects protecting their business names and their businesses and things, the professional misconduct side of it. You really haven't spent very much time looking at the side for disciplinary action that's possible where offences have been committed by architects and the possibility of action being taken against them if they commit certain offences.

First of all, I know that a person gets registration through qualifications and

experience and I know that the act provides for people who have been guilty of whatever type of offence might render them unfit to be an architect, but they can actually be deregistered and that, to me, is a safety - - -

**PROF SLOAN:** I agree, except if you look at the experience, very few are ever deregistered.

**DR JANSEN:** But the protection is there.

**PROF SLOAN:** Including in some acts that known incompetence as a architect is not a reason to deregister people.

**DR JANSEN:** I guess the act provides for that sort of level of protection. If the act isn't working properly - I think it was one of the ladies this morning who was talking earlier, said if the legislation isn't quite right, then you're throwing the baby out with the bathwater if you demolish the legislation. I think you're going further and not only throwing the baby out with the bathwater, if you repeal the legislation, then you're actually demolishing the bathroom, so you really do need to keep that legislation in place.

If there's something wrong with it, your own report presents a whole range of really good ways in which the legislation can be improved, but then you turn around and say that, "We didn't really mean that. Let's just demolish it. Let's repeal it." In your report, why not recommend that these changes be made to the act so that the act is improved rather than simply say, "Let's get rid of it"? That's only in my humble opinion, but there are a lot of structure and things up there right now which could easily be polished up and made to work better.

I know that architects don't pay a lot of money to keep the boards operating and maybe that's one of the problems. Maybe they don't have the resources to run as many disciplinary actions as may be needed. Okay, they already seem to have said this morning they don't mind paying a bit more and get things fixed up and see how things work. It seems counterproductive to me to say, "Let's just repeal everything and throw it all out." I don't know, I'm just speaking from my own point of view but that's just something that seemed to occur to me.

The other thing I do know about with mutual recognition - I know you mention in here that if legislation was repealed there's not going to be a problem with mutual recognition, but I disagree because I understand mutual recognition is working at the level of registration, at government-legislated registration, and if you repeal the legislation then mutual recognition isn't going to apply.

**PROF SLOAN:** No, that's not true. We've got, for example, the APEC engineer, which is the absolutely classic case of mutual recognition. It's about to come in. How many countries involved?

**DR BYRON:** It's eight at the moment, but 15 by the end of next year.

**DR JANSEN:** And they're not working on the level of registration?

**PROF SLOAN:** No.

**DR BYRON:** There is no statutory control at all. It's all self-regulation, where there's no government involvement.

**PROF SLOAN:** So it's not a (indistinct)

**DR JANSEN:** It's probably even more confusing then.

**PROF SLOAN:** There is in Queensland, but there is no statutory registration of engineers elsewhere.

**MR .....:** Is that the case overseas?

**PROF SLOAN:** Let's have a chat later on.

**DR JANSEN:** The other thing I didn't really agree with in the report was the assertion you make that if you deregulate and no longer protect the name or it's no longer just a legislated understanding, that everybody else isn't going to come along and use it. I think you do say that nobody or very few would bother to then turn around and call themselves architects. I guess when I look at dentists and chiropractors and vets all becoming doctors these days, without any real legal ability to do that, I think that's naive.

**PROF SLOAN:** No, it's quite legal.

**DR JANSEN:** But they're not - - -

**PROF SLOAN:** It's quite legal.

**DR JANSEN:** The university would say that only medical doctors and PhDs are given the term of "doctor".

**PROF SLOAN:** That's not true. It's a courtesy title for doctors.

**DR JANSEN:** Recognised by the university who grants the degree.

**PROF SLOAN:** It's just a courtesy title. There's no legal basis for it at all.

**DR JANSEN:** In the public view, people who are called "doctor" are understood to be qualified as such in one way or another and I don't think that - - -

**PROF SLOAN:** That's just convention. There's nothing legal about that. People

might have thought that Dr Mal Colston was a medical doctor, too, but he was legally allowed - I mean, he was a doctor. Medical doctors are called "doctor" as a courtesy title.

**DR JANSEN:** But it's still recognised by the university. The university will still call medical doctors "doctor". That will be in their title when they are granted their MBBS.

**PROF SLOAN:** It's just a courtesy title.

**DR JANSEN:** And "professor" is really a - - -

**PROF SLOAN:** Another courtesy title probably.

**DR JANSEN:** But it's also the role that you take at the university. It's granted on the basis of your appointment to a professorial position, isn't it? It's not a qualification.

**PROF SLOAN:** Yes, but there's no legal reservation of title. There's nothing to stop anyone calling themselves a professor out there.

**DR JANSEN:** Maybe we do need something along those lines for everybody else.

**PROF SLOAN:** I don't want it. That's very helpful, though, Marie, because you're absolutely right, we're sadly lacking in direct consumer submissions and input, so we do really very much appreciate you coming along.

**DR JANSEN:** Thank you.

**PROF SLOAN:** Thanks very much. I now call a break to the proceedings and I apologise for my violating my rule about talking to the audience. You're not allowed to talk to me, but I'm not allowed to talk to you, either. We'll break for lunch and I think in view of the time - it's 20 to 2. I think we might recommence at 10 past 2. Thanks.

(Luncheon adjournment)

**PROF SLOAN:** We now reopen the hearings of the Productivity Commission into the review of legislation regulating the architectural profession on Friday, 9 June in the year 2000 in Brisbane. I welcome Russell and your friends. If you could give us your names and associations for the purpose of transcript - - -

**MR BRANDON:** Yes, I'm Russell Brandon representing the Building Designers Association of Queensland. I'll let these guys introduce themselves.

**PROF SLOAN:** I think they're probably old enough to do that.

**MR BUCHANAN:** My name is Phil Buchanan. I'm a building designer on the Gold Coast.

**MR NELSON:** And I'm Peter Nelson, building designer in Brisbane.

**PROF SLOAN:** Thank you very much. Let me welcome you. We have probably preponderantly seen architects, which is not entirely surprising, but we'd be very appreciative of your input. Have you got a short presentation for us?

**MR BRANDON:** Yes. In actual fact our national office has put in a submission which we support. We just want to make a few points from a Queensland perspective.

**PROF SLOAN:** That would be very good.

**MR BRANDON:** Yes. First of all, I just want to point out, of course, that we're not here to denigrate any other part of the industry. One of our platforms is that we want to work with the whole industry to try and make the industry better. We would like to congratulate the commission on an excellent report. You have so aptly found that the Architects Acts have no public benefit, and we agree with that, and it's clear from comments and evidence that has been in submissions that competition doesn't cause bad documentation or any of the problems that we heard a fair bit about this morning. It's really incompetent operators who do that.

So far all the evidence we've seen that's been pointed to as competition causing problems seems to be competition amongst architects, so in actual facts the Architects Acts have no bearing on that at all - and registration. We want to see some sort of consumer protection. We just don't believe that the current act does that. We would like to see that consumer protection spread over the whole industry. I think someone said, quite correctly, this morning that if the architect's still in business after 20 or 30 years he must be doing something right. Our view, of course, is that a building designer is in the same position - he must be doing something right.

I do want to point out that if the recommendations in your report are adopted, you won't get a lot of building designers running around calling themselves architects. For a start, consumer protection legislation as it exists would make it illegal for people claiming to have qualifications that they don't have. What you may

get is a

number of people who have architectural qualifications - and I'm talking about a bachelor of architecture - who are not registered, who may be able to actually call themselves architects. I don't see a problem with that. They've done the training, they just haven't gone through the extra step.

Having said that, I think we'd prefer a co-regulation model as apart from complete deregulation. We've been looking at the BSAP model, which is one you mentioned this morning. I think that's an excellent model to work from. Whereas BSAP are mentioned in legislation such as building acts, we see a lot of parallels between building designers and building surveyors, and it wouldn't hurt for us to follow that sort of model, and we as an association are working on that right now.

**PROF SLOAN:** Would you see a separation, though, between the accrediting and reaccrediting agency and the association?

**MR BRANDON:** Yes.

**PROF SLOAN:** You would?

**MR BRANDON:** Yes. One of the options we've looked at is using BSAP themselves or setting up a similar independent organisation. One of the things we fear about complete deregulation is that it may lead to further restrictions on the industry. For example, we find in New South Wales there are a lot of local planning schemes that require architects to work on particular jobs. We see that as a restriction in the industry. We have also encountered - - -

**PROF SLOAN:** If you've got examples of that, we'd quite like to see those.

**MR BRANDON:** Yes. I think Tuesday when our people down there talk to you they probably will have some.

**PROF SLOAN:** Yes. We had in South Australia yesterday where you can't renovate a pub without an architect.

**MR BRANDON:** Yes, and that does happen - it doesn't happen - - -

**PROF SLOAN:** That's under the Liquor Licensing Act. We didn't actually look at the Liquor Licensing Act funnily enough.

**MR BRANDON:** Yes. A lot of acts have the term "architect" in them and I think that's been traditionally the case for many, many years. We have no problem with that, apart from the fact that it's been an historical issue because there were no other terms to put in the legislation, and there's lots of legislation around like that.

**PROF SLOAN:** Right.

**MR NELSON:** The other problem that's ongoing from that of course is that many is



the time you go to put in a tender for any of those sorts of work and you find that the person taking the tender says, "Are you an architect?" You say, "No, I'm a registered building designer. I'm licensed to do that work." They say, "Well, I'm sorry, but the act says only an architect can apply," end of story, you're kicked out the door.

**PROF SLOAN:** Yes.

**MR BUCHANAN:** I was just going to make the point that it's probably important to clarify the issue as far as all the groups in the industry are concerned that building designers aren't looking to have no recognition of title. We actually do believe that there should be some recognition of the title "architect" for obvious reasons, because we believe that the public deserves to know and have complete transparency in what they see when they're in the marketplace for architectural services. So we do believe that the term "architect" should be protected in that sense.

Also we believe that the term "building designer" should be protected in that sense, because we've heard this morning cases of building designers or draftspersons advertising in the architectural columns in the Yellow Pages. In reality, the reverse is also the case. There are a lot of reasons for that. The market is divided into a number of areas where some people in the market actively don't want to use an architect, they seek out a building designer. If there was no level of protection of both titles - and we're advocating that there should be - there's going to be total confusion. We're going to have everybody advertising in all areas of the Yellow Pages, which has been brought up this morning, and the public is going to have no hope at all in discerning or differentiating between what services are available and who they are getting. So we do believe that that's the case.

**PROF SLOAN:** What about the derivatives, though?

**MR BUCHANAN:** Derivatives are something we do believe should be not protected by legislation - the title only, and then it's up to the individuals or the associations to market their skills, and whoever does that best in the marketplace is more successful. The legislation should, I believe, protect title; it should not protect the scope of work that goes with that title. Currently that is the situation we have, because we don't believe that a particular title automatically gives you the qualification to do a particular scope of work. There are good and bad in all sort of levels of industry, as there are in building design, as there are in architects as well. There are good architects, bad architects, and they've all got the same scope of work at the moment.

Building designer have multi levels of licensing which virtually states they can do up to this level, so we feel that that is good protection for the general public and they can see at a glance - most people ring the BSA - as people have said this morning, the first thing a lot of people do is ring a builder. They ring the BSA and they get information regarding the type of services they're looking for. I don't believe that the Architects Act - the way it stands now - there is that transparency there, and it's very difficult for a lot of people to know what they're getting.

**PROF SLOAN:** So how would you describe the role of your association?

**MR BUCHANAN:** The association's role in a co-regulative system is there, I believe, to provide ongoing professional development and support for the players in the industry. In a totally self-regulated system, and a voluntary one, I believe that we would only provide the education and the background for building designers to use that, because you're not going to be able to force everybody to take part in it.

**PROF SLOAN:** Can I come along and say, "Look, I think I'm not a bad building designer. Make me a member of your association"?

**MR BUCHANAN:** Yes, you can, but you would need to go through the steps of proving your experience and supplying us with examples of your work.

**PROF SLOAN:** Right.

**MR BUCHANAN:** We have a process where we accept membership as a minimum standard, because our ideal industry is not to just take those that we feel are the best, it's to take people and educate them, because at the moment there's no compulsion to educate those in the industry that are not doing the job.

**PROF SLOAN:** So do your members have a variety of backgrounds?

**MR BUCHANAN:** Very much so, yes.

**PROF SLOAN:** Can you describe them.

**MR BUCHANAN:** We obviously have members who've started their careers as draftspersons, so they've gone through the TAFE colleges and they may have worked in architects' offices, they may have worked in building designers' offices. There's a lot of people come through the trade, so they've had hands-on experience, like builders, for instance - retired builders - or people that have changed career path. There's quite a few of those. We have architects in our association as well, non-registered architects. So there's a very diverse group of people in the association.

**PROF SLOAN:** How did you become a building designer?

**MR BUCHANAN:** I chose the career myself as soon as I left school, and I've been doing it for the last 25 years, so I haven't - - -

**PROF SLOAN:** Did you do a qualifications - - -

**MR BUCHANAN:** I did TAFE, basically, and I worked in an indentured situation with another building designer. I did my time with him and then I went out on my own and went from there. That's probably typical of a lot of building designers.

**PROF SLOAN:** Is it? What about you?

**MR BRANDON:** I did an engineering diploma with QUT to start with and then through the work I was doing - I worked with councils for a while and I had a lot of experience with buildings in both design and supervision capacities, and then an opportunity came up. It sort of grew out of a builder saying, "Would you do some plans for us?" Then it just mushroomed from there.

**PROF SLOAN:** Would you call yourself an architect if there wasn't a law?

**MR BUCHANAN:** No.

**PROF SLOAN:** Would any of you?

**MR BUCHANAN:** There would be some. We've attempted to find out with various negotiations we've had with the RAIA over a number of questions in licensing, and we've found that there are some people that would like to do that but - - -

**PROF SLOAN:** Are they people who have architecture degrees?

**MR BUCHANAN:** No. There may be some, but building design is fulfilling a part of the market where people are looking for building designers, so anybody that's looking to change their title will be changing part of that market. It doesn't appear that there would be very many people at all that would want to change their title.

**DR BYRON:** Can I just clarify that, because architects have frequently reminded us that they don't just design, but they also do documentation and contract administration, and we're getting some saying that they don't supervise work and others use the word "supervision". I just want to clarify that function. Do building designers also do documentation and administration? Do you supervise works? In what way is the scope of tasks that a building designer does - is it the same or less than the scope that architects have?

**MR BRANDON:** Legislation-wise under the current BSA Act, building designers are limited as to what they can do on site. Realistically - and certainly in the rest of Australia building designers can carry out the whole scope of work that architects would do. In Queensland there are limitations.

**MR NELSON:** What we have had to do in Queensland - because a lot of our members that do this work - if they're going to do that work and stay legal, they have to register as a builder, and that's what they've done.

**MR BUCHANAN:** The scope of work for a building designer doesn't include things like project management - limited contract administration - your typical building designer would not generally get involved in full documentation from

project

management being the top end of that market, because there is a need for that level of service and that is primarily what we are fulfilling for the greater majority of building designers. The scope of works may change, and we're advocating that it should, because there are a lot of talented building designers that are quite capable of performing those tasks and, at this stage, they're restricted by legislation.

**DR BYRON:** What we were told yesterday morning in Adelaide is that the building designers do nothing more than the actual drafting of plans.

**MR BUCHANAN:** That's not strictly correct. There is a misapprehension in the industry that building designers are in fact draftsmen, and in a lot of cases they are both. In many cases, it's not the case. Myself, I haven't prepared plans as such on a drawing board or a computer for 15 years, but I employ three draftspersons, one of which is a postgraduate architect, and there's all sorts of differences that we get from those people. I seek different types of skills as part of my business.

**PROF SLOAN:** Do you compete with architects?

**MR BUCHANAN:** I do in various levels, yes. Yes. I think the marketplace that we're all - - -

**PROF SLOAN:** What is a segment of the market where the overlap occurs most?

**MR BUCHANAN:** I believe there's an overlap but predominantly we are in the same industry but we are targeting different markets. We can overlap in the middle somewhere.

**PROF SLOAN:** Yes, sure.

**MR BUCHANAN:** There's people in our association or in the industry - building designers - that would be competing in that top end, up to 25 metres in Queensland at this stage. They're quite capable of competing above that, but by legislation now they can't do that.

**PROF SLOAN:** Is it in residential? Is that where the main area is?

**MR NELSON:** No, in the top end it's - - -

**PROF SLOAN:** It's more commercial?

**MR NELSON:** It depend what you term "commercial" but multi-residential.

**PROF SLOAN:** Yes, okay - multi-level.

**MR NELSON:** And commercial industrial work. How many licensees, about 150 in the top licence?

**MR BUCHANAN:** In the open licence at the moment we do, yes.

**MR NELSON:** Yes, about that. But I would say of those probably about 30, maybe 50, would be doing top-end type work, and most of them - - -

**PROF SLOAN:** Right, so you have gradations, don't you?

**MR NELSON:** Yes.

**MR BUCHANAN:** We do, yes, and predominantly the lower levels of building are the ones that are loaded. What we are looking for, though, is long term, because we have infrastructure with our associations pushing with negotiations with, say, the Central Queensland Uni, the Sydney Uni, and the BSA - we're trying to look long term down the track where we will have graduates coming out of these courses doing the bachelor of building design but will be looking to do those types of buildings.

A lot of people in the industry today - the biggest percentage of them - don't do that sort of work. I wouldn't see that is going to change dramatically because of the fact that that's the market we're trying to fill. There is a market there for people to perform this service and some people just don't want documentation that doesn't get used on site if it's a simple job. It's horses for courses.

**PROF SLOAN:** Right.

**DR BYRON:** Just to clarify, the three-tier licensing that you're talking about, is that something that the association imposes, or is that under the Building Services - - -

**MR BUCHANAN:** It's actually four-tiered at the moment. That was the licensing system that - the association when it formed some years ago was involved with the BSA in formulating those grades. We acted as the industry representative at that time and the association has, over the past 10 years or eight years, seen efficiencies in that and we've at the moment got a proposal to the BSA to amend the legislation to take it back to a level of three, which falls in line with what the building industry is doing. Builders licences, for instance - there would be three as well, so we will - - -

**PROF SLOAN:** And you're trying to tighten up your accreditation or reaccreditation to make sure people are appropriately slotted into those levels?

**MR BUCHANAN:** That's right, yes.

**DR BYRON:** This three-level business, that's a Queensland thing, isn't it? It's only Queensland?

**MR BUCHANAN:** The BSA - yes.

**DR BYRON:** I haven't heard of that in other states.

**MR BUCHANAN:** No, Queensland is the only place where there's a tiered level of licensing.

**DR BYRON:** Does that also tie in with the national building competency standards? I'm not sure how that - - -

**MR BRANDON:** Yes, our national competency standards - we're in the midst of preparing it for building designers, currently based on the builders' competencies that have been talked about for some years. They have these three levels that we are looking to align with. Largely the tiered system is a compromise that was worked out when licensing first came about. I think it was a compromise basically between BDAs and the RAIA at that time. With new models we're looking to introduce for accreditation and competency base - it may be that we look to change that in the future and to align more with what's the national situation anyway, but that's something for the future.

**PROF SLOAN:** Do you work with architects?

**MR BUCHANAN:** Not with architects in my own practice, no. We basically compete with architects in certain areas. I know quite a few architects and there's a lot of architects who do various levels of work, high-rise in the CBD here - there's those that do mainly renovations to small homes - they range the whole gambit. There's probably more architects dealing with the centre of town than there are with the fringe. In our case we've got a lot of that domestic work out in the marketplace and then a very small percentage that are working in the core. But, yes, the competition if you like gets a little more fierce in that little lap-over area in the centre.

**PROF SLOAN:** So are you cheap and nasty?

**MR BUCHANAN:** No.

**MR BRANDON:** There's a fair misconception there that building designers are responsible for price-cutting. I really should refute that because there is price-cutting within our membership and I'm sure there is price-cutting within the RAIA membership, but I don't think the two are related - because you'll find the top end of our members are charging probably close to what most architects charge.

**MR BUCHANAN:** If I'm a very efficient building designer, I can be cheap. I don't see a problem with being cheap, if I'm producing the goods. If I'm competing with somebody that says, "He's too cheap, he's not producing the goods," that's fair enough, but in reality if I can do it more effectively than the next person for a better rate, I don't see a problem with that. To me, that's the essence of a free market.

**PROF SLOAN:** How do you think the consumer decides to go to a building designer rather than an architect?





**MR BUCHANAN:** At the moment - you've got to realise that the term "building designer" is probably 10 years old. The term "architect" is probably 10,000 years old, so they've had all that time to - - -

**PROF SLOAN:** A head start.

**MR BUCHANAN:** Every person on the planet probably knows what an architect is. We're actively marketing and promoting building designers. At the moment it's probably referral, word of mouth. A lot of building designer work comes from association with builders, for instance, because they've come from the industry, they're at the coalface of the industry there. Building designers tend to have come from very practical sorts of backgrounds so there's - - -

**PROF SLOAN:** This is where a consumer latches onto a builder somehow and then the builder refers them to a building designer?

**MR BUCHANAN:** Yes.

**MR BRANDON:** I think it's fair to say that our part of the industry has grown up through word of mouth, through referrals. Whereas we started out drawing a few plans for builders, word has soon got around. I've been in the industry for 20 years and someone said this morning it's your reputation that keeps you in the industry for 20 years, it's not really some title that you have or give yourself, or in fact have registered. I just think that to last in this industry you have to be good enough.

**MR BUCHANAN:** Which is where you build up a client base. I've got clients that I've had for 20 years and I've got quite a few of those clients, so it's not really a case of just selling a cartful of apples on the side of a highway and having a different client each time. You do build up that client base. That's one of the reasons I don't believe if the act was repealed and something else takes its place or whatever, there's going to be this massive imbalance of building designers swallowing the perceived market share of architects. I just don't believe that's going to be the case at all.

**PROF SLOAN:** Do you think though you have taken the market share from the architects already? It sounds as though you have got more organised - - -

**MR BUCHANAN:** Over the last 20 years I'm sure we have, but I think that's been a direct result of market needs. Not everybody wants to use an architect. It's as simple as that.

**PROF SLOAN:** I talked to some building designers who said they didn't want to call themselves architects because the public knew architects as expensive and slow.

**MR BUCHANAN:** That's a comment we have heard many, many times before. That's why I personally would not want to use the term "architect". I don't want to denigrate that title but I want to highlight my own title. I want to make the most out of my own title and that involves marketing and pushing myself.

**MR BRANDON:** I think as a group we probably would have to say we respect the title "architect" and the respect the fact that architects would like to continue to protect that title. I would like to see that there is some better system of doing it than what has been, because I don't believe that the system we have got now is either transparent or accountable. As I say, it really hasn't been fulfilling any public benefit. If there's a better system I think we need to find it and I would like to think we can do that in a co-regulation type way and we would like to do that as an integrated industry. We would work with the architects to make the whole industry better. We are happy to do that.

**PROF SLOAN:** We have heard - and maybe at the end of the day they don't add up to a hill of beans - but my examples about only architects can renovate the pubs in South Australia - there are other restrictions that you re aware of. We have heard, for example, of awards and prizes for building designs being confined to registered architects.

**MR BRANDON:** That's probably talking about the competition, whether it be international competition or the competition the premier here has recently called.

**PROF SLOAN:** But still, they may not add up to a hill of beans - - -

**MR BRANDON:** Yes, it's probably not a big deal. One of the things that probably is important to note when it comes to government work is that there is an imbalance there. I was in the national office in Sydney yesterday when a call came through from a member in Melbourne who had just discovered that he had been taken off a consultants' list for doing schoolwork, which he had been doing for many years, and was highly experienced at and did a good job of. When he contacted the department concerned he was told that anyone who is not an architect has been taken off the list. I think that's a situation that needs to be addressed because it doesn't recognise competency of people; it recognises a title. I think that's one of the important issues we would like to make.

**PROF SLOAN:** Probably because the minister is an architect.

**MR BRANDON:** It may be that somebody has just taken over in a new job and has a preconceived idea about what an architect is compared to a building designer. I don't know, but that does happen.

**MR BUCHANAN:** We had a case on the Gold Coast a few years ago where a building designer had been designing nursing homes for a particular client that he had had for many years. He almost finished documentation on about his fourth or fifth one, only to be told by the local authority that he couldn't submit the plans because of the legislation. That was a particular case where the BDAA went to bat on that situation and as a result he had those plans submitted, but it was a simple case of the fact that the legislation only had the term "architect" in it for want of no other terminology that was available. That was a pretty clear case to us that the act itself is

outdated and had no other options back then available to it, whereas obviously now it's very clearly a case where there are options available, so all these little pieces of legislation should change.

**MR NELSON:** I was at a meeting earlier in the week at the architect's premises at South Bank and I found after listening to it throughout the evening that most of the members there who were all registered architects had no idea of what a building designer was. They were not aware of the fact that every building designer is a sole practitioner. They don't work for a company doing drawings or anything like that. They have to own their own business, it's a prerequisite. They weren't aware of those sorts of things and after a while I think we got to a bit of an understanding, but it was a bit of a surprise to me that these gentlemen who were in the industry all the time knew nothing about us and we were the baddies. Not I, but our members were called all sorts of things at that meeting prior to me getting up and having a word about it. I was pretty surprised. I think it was just said out of ignorance; the fact they didn't know what we did or where we came from.

**PROF SLOAN:** So if you are not cheap and nasty, do you produce shonky buildings that fall down over time?

**MR NELSON:** We don't think so. The reason that the Building Designers Association came into being was as a direct result of some legislation being mooted that no-one except an architect could design a house - I think it was 200 square metres or whatever it was - and that nothing else could you do; only an architect could do above that. That impacted directly on quite a large number of firms who employed quite a lot of people who did that type of work. That was the way in which the Building Designers Association was formed - through a body of people getting together and forming submissions to the government and that we were able to overturn that and now we are where we are today.

**MR BRANDON:** But there are some very talented building designers out there. You know, guys like Frank Lloyd Wright would probably have trouble becoming a registered architect in Queensland. The architects have told us and continue to tell us - - -

**PROF SLOAN:** He was an engineer I'm told, actually.

**MR BRANDON:** We have been told many times that we can go out there and sit for the exam and become an architect like everyone else. A lot of building designers don't want to and the system in place in Queensland makes it very difficult for anyone without a degree to pass. It's as simple as that. One of the architects this morning said that he had to help someone who became the most talented architect in Australia to get through because he didn't have a degree. I have members who have tried - - -

**PROF SLOAN:** It's a very rare beast indeed who seems to get registered as an architect, very rare.

**MR BRANDON:** That's right. The system is not transparent and it's not accountable. It's very a subjective - "Sit for the exam and show us your work and we'll tell you where you went wrong" - type of system. So as a result of that I think there are a lot of talented people out there who are unable to become registered architects.

**PROF SLOAN:** Do some of those overseas trained architects end up in your association?

**MR BRANDON:** Yes.

**PROF SLOAN:** Because they find the registration process fairly inhibiting.

**MR BRANDON:** Yes, that's right. I don't know about the Irish guy that we saw up on the board this morning.

**PROF SLOAN:** He's probably part of your association.

**MR BRANDON:** He didn't look familiar, but he might be.

**MR BUCHANAN:** I think the association as a whole have the nationally and supported co-regulation, which you probably read in our submission. One of the major driving forces behind that is we don't really believe a totally voluntary self-regulatory system is ever going to have the teeth required to make sure it is a transparent system that the public can see there is retribution for errors and this sort of thing. The BSA in that system - I have spoken to the BSA - they will obviously support the co-regulation. I don't see being the policeman on the industry as the role of associations. I see association's role with generally limited funds providing the education rather than the government having to do that. I do believe the government should hold that part of the whole process.

By the same token, I have real fears that if the Productivity Commission's recommendations go through and we do end up with self-regulation, there will end up one board, if you like, or one group, that regulates everybody in the industry. If that happens what we will lose is the clear identities of architects and building designers because we will all of a sudden have a group trying to tailor the conditions or the goals of these end results into one mould again. Then we'll be arguing about should be here, it should be here, and these are the requirements you should have, and I think if that happens it will be a detriment to the public interest because at the moment - - -

**PROF SLOAN:** I don't think that's what we have in mind at all.

**DR BYRON:** But on the subject of accreditations, my recollection of discussions with the building services authority here and also with their opposite numbers in Tasmania and Victoria, is that for every occupational group or function group, or whatever you want to call them, or profession, they would like to see there are

standards and there's a rigorous accreditation process and they don't really care who

does that accreditation process as long as it is there and it is rigorous and strict and all the rest of it and he knows whose head to kick if something goes wrong.

**MR BUCHANAN:** Exactly.

**MR BRANDON:** That's the exact reason we're looking at the BSAP mould and it could be that we end up with a business unit similar to that. You understand that BSAP is independent but has a close relationship with the Institute of Building Surveyors and there is no reason why we couldn't have a similar thing, but it has got to be accountable.

**PROF SLOAN:** Yes, they have a legal liability which they take very seriously.

**MR BRANDON:** Yes, exactly right.

**MR NELSON:** It's the same thing with building designers as well. To be a building designer you have to be licensed by the state government. They will not accept your licence unless first of all you have filled out forms which show that you are financially able to do what you do, up to certain levels and so on, and also you must produce your PI insurance. It's compulsory.

**MR BUCHANAN:** The levels of the financial requirements of building designers have been raised and they are quite regularly reviewed in the sense of the legislation, so the BDAQ actively sought this when we sought registration many years ago and we went to the government with a proposal to say, "Look, this is the way we feel we should take responsibility for the industry and we should have consumer protection. We should have PI. We should have the financial requirements for building designers" - there's a lot of argument about that - and the BSA in Queensland, as you are aware, have been very stringent in their deliberations on this and the system we have in place now through the BSA is very transparent. People are aware of their rights.

**PROF SLOAN:** You are actually defining what you have got as co-regulation, aren't you?

**MR BUCHANAN:** At the moment, yes.

**PROF SLOAN:** So you wouldn't mind if the architects - we understand that was the recommendation in Victoria; that the architects simply go in under the Building Act.

**MR BUCHANAN:** Sure.

**PROF SLOAN:** Like the other practitioners - and they didn't like that idea because they're special.

**MR BUCHANAN:** I don't see a problem with that because that keeps the government in control of that end of the - - -

**PROF SLOAN:** They don't require PDI and - - -

**MR BUCHANAN:** That's right, and what the industry does in its own ballpark is basically - it's what they push - - -

**PROF SLOAN:** Yes, and as we understand it, as long as they regard the accreditation processes as credible and having that transparency - - -

**MR BUCHANAN:** Yes.

**PROF SLOAN:** We might leave it at that. Thanks very much for coming along, particularly if you have come up from the Gold Coast.



**PROF SLOAN:** Do we have Basil Veal here? Hello, Basil. If you would like to state your name and your affiliation for the purpose of transcript.

**MR VEAL:** My name is Basil Veal. I'm an architect. I'm a heritage architect, a chartered architect, a town-planner and a registered builder. I've done a lot of hands-on building work in my days, and what have you.

**PROF SLOAN:** What's a chartered heritage architect?

**MR VEAL:** Chartered architect. I am a member of the British Institute of Architects and they can call themselves chartered architects, whereas the local architects are only architects, as such.

**DR BYRON:** Could you just explain to me what "chartered" adds or means?

**MR VEAL:** I think it goes back to one of the earlier kings of England when he gave a charter to the British institute - or the architects; it wasn't the institute at that stage - and that's carried on down through the years. I don't really know what it means, because I don't use it. I usually run under "heritage architect".

**DR BYRON:** Just a curiosity.

**MR VEAL:** Yes.

**PROF SLOAN:** If you'd like to spend just a bit of time - we have read your submission but it would be useful if you just went through the main points.

**MR VEAL:** If I just run through it.

**PROF SLOAN:** Yes.

**MR VEAL:** 1 and 2: a point there I make, which is obvious I guess, is that the architects have seven years of study and the building designers have three and it's only a bachelors degree or a bachelors, I think, at Central Queensland, and a bachelors is only a halfway degree in university terminology, as you probably realise. That's at the QUT, anyway, where I used to lecture for a number of years.

**PROF SLOAN:** You're not going to be rude about the building designers, are you?

**MR VEAL:** No, I'm just making the point. I'm not being rude to - - -

**PROF SLOAN:** You used to be able to say, "That's not cricket," but of course you can't really say that any more, can you?

**MR VEAL:** Yes. Look, I'm too old to argue with anybody. The title "building designer" - I'm not having a go at the building designers here, but I think it's a bit of a

misnomer because even in architecture, when I was involved in architectural design and what have you, you couldn't really call yourself a building designer, because you had structural engineers, hydraulic engineers, quantity surveyors. You had a whole team and, especially in this age of technology, they play a very important part.

Really, I suppose, to a certain extent the design of the building is really the physical design, which is the windows and the doors and the rooms, and then you have to refer to your electrical engineer for the lighting, you go to your airconditioning engineer for the airconditioning, you've got to go to your geo engineer for the footings. So the name is wrong and it really misleads the public, because no one person today can call themselves a building designer. That's the point there.

**PROF SLOAN:** People mightn't be aware of that complication, though, with architects either.

**MR VEAL:** Architects do the same thing but they're not building designers as such. People know them as architects. They might think they design a building, but they don't.

**PROF SLOAN:** One of the submissions said that once reticulation of various types came into buildings, that was the end of the supremacy of the architect.

**MR VEAL:** It was, because really in the old days the architect used to design - even when I started out, we used to design our floor slabs and our footings and what have you and we used to do our estimates and then, as it went on, quantity surveyors came on board and structural engineers and what have you.

**PROF SLOAN:** So it's a sort of multidisciplinary effort these days.

**MR VEAL:** It is. Building a building and designing a building is a multidiscipline task. So that's that one. I have cause here to question - I think it was in the report. I only read the report very briefly and I think I saw in there that building designers do the same work as architects. I don't think that's correct, because the work I do is heritage architecture and heritage planning. I get involved in urban design and other specialist areas and I don't think a building designer can honestly say that they could get involved in that. I don't think they could appear in court as an expert witness in heritage or urban design. Architecture really spreads out over a wider area than just drawing plans, the administration of buildings and writing specifications. It's a broader field. That's the point I make there. Also - and I'm not having a crack at the building designers here - but because - - -

**PROF SLOAN:** It looks like it, but go on.

**MR VEAL:** Yes, okay. Because architectural education has been around for so long, it's developed. When I first started off, I did my first three years at the CTC, which is a technical college, and then I did the last three years at the university, so it

was evolving. It's now evolved where you do postgraduate degrees in heritage

architecture, urban design, business management, project management, you name it. There's a whole stack of them. The building designers are probably coming along. As I said, they've got a bachelors degree going at Central Queensland University. But the architects - their training is far more in-depth and, as I said, I don't think a building designer could stand up and be a heritage architect or an urban designer.

**PROF SLOAN:** My guess is that they're not.

**MR VEAL:** They're not. That's it. As I understand, the registration of - or the gold card building designers got - building designers do 80 per cent of the residential work, and that's going to unit work and housing.

**PROF SLOAN:** We have heard even higher.

**MR VEAL:** There have been a lot of failures in that area.

**PROF SLOAN:** 80 per cent.

**MR VEAL:** I don't know whether it's 80 per cent.

**PROF SLOAN:** Go to building designers.

**MR VEAL:** Yes. When the Building Services Act came into being, it was decided that there be a coverage so that people drawing plans generally would be caught up in the net, so that they be registered, which I think was a good idea.

**PROF SLOAN:** Well, they're licensed.

**MR VEAL:** Yes, licensed, gold card. I don't know - they've got a silver card, have they? They've got a gold card, I know that. There are three levels actually: the top - - -

**PROF SLOAN:** Yes.

**MR VEAL:** As you probably know. Personally, I think that's a good idea. The next one is registration of architects. We pay \$60 a year. If registration is thrown out, we're going to be up for \$500 a year.

**DR BYRON:** For what?

**MR VEAL:** To join the institute. To have any credence you'd have to join the institute. It's natural that people would try to tack that onto their fee to get that 500 or 440 dollars back.

**PROF SLOAN:** People would only join if they thought the value was greater than the cost, though.

**MR VEAL:** I think they would join, because at the moment they can say, "Okay, I'm an architect and I've got a bachelor of architecture," and what have you, but if the term "architect" is open to all, I think they would start knocking on the door of the institute, so the institute would probably make a lot of money out of it.

**PROF SLOAN:** It's gone up to \$65 I think.

**MR VEAL:** Has it?

**PROF SLOAN:** I think the truth of the matter is that this is a trivial sum, given the importance of your profession.

**MR VEAL:** I have always thought that. I agree, yes.

**PROF SLOAN:** It seems to me that architects have made a rod for their own back by having this shoestring operation. Presumably you've only got a part-time staff member or something. You can't do anything with that kind of subscription.

**MR VEAL:** I think they have been effective in jumping on architects that haven't acted correctly and what have you, with their limited resources.

**PROF SLOAN:** Not according to our friend Phil.

**MR VEAL:** All right. I wasn't here for that. The next one that worries me: if the title "architect" was thrown open, I believe that notwithstanding what was said before, anybody would jump on that, because you've just got to look at the Saturday papers or the Wednesday paper and you see "architecturally designed house", "architecturally designed building". It's a selling point.

**PROF SLOAN:** But it's illegally used if it's not.

**MR VEAL:** At the moment it is, yes.

**PROF SLOAN:** Why isn't the board jumping on that, if it's every weekend?

**MR VEAL:** They do jump a little, but I don't think they jump high enough.

**PROF SLOAN:** It just seems to me, if people say there's a problem now, then you'd have to - it's not as if it's a zero problem now and then all of a sudden you get all these problems.

**MR VEAL:** I don't know. I think it would escalate.

**PROF SLOAN:** Because you're, of course, used to that in the UK because there's no legal restriction on the derivatives in the UK.

**MR VEAL:** That could be.

**PROF SLOAN:** But does that create problems, do you think?

**MR VEAL:** I think it would, because my son-in-law, who's a builder at the coast and he builds nice units and things like that, draws his own plans, so he could say, "I'm Joe Blow, architect." What I'm saying is that the present status in this room is that we've got architects, we've got building designers, and people generally know what an architect is. As the building designers said themselves, they're not too sure what a building designer is. I think they said the architects don't know what building designers are. So people don't know what building designers are, but at the moment there's that sort of difference between the two.

**PROF SLOAN:** You say that. I think they have been clawing their way towards a better definition of "building designer" and they have obviously been able to capture quite a bit of the market.

**MR VEAL:** They have. In residential work they've got 80 per cent. The next one: there are some quotes in your document there in relation to unregistered professionals, accountants and what have you. As a town-planner, and I'm involved on the divisional committee of the Planning Institute - town-planners are not a good example, because there's a lot of legal work in town planning and nobody could more or less jump up and say, "I'm a town-planner," and do work for local authorities or - - -

**PROF SLOAN:** No. That's a good point. So there's a sort of indirect form of registration because you have to be recognised by local government authorities.

**MR VEAL:** Yes. Really it's a tight shop - in Queensland anyway. You've got to be in the RAPI and you've got to have qualifications from university and then, if you didn't have that, you'd get lost on the legals anyway when you went to courts.

**PROF SLOAN:** Yes, although it wouldn't be illegal to call yourself a town-planner.

**MR VEAL:** No.

**PROF SLOAN:** You just wouldn't get any work.

**MR VEAL:** You wouldn't get any work.

**PROF SLOAN:** The RAPI told us that their system was sort of self-regulation with their own accreditation processes and all the rest of it.

**MR VEAL:** It is, yes, but it's got that tie to the local government people and the housing and planning department in Queensland, which the architects haven't got. It's a very tight little - - -

**PROF SLOAN:** Maybe the architects should have that.

**MR VEAL:** I have always said that, too.

**DR BYRON:** What you're saying about, if you like, the technical legal knowledge that's required to do that, it would make it very difficult. Again, yesterday in Adelaide we were told the same thing about engineers, that it's so much maths and physics that you'd be found out in the first five minutes if you weren't a real one.

**MR VEAL:** That's the same with town-planners.

**DR BYRON:** So how come when we get to architects - I confess that I am incredibly impressed and overwhelmed by the breadth, depth, complexity, intricacy, skills, talent in what architects do, and yet it's also been said that anybody can come in and pass themselves off. I don't think I could pass myself off as an architect. I could pass myself off as four or five other professions but not as an architect. Having established that engineers can work with self-regulation, the RAPI can, the accountants can - and yet for architects it's inconceivable.

**MR VEAL:** That's a good point actually, but what I said before is that the broad base of the architectural profession is such that - all right, accepted: building designers can draw plans and they can write specifications and they can do supervision - or not supervision but administration of contracts. But there are other areas which I mentioned earlier on which are much broader and I think you'd need that sort of demarcation.

**DR BYRON:** Yes. I don't think I have ever suggested or meant to imply that I was in favour of mixing all the architects and building designers and everybody else and making them one big industry.

**MR VEAL:** I don't think you can do that.

**DR BYRON:** The question is, okay, the group that are going to be recognised and identified as a highly credible, distinctive, talented pool of people - at the moment we've got a statutory reservation of title which seems to us not to do very much, and the proposal that's been put to us is, "Well, you could have a self-regulatory or a co-regulatory system that could do everything, and more, and better." What we're really arguing is that architects and architecture will continue to exist, to be distinctive, to be identified.

It's a question of whether they have a stamp from a government agency or whether they have a stamp from one or more other groups, but non-government. That's really what it comes down to, whether it has to be a government stamp that signs off on, "You're an architect," rather than - - -

**PROF SLOAN:** Because it looks like a pretty ordinary government stamp you're

getting at the moment. I could be a delicate petal and say to everyone, including those not here, that we're all quite offended by the way the profession has interpreted this report. It seems to me that you've been really lousy at marketing your skills and keeping a strong brand name out there, and hence groups like the building designers through its association, have really taken a march on you lot because they have been well organised, they have tried to get their accreditation going and all this. In a sense, the report is about, "Surely you can see this is an incredibly weak system? Surely you can see that it's not really helping particularly the better members of the profession?" Think outside the square.

**MR VEAL:** I don't agree entirely with it, because when you get out to the coalface, I say down here that the building designers charge 5 per cent, which is basically the same as architecture, something like that.

**PROF SLOAN:** Yes, but doesn't that tell you something? They have been really good at marketing, haven't they?

**MR VEAL:** No. As I think the building designers mentioned earlier, they have contacts with builders. Put it this way, I've built houses and I've built other buildings. I don't do it now, but when I was in that, you know your subbies, you know everybody. It's like a grapevine. The builders say, "Oh, we won't go to the architect, we'll go to Joe Blow, building designer. We can screw him down." It's a screwing exercise. Excuse the French, but that's all it is.

**PROF SLOAN:** But you're telling me the building designers may be doing better than the architects.

**MR VEAL:** They're doing better in getting the domestic work. That's statistics. But I don't say they're doing better getting the major works. For instance, you wouldn't get a building designer designing the Opera House.

**PROF SLOAN:** Well, you can't legally.

**MR VEAL:** No, but surely - - -

**PROF SLOAN:** No, absolutely not. I agree with that, realistically.

**MR VEAL:** The main purpose of the BSA was to protect the consumer.

**PROF SLOAN:** Yes.

**MR VEAL:** And that's been successful I think, with the exception of white ants, which seem to be eating every building in Queensland.

**PROF SLOAN:** That's because they took away those nasty chemicals.

**MR VEAL:** That's right. Blame that on the greenies.



**PROF SLOAN:** You can still buy it in the Northern Territory.

**MR VEAL:** But at the moment what I'm saying is the architects are registered, whether it's accepted or not, by the state. If I do anything wrong, my client can go to the board. They will call me up before the board and then they will tell me that I've been deregistered. A friend of mine, an architect of many years' standing, has been deregistered recently and it's really knocked the stuffing out of him because he now can't call himself an architect.

**PROF SLOAN:** He can work as an architect.

**MR VEAL:** He can work but he can't put "architect" on his drawings.

**DR BYRON:** But he can basically do the same functions as he was doing.

**MR VEAL:** Yes, you can still do drawings and put them in to the council.

**DR BYRON:** The disciplinary procedures are really important, I think, in terms of establishing the credibility of the certification or accreditation system. One of the things that none of the state architect registration boards can do is order restitution. What we are being told is that some of the more savvy customers, rather than mess around making a complaint to the board, which may lead to the guy being reprimanded or slapped on the wrist or, at worst, deregistered, they go straight to other remedies that give them more satisfaction, unquote.

**MR VEAL:** They go to court.

**PROF SLOAN:** Yes.

**MR VEAL:** They sue people and you end up in a court case and what have you.

**PROF SLOAN:** But that's quite an important point, isn't it? It's rather toothless because, okay, your friend has been deregistered, but there are very few who have been deregistered over the years.

**MR VEAL:** I wouldn't know the exact number, but I know of two in Queensland.

**PROF SLOAN:** In one of the states demonstrated incompetence as an architect is not actually a ground for deregistration. If you're a murderer, but that tends not to - - -

**MR VEAL:** This probably goes down to my - if I can jump here a bit.

**PROF SLOAN:** Yes.

**MR VEAL:** I believe there should be possibly a national body that registers architects. My own thought was that maybe the architect that does the study or puts in the work has the right to that title "architect", because you're dealing with a whole stack of things. You're dealing with social problems, you're dealing with housing - not just drawing housing as such but you're dealing with the social problems of housing, low-cost housing. It's a broad spectrum, so it's not what it looks.

If I can summarise this quickly, architecture to me is not just drawing the plans, building designs like possibly in Sydney and Melbourne - I've been there at odd times - but in Brisbane we have Tuscan houses now pouring out of our ears and we have the Florida-style houses. One of the reasons for this is that everybody can get on a computer with CAD drawing and just go bang, bang, bang. These places have no relationship to our climate in Queensland and this is bad news and I would hope that an architect that's done the study and knows what he's about can design houses that relate to our climate. So you've got a whole stack of problems.

One big point that I make: I was involved in planning education for 20 years at the QUT and the thing that strikes me is that if the title "architect" were open to all, why would you bother? Why did I bother to go to college five nights a week for six years? Why would young people do that? They would just say, "Okay - - -"

**DR BYRON:** You didn't do it just for the title, did you?

**MR VEAL:** No, I did it to become an architect, and I didn't really know what I was getting into, to be honest.

**DR BYRON:** You wanted to do the work, you wanted to have the satisfaction of procuring a fabulous monumental structure that people live and work in.

**MR VEAL:** No, I just did it to do what I like doing, and that was building and - - -

**PROF SLOAN:** You see, we heard this morning that quite a lot of people seem to decide when they're 10.

**MR VEAL:** Yes, I think I did.

**PROF SLOAN:** I can't believe that a 10-year-old is aware of the registration system.

**MR VEAL:** It's been killed now. To be honest, it's been killed by - - -

**PROF SLOAN:** They become architects because - actually, to me it seems like a calling for a lot of people.

**MR VEAL:** Yes, but keeping on the education there for a bit, I just wonder if people would bother to put all that time into it. The other thing that worries me is that when I was lecturing in town planning we used to have a lot of people come

from

the islands - Fiji, Papua New Guinea - and Asia, on the courses. That was a big income for the QUT. I think the same would relate to architecture, that if architecture was demoted in any way these people - and they've got the money - would go to England, they would go to America, and our institutions here would lose a lot of foreign exchange.

**PROF SLOAN:** That's been an issue raised.

**MR VEAL:** I think that's all I've got to say.

**PROF SLOAN:** Thanks, Basil. Thanks for coming along and also for spending your time and thought in putting that in. I like your term. You'll have to come down to Adelaide and see my heritage house.

**MR VEAL:** Have you got a heritage house? Is it bluestone?

**PROF SLOAN:** No, it's only 1911, but it was designed by an architect, a known architect, with that level of detailing you would expect.

**MR VEAL:** Good. Thanks a lot.

**PROF SLOAN:** We'll just take a break and then recommence in 10 minutes.

---

**PROF SLOAN:** We now recommence the public hearings of the review of legislation regulating the architectural profession held on Friday, 9 June 2000 in Brisbane. Gordon, if you could state your name and your affiliation for the purpose of transcript.

**PROF HOLDEN:** Thank you, chair. My name is Gordon Holden. I'm professor of architecture at QUT and head of the school of architecture, interior and industrial design at QUT.

**PROF SLOAN:** Thanks very much for coming along. Would you like to just present your main points?

**PROF HOLDEN:** Thank you. I have two main points, though they are both rich, I think, in content. I am deriving my starting point from a statement from the press release which I was given a copy of some weeks ago but I see also on the table over here. It's the third paragraph, first sentence, reading, "There appears to be no reason to single out architects for statutory certification," and I wish to make some points about why I think this is a bad idea.

**PROF SLOAN:** Are you a registered architect yourself?

**PROF HOLDEN:** Yes, I am. My first point is subheaded Potential Impact on Architectural Education in Australia. Indeed, both of my points are education-linked subject material.

**PROF SLOAN:** That's fine.

**PROF HOLDEN:** I'd like to point out that there is considerable evidence to show that the present regulated environment for architects in Australia is a significant contributing factor sustaining international standards for architectural education in this country. This connects to the International Union of Architects and UNESCO charter for architectural education and to the Commonwealth Association of Architects conditions for recognition of courses. The charters and policies of these bodies call for a minimum of five years of academic study and two years of practice experience, and the underpinning philosophy behind the policies and procedures is international consumer protection objectives.

I must point out that there are no other such bodies that seek to do this and, indeed, the UIA UNESCO charter and the CAA are the substantial basis upon which we in this country understand and receive graduates from architecture courses overseas, and this is reciprocated in overseas country.

**PROF SLOAN:** These are sort of student exchanges?

**PROF HOLDEN:** No, I'm speaking of the qualifications to be called an architect.

**PROF SLOAN:** Right.

**PROF HOLDEN:** There are other dimensions. International standards are based on quality assured assessment of education and preparedness for practice deriving from three key factors. Firstly, critical self-evaluation by schools of architecture - self-evaluation. This is part of the internal quality assurance mechanisms that universities have. Secondly, relationship with the profession's national education body, in our case the Royal Australian Institute of Architects, and relationship with statutory regulatory authority requirements, in our case the Board of Architects and the Architects Act. At present these are state based in Australia but there is a unified national system which I think probably lays the foundation for the potential for a nationally unifiable registration process.

This tripartite system has proven to be very robust over many decades. It is the international standard. If one of the key participants in assuring internationally acceptable standards for architectural education - in this case, as has been mooted, the registration authorities - is removed through deregulation, then Australia runs the serious risk of having its architectural education downgraded both in fact and in the perception of other countries. This would be to the long-term detriment of Australian architects exporting their services and to the short and long-term detriment of architectural education in Australia. I can refer to a 1999 IDP Education Australia report, which indicates that between 55 and 60 million Australian dollars flows into the Australian economy each year as a result of international fee-paying students undertaking architectural education here, through their fees and their living and related costs.

It's widely held by the heads of schools of architecture in Australia, from anecdotal experience of such students, that a significant reason for students coming to this country to pay to study architecture is that qualifications here meet international standards for knowledge, skills and consumer protection. Our standards are the equal of the best anywhere. Within the Australian educational system at the moment, in the funding environment that we have - much has been written about this over recent years - it is a contentious issue. Architectural education has especially suffered. It is a labour-intensive form of education, studio/project based, which requires a lot of one-on-one tutoring. This is costly. Right now I don't know of any school of architecture in this country that does not rely on the fees from international students to help sustain the level of teaching that is considered necessary to remain internationally competitive and credible.

Those comments relate to the first point about education. The second point is subtitled Architects' Body of Knowledge. Essential characteristics of education and practice standards required of the abovementioned international bodies are that education and preparedness for practice are assessed by peer group review based on internationally compatible standards UIA, CAA, UNESCO have in common. They refer to each other, they are informed by each other's policies and procedures. There are some subtle differences but the essence of their policy and procedures is common.

The UIA document identifies five generally acceptable criteria for the need for

registration: (1) unregulated practice poses a serious risk to a consumer's life, health, safety or economic wellbeing and the potential for harm is recognisable and likely to occur; (2) practice requires a high degree of skill, knowledge and training; (3) the functions and responsibilities of the practitioner require independent judgment and members practise independently; (4) the scope of practice is distinguishable from other licensed and unlicensed occupations; (5) the economic and cultural impact on the public of regulation is justified.

The document further emphasises that architects express the roots of a society's culture and aesthetic values through design and that they do this as well as provide technical and business services. All of this requires a broadly-based substantial body of knowledge covering technical, historical, theoretical, human sciences, business and legal aspects, and the skill to richly interweave this knowledge through application in practice. No other built environment design-related profession matches or even claims the scope and integration capacities of architecture. The subprofession of building designers addresses only part of the scope. Architecture bridges between the sciences and the arts, and between client and consumer, and has a central role in raising the quality of life in society in serving the public interest and in contributing to the nation's heritage.

As mentioned earlier, international standard for architectural education is five years of full-time study plus two years of practice experience, a seven-year package. This is considered necessary in order to acquire the scope of knowledge and to demonstrate its application in practice at a satisfactory level. A deregulated environment in Australia would deny this international wisdom about architects' minimum standards for scope and depth of knowledge and skills, and would equate it to a narrow subset of skills as provided by TAFE level courses of two or three years' duration. In a deregulated environment there is a strong chance that few people will undertake the high level of preparation because they can complete much shorter and lower-level courses and still portray themselves as architects. Such a situation would fail the international test of consumer protection and thereby undermine Australia's standing in the world.

In summary, consequences that may follow a downgrading of architecture in Australia include, over time, there being fewer - in international terms - properly educated and trained architects, thereby posing the dilemma for society as a whole in having an impoverished profession to reflect national aspirations and, for consumers, of not having a reliable basis for selecting an architect or for evaluating standards. Second summary point is that a downgrading may trigger a crisis in architectural education in Australia through reducing income to sustain the internationally acknowledged necessary type of education because of fewer international fee-paying students, unless of course other sources of income are found, and also potentially triggering a crisis in university architectural education through pressure to reduce the scope and length of courses to remain viable compared with lower levels of education.

As a footnote I would like to recognise, and have it on record, that I believe there is a need for review and the establishment of a more effective continuing



accountability process for the training and maintenance of architectural standards in this country. Thank you.

**PROF SLOAN:** So you're not arguing that the regulations are perfect as they stand?

**PROF HOLDEN:** No, I'm not.

**PROF SLOAN:** Right. Neil, do you want to come in first?

**DR BYRON:** Yes. I was really very surprised that you read into the draft report that there was even a thought or a suggestion, a hint, an overtone of "downgrading of architecture". Nothing like that was even close to being on my mind at least. The only thing that we're talking about is whether the system of recognition accreditation of the skills, expertise, qualities, talents that architects have is statutory legislation based or whether it's non-legislative. That really brings me to the point about international recognition. If everything else was to stay exactly the same as it is today, except that instead of having state-based recognition of architects by statutory boards we had a non-statutory recognition accreditation - for example, the professional engineers register - it would seem to me that all those strengths, skills, features, talents, experience that Australian universities have to offer, that Australian architects have to offer the rest of the world would still exist.

I didn't hear anything in what you were saying about the criteria for international recognition as saying that the accreditation must be done by government agency. I didn't hear that in what you were saying and the only thing that we were talking about changing is that instead of having mandatory statutory recognition by a government agency board there would non-statutory recognition of architects.

**PROF HOLDEN:** I'd certainly like to comment on that. Taking the last set of points first, the documentation that guides internationally accredited courses in architecture makes explicit reference to statutory regulation in each country as a joint partner in the process of assuring the quality of education in that country. If I could just elaborate slightly, there are three parties - one might say three and a half, without disrespect to the other half. The first party is the registration authority. The second is the professional body independently. The third is the international connection and the half, if you like, is, where possible, a student representative from another university within that country.

That is the profile established as being the international standard for the purpose of assessing courses. There are representatives from these people, so that you end up with a panel of about seven people: a couple of internationals, a couple from the registration board, a couple from the profession and a student. This is the way in which it is done. This is how we can take assurance that somebody undertaking a course in architecture in another country by that process is of an equivalent standard to ours.

**DR BYRON:** But if the member of that evaluation exercise was from the ABC accreditation system rather than from the state registration board of X, then the system is no longer functional. Must it have a government representative on it to exist?

**PROF HOLDEN:** What that brings is an acknowledgment of the central role of the profession in serving the public interest. It is a perception, if you like, that if taken away, people shopping around for education - potential students - could use, are likely to use as the decider between whether coming to this country or going to another country.

**DR BYRON:** What you're really saying is if the rest of the world has statutory or government-based accreditation, Australia has to too.

**PROF HOLDEN:** Yes.

**PROF SLOAN:** Of course, the most successful area of attracting overseas students has not been architecture but has been in accountancy/business studies, which does not have any statutory registration at all.

**PROF HOLDEN:** That's right, it's a different profession. It has a different culture, it has a different environment.

**PROF SLOAN:** There is government registration in other countries. Of course, a lot of those Asian countries that have registration - it's just a way of paying bureaucrats, essentially. Someone is the gatekeeper and you've got to get a licence to be an accountant. It's not a genuine process but - - -

**PROF HOLDEN:** I can't comment on that. I do know about the architectural profession and it is not of that order.

**PROF SLOAN:** No, but it's an interesting point, isn't it, that the disciplines that have been most successful in attracting overseas students are not based on - it's based on very strong self-regulation but not based on government registration?

**PROF HOLDEN:** I fail to see the point of that. I don't think this is to do with competing across disciplines for student numbers.

**PROF SLOAN:** No, but you're telling us that in order to attract overseas students - - -

**PROF HOLDEN:** To study architecture.

**PROF SLOAN:** - - - you need the Architects Board of Queensland registering students. Of course, by and large they're not going to be registering these overseas students who go home.

**PROF HOLDEN:** No, but what they read into this - and we write it in our marketing information - that we can stand shoulder to shoulder with any other country's educational services because we have this system, which is the common system internationally.

**PROF SLOAN:** Right, although there have been a few hiccups over the years, as I understand it. For example, the UK board withdrew its - how shall I put it - recognition, accreditation of University of Melbourne course at a time when the local board didn't do any such thing.

**PROF HOLDEN:** This is quite some years ago.

**PROF SLOAN:** It was in the 80s, yes, and in Adelaide there was recognition of one of the degree courses withdrawn for - - -

**PROF HOLDEN:** Yes, I read into that the system working well.

**PROF SLOAN:** Right.

**PROF HOLDEN:** It is concerned with standards. It is concerned with the monitoring of those standards. When the standards drop, something has to be done about it.

**PROF SLOAN:** We've particularly, in another state, found that system extremely opaque, where in fact it was essentially a joint committee of the RAIA and the board that was accrediting the architecture course. When I look at how the building surveyors do it, which is an extremely transparent arrangement - when I try and look into how architecture courses are accredited in that state particularly, it was a very unclear arrangement.

**PROF HOLDEN:** I'm surprised to hear that because the system in Australia is a national system. It is the same in every university in Australia and it is a joint process of those three categories, and to suggest that it's - - -

**PROF SLOAN:** Is there any legal liability applying for that? You see, when the building surveyors and its allied professionals accreditation council accredit that they are competent providers, they actually assume a legal responsibility. That's not true in the case of architects, is it, or the people on the Architects Board?

**PROF HOLDEN:** Yes, the registration body.

**PROF SLOAN:** So if I'm unhappy with the - I wouldn't like my chances, I might add, in a court of law but I'm just saying, you know, how seriously is that - I've obviously been involved accreditation of courses in my life too. You can talk about it but how serious the process is and - it seems to me that the courses vary a lot and some of the young graduates that we've met, you sort of wonder about whether they've actually learnt much about architecture half the time.

**PROF HOLDEN:** I don't know where you're coming from with that experience but all graduates must satisfy the academic requirements of their university, so perhaps you're casting dispersions on particular universities.

**PROF SLOAN:** Is it true that they seem to vary quite a bit?

**PROF HOLDEN:** Yes, and that's intentional. In fact, though the registration acts in each state vary a little but with much in common - the principles in common - the Royal Australian Institute of Architects has an education policy that encourages diversity in schools because this is seen to be in the best interest of the nation and of consumers that there isn't one type of architect coming out.

**PROF SLOAN:** Okay. One of the schools emphasised very much sort of design aspects - - -

**PROF HOLDEN:** Yes, I think I know the one you mean.

**PROF SLOAN:** But I would have thought to the detriment of the more practical aspects of construction.

**PROF HOLDEN:** No, I wouldn't say so. An architect graduate must cover a broad scope - as I indicated in very sketchy form - but a very broad scope of education. The quality and the depth and the appropriateness of that scope, whilst being different at the margins, I would say is two-thirds, three-quarters in common across the country. It is the other bit, mainly through electives and through style of teaching and emphasis, philosophy of teaching, where the difference has come about. That three-quarters in common is largely the business of the registration boards to ensure.

**PROF SLOAN:** Does it worry you that there seems to be what is a very proportionately high leakage rate in terms of comparing the number of architectural graduates with the number of registered architects? There are very many fewer registered architects annually and you lag it back - does that worry you?

**PROF HOLDEN:** No, it doesn't worry me. You have probably heard this sort of a statement before, but because of the breadth of architectural education and because it is problem based or project-based education I believe architecture graduates are very well equipped to turn their talents and skills and knowledge to a wider scope than architecture, and some do. Indeed, I saw in the Australian newspaper a few years ago a little article with a by-line something like, "What is the shelf life of a university degree?" I am now trusting to memory but it went something like this - information technology - would you like to guess?

**PROF SLOAN:** Short.

**DR BYRON:** 18 months.

**PROF HOLDEN:** One year. You have mentioned the accounting profession. Do you want to have a stab at that? Three years.

**PROF SLOAN:** Yes, I'm not sure quite how they defined it.

**PROF HOLDEN:** This is the question.

**DR BYRON:** Medicine, five.

**PROF HOLDEN:** Engineering, seven to eight years. Architecture, 15 years - the second most robust form of education to engineering, so it was double the next one. If we have a think about what this might mean, what I think we can read into it is that the nature of our education, project based, broad knowledge, integrative of that knowledge relative to the problem in question, and you don't just acquire that in a short period of time. It takes time and it also prepares you to turn that knowledge and those skills to a wider scope than obviously prepared especially for architecture, but the scope is wider.

**PROF SLOAN:** Okay, so there is no concern at all? Other academics have expressed concern.

**PROF HOLDEN:** About?

**PROF SLOAN:** About what one might see as the leakage between the number of graduates and the number of registered architects.

**PROF HOLDEN:** In my particular university we have the best record in this country, so for us it is not a problem.

**PROF SLOAN:** Sorry, Neil.

**DR BYRON:** I was just going to say, given the complexity, the breadth and the depth of expertise required, is five years long enough? You actually mentioned there might be pressures to try and reduce it. In my own experience in running a university department we had a long list of new things that we had to add into the curriculum but we couldn't think of anything that we had to cut out of it. When CAD comes in you've got to find - if we fix it at five years what's redundant in the current curriculum? Given the enormous changes that have happened in construction and technology as well as in the social and cultural side over the last 50 years there must be enormous pressures on the curriculum.

**PROF HOLDEN:** Yes, there are. Indeed, it reminds me of an anecdote from Darryl Jackson, eminent Australian architect in Melbourne, who gave a speech at or around the time of his 40th birthday and he said something like, "I just think I'm ready." He was already an accomplished architect and well-recognised for his work, but he reckoned that his five years of university plus preparation subsequent, then registration and then practice in another firm and then his own practice, he felt he had

just arrived and was ready to do his best work.

That perhaps is an extreme but there are many anecdotes of that sort that are what we understand to be part of our culture. Of course there is always material that is evolving and challenging the previous material that is being taught. This is the nature of things and this is how it should be and making the decision about what emphasis and what to leave in and how to deliver it and what to take out, is what challenges us academics.

What we can rely on is that this is discussed internationally. It forms the culture of our profession in terms of practice as to what it expects of courses and at the level of education. The wisdom lies in this international debate and it is ongoing. It never stops. The wisdom that we need a minimum of five years plus two years of practice experience. There are some exceptions to that. My own course for example is a six-year long course but it has a concurrent work study component to it for a portion of the course. We believe that distinguishes us. It's different from what others do and it helps to prepare our people especially well for practice. That is our version of this framework but the framework remains.

**PROF SLOAN:** I think that is very helpful, Gordon, and it is very helpful to have that both educational and export angle to it. I will hand this up and that will become part of the submission process. You are happy with that?

**PROF HOLDEN:** Thank you.

**PROF SLOAN:** Thank you very much, Gordon.

**PROF HOLDEN:** Thank you very much.

**DR BYRON:** Thank you.

**PROF SLOAN:** I now call Derek Trebilcock and Ivan Gastaldon. I am sorry to be repetitive, but if you could state your names and your affiliations for the purpose of transcript.

**MR TREBILCOCK:** My name is Derek Trebilcock.

**MR GASTALDON:** And Ivan Gastaldon.

**MR TREBILCOCK:** And we're both from Trebilcock and Associates, architects. Thank you.

**PROF SLOAN:** Would you like to make your main points and then we can have - - -

**MR TREBILCOCK:** First, I guess to colour our points, a moment about what we do and how our practice works.

**PROF SLOAN:** Yes.

**MR TREBILCOCK:** We're a small practice. There are five of us in the office. There are three architects, one student-type person and an administrative assistant. Our work is solely domestic. We focus on housing. That is our primary thing.

**PROF SLOAN:** What kind of housing though?

**MR TREBILCOCK:** Little houses, renovations. We try and avoid decks and pergolas but we certainly started that way. But it's housing. Our typical client might be a \$120,000 or \$80,000 family room, kitchen, two-bedroom extension, or a medium-sized house.

**PROF SLOAN:** Are you in competition with the building designers?

**MR TREBILCOCK:** Absolutely.

**MR GASTALDON:** Absolutely.

**MR TREBILCOCK:** We rub shoulders with them.

**MR GASTALDON:** And love it, too.

**MR TREBILCOCK:** And love them. They're fine. Our point will ultimately not be that there is a - in fact we work often with them. There are no troubles there. Where we get our work and how we get our work - and I guess architects often are very different in their approaches to where they do their things. We get a lot of our work from real estate agents, hardware shops - where else - we got one from a Web site the other day, which was a first. We promote a service to the community that's a

little bit of architecture. They get Ivan or myself or one of us for a few hours to problem-solve and we charge a fixed fee for that. That attracts consumers - we get 200 of them a year or so. They come to us and say, "Give me two or three hours or whatever," for which they're very, very happy. They pay us on the spot mostly, and then chuff off. From that most of our client base comes I would say we get a very broad range of client.

**PROF SLOAN:** So is that word of mouth, too?

**MR TREBILCOCK:** Absolutely.

**PROF SLOAN:** Yes, so friends tell and - - -

**MR TREBILCOCK:** It starts there. It snowballs. If I was into these modern tracking systems I could see where the first one came from and tell you but it's - - -

**PROF SLOAN:** It's networking.

**MR TREBILCOCK:** - - - networks, yes. But it's broad, so we don't do work for doctors and lawyers all the time. Yes, we have a few of those but there is a hell of a lot of "normal" people out there that we work for. I put to them this question: that if the word "architect" were more commonplace how would they feel about it. These are people who are not my clients yet. We've just done a two or three-hour sketch and I'm having a cup of tea to finish off and their concern would be one of confusion - rightly or wrongly at the moment - and I think because architects have been around for eons there is the perception that we're reasonably good.

There's a level of skill that they presume upon us to have. If that were removed - solely by architects - and other people could use the word "architect", there is a danger. Most of our clients are - "naive" is not the right word but they go on trust. Yes, you have to prove yourself along the way, but getting through the, "He's a nice guy" kind of category and- we get a tick in that box - there is a possibility that if I was a dud I could go a reasonably long way down the track before they might realise that I am not good at what I do.

**PROF SLOAN:** Are you a member of the RAIA?

**MR TREBILCOCK:** Yes, I am. We both are, yes - and the practice as a group, we're members. But there is this very real danger, we feel, and would it appear from our client base that in their eyes they would see a danger that their initial selection of an architect - if there is a possibility that what we would call an architect now isn't an architect when they go to choose one - that they would make a mistake. What is the level of mistake they could do? I've had a dud accountant once and he lasted two years with me and he was gone. We amended the last year's tax return and we got all our money back - or whatever it was - and on we go to another one. I've had a couple of doctors through my few flus and things and I've said, "I don't like that one. I'll go somewhere else" and, ultimately, with the selection process - - -



**PROF SLOAN:** At least you survived.

**MR TREBILCOCK:** Absolutely. That process has - they're short turn-around periods. There's not a big deal involved. There's a 20 buck thing from a doctor and it's no big deal. You go on to the next one.

**PROF SLOAN:** That's as long as you haven't got something serious.

**MR TREBILCOCK:** That's true but, even so, you would know, and your exposure to damage is small. We're talking about people who will see an architect once - twice maybe in their lives - and in that case the whole selection criteria becomes more critical.

**PROF SLOAN:** But you say you're working in a segment of the market where there are building designers.

**MR TREBILCOCK:** Absolutely, yes.

**PROF SLOAN:** So there must be some sort of public awareness at the moment.

**MR TREBILCOCK:** Absolutely. They know exactly what is going on. Right now, today, some of my clients - - -

**PROF SLOAN:** So you're worried about that small chunk - and we've heard about it from the building designers - - -

**MR TREBILCOCK:** The small chunk?

**PROF SLOAN:** The small chunk of the building designers. Most building designers would continue to call themselves building designers but you're worried about the ones who want to call themselves - - -

**MR TREBILCOCK:** Who won't - absolutely. We had a job application this week - if anyone wants a job we have one going for an architect. There is the problem. I realise it's exam time and it's not a good time for ads but two out of the five or so we got this week were - one was a building designer, the other one has just finished his TAFE course and both were representing themselves as having the necessary skills to be an architect for me and Ivan. That's fine. We know what we're looking for. We see the qualifications and - - -

**PROF SLOAN:** I don't think you need protecting.

**MR TREBILCOCK:** No, it's not for us at all.

**DR BYRON:** Did they actually believe that they were real architects - - -

**MR TREBILCOCK:** No.

**DR BYRON:** - - - or that you were dumb enough that you would believe they were real architects?

**MR TREBILCOCK:** Who cares? They're using the word "architect", not us. If that wasn't the case that they couldn't - - -

**DR BYRON:** Or causes that genuine confusion.

**MR TREBILCOCK:** From their point of view?

**DR BYRON:** Yes.

**MR TREBILCOCK:** I hope not. Certainly not from us. But you're now a member of the public. You're about to buy a house wherever it is that you live and you think, for whatever reason, "Gosh, I need a bit of help with this. I'll get an architect." You maybe think the problems are a little too complex or for whatever reason, you decide it is an architect that you want and you look under A for architects, or the Institute of Modern Architects or whatever it gets called if this happens - who knows - and you get Freddie Bloggs, architect.

It could have been one of my fellows who has just applied for the job. The fact that they were 19 was a bit of a give-away, too, but it could easily have been an older person doing the diploma course. We don't know, and that is the danger. We're talking about a significant amount of money that people are investing in a once-off, twice-off project. It's not a thing you do every year where you can change and if you make a mistake it's no big deal.

**PROF SLOAN:** Funnily enough, having bought several houses in my life, I was more inclined to go to an engineer.

**MR TREBILCOCK:** Truly?

**PROF SLOAN:** Of course houses in Adelaide do fall down.

**MR TREBILCOCK:** That's true.

**PROF SLOAN:** But they're not registered - they don't have a government registration - but I did have a lot of confidence in them.

**MR TREBILCOCK:** Good. A lot of this is perception, isn't it? It's all about the consumer. The consumer says, "I believe an architect is better than whatever" or, "I believe this is appropriate for this situation." In our case these people who come to see us know what a building designer does. We often refer them to building designers if we think they're best served by going to a building designer or a

draftsman - if you

want to grade them a little - no trouble at all.

**PROF SLOAN:** But aren't you offended by a system - you're go-ahead, young men who are really trying to do well in the marketplace - - -

**MR TREBILCOCK:** Absolutely.

**PROF SLOAN:** - - - and there you have a system where there's a registration where some person in 1956 managed to get registered and has done absolutely nothing since and they are the exact equivalent of you.

**MR TREBILCOCK:** Absolutely. We do, and I think we can up on - - -

**PROF SLOAN:** That's not a very nice system, is it?

**MR TREBILCOCK:** It's better than not having it at all. I think you'll find they are in the minority. Most people who practise do practise - there is the odd - - -

**PROF SLOAN:** The boards will admit there are a lot of people who pay the practising certificate who don't practise because it's so cheap of course, why not keep - of course they keep on paying their practising certificate until they die, so they have got 85-year-olds on the - - -

**MR TREBILCOCK:** "Minister, I make a motion to amend the Architects Act to include the following" - is what would fix that.

**PROF SLOAN:** Right, okay.

**MR TREBILCOCK:** So let's amend it. We believe there is a considerable possibility of some confusion, mostly because it is a once-off thing. We're not talking about whether the next two or three years of ads and TV commercials showing, "You can do it better with an architect or a registered institute" - all that sort of stuff I think is all good and well but until you need it you tend to ignore a lot of that stuff. I don't pay any attention - - -

**PROF SLOAN:** Do you think your clients ring up the Architects Board to check that you are registered?

**MR TREBILCOCK:** They would presume it because I am calling myself an architect and they would presume upon me - they do presume upon me - to have a certain skill level. They exact it out of me.

**PROF SLOAN:** Of course as a professional you would always tell the truth.

**MR TREBILCOCK:** Absolutely, yes. We are what we are and I think our main point is that we have no trouble with other building - as I said, we work with them all

the time. We work with builders closely. We work with builders who use us for some design work. They employ building designers in their organisation. We work hand-in-hand with them. We work with them all the time. What we have found is there is a fairly clear role definition. There is the architect whose skills they know, they recognise. They may not need all of those skills for this. They might want a little bit, so they'll take a little bit of us and they'll do some things themselves. A lot of our clients say, "We've tried that. We want a lot of you," and so we find ourselves marketing a variety of services for our clients, for the consumers and - - -

**PROF SLOAN:** See, anyone can call themselves "an economist".

**MR TREBILCOCK:** Sure.

**PROF SLOAN:** I couldn't give tuppence because I know - - -

**MR TREBILCOCK:** I'm not the consumer.

**PROF SLOAN:** Yes, but a consumer would have a view about what an economist is. I suppose there could be false representation.

**MR TREBILCOCK:** Yes.

**PROF SLOAN:** But I know I am so much better than a pretend economist I have not worried in the least.

**MR TREBILCOCK:** I wouldn't know what an economist is. I wouldn't have a clue.

**PROF SLOAN:** A weakness in your education.

**MR TREBILCOCK:** That's true, but we're talking about architects here and I think people do have a perception of architects, rightly or wrongly, and I think people would presume.

**PROF SLOAN:** Yes. I am just surprised you're worried.

**MR TREBILCOCK:** It's our clients who are worried.

**MR GASTALDON:** Yes.

**MR TREBILCOCK:** Personally, we have an extensive network. Personally, I think we're fine.

**PROF SLOAN:** And I would have the fact that you are registered was but a very small percentage of the reason that anyone is coming to you.

**MR TREBILCOCK:** No, I disagree. I think they are looking for an architect. Somebody made the point earlier of people using an architecturally-designed house. My answer to that is they probably were designed by architects. That's why they have used them. We in fact see it often in the Courier Mail, people selling houses occasionally. When they move out of their house - which is very rare - but when they do move out of them, "Designed by architect blah, blah" is seen to be of some merit. To my mind - I'm now a consumer; let's step out of the equation - it presumes that at least the real estate agent is aware that there is something better.

**PROF SLOAN:** Yes.

**MR TREBILCOCK:** Is there something better? They think so - they're flogging the fact.

**PROF SLOAN:** Do you want the legal restrictions on the derivative to continue?

**MR TREBILCOCK:** Absolutely.

**MR GASTALDON:** Yes.

**MR TREBILCOCK:** Because I think it's important that - - -

**PROF SLOAN:** It's pretty hard to stamp out, because as I understand it it is often the real estate agents that are putting that thing down there, so you could go and slap the wrist of the real estate agent - - -

**MR TREBILCOCK:** I don't think that is as widespread as - bad use of it. I think mostly they are designed by architects, I would say. I haven't come across terribly much false advertising. I don't think that is widespread.

**PROF SLOAN:** We have heard some criticism of the board.

**MR TREBILCOCK:** I think it's good. I think it's good that it's away from a professional body. I think it's good that it's separate and at arm's length.

**PROF SLOAN:** But it's dominated by architects.

**MR TREBILCOCK:** Yes, but they're not practising in the sense of professional bodies. The institute in many ways is closer at hand. Maybe they have got more interest in certain things.

**PROF SLOAN:** Don't you think that sort of undermines the public confidence a bit?

That here is a body that's supposed to be representing the consumer and yet it is dominated by the profession.

**MR TREBILCOCK:** No, I don't think so. The perception is not there. Because

this again is all - - -

**PROF SLOAN:** But they don't know about it.

**MR TREBILCOCK:** Who cares? In the end they want an architect and they believe that there is - - -

**PROF SLOAN:** If they don't know about it then there can be no loss in it going.

**MR TREBILCOCK:** No, because they believe there is a benefit in having an architect, who they see as someone a little unique.

**PROF SLOAN:** We would agree with you, but - - -

**MR TREBILCOCK:** Okay, so how is that defined? We are only defined by being registered, by having gone through the traumas of registration as a student.

**PROF SLOAN:** No. I think there are plenty of other models, including self-regulation, co-regulation.

**MR TREBILCOCK:** No, I disagree with that. I disagree.

**DR BYRON:** Being defined by your competency, skills, excellence and - - -

**MR TREBILCOCK:** That ultimately defines whether we are profitable and we get referrals. I don't know that that defines whether we're an architect or not.

**MR GASTALDON:** Yes, that's right.

**MR TREBILCOCK:** You can have a dud architect, too.

**DR BYRON:** I was just reflecting on my own ignorance as a consumer and how much I have learnt in the last six months.

**MR TREBILCOCK:** Good. You would use an architect?

**PROF SLOAN:** Yes, I would.

**MR TREBILCOCK:** Good for you.

**DR BYRON:** But prior to that I had no idea that architects were registered or subject to state - I don't think I had ever heard of building designers before and therefore I'd never confused the two. To me, just vaguely I'd think people who designed and procured buildings, who did that sort of thing - I used not the legal, narrow sense of an architect as somebody who is meant to - but in a very loose common usage sort of sense.



**MR TREBILCOCK:** And we agree with you. Most people, most of our clients, wouldn't know anything about that. They see an architect as someone with some skills. Maybe a little bit more - - -

**DR BYRON:** Knows stuff about buildings.

**MR TREBILCOCK:** Absolutely. The fact that not everyone is calling themselves an architect and the fact that process generally requires some minimum skill level generally keeps that alive. If everyone could call themselves an architect and the only difference we have is whether it's a this or a that or use some other adjective or two in front of it, then I believe - and the people I have spoken to believe - there would be confusion. That suddenly, "I need an architect. Hang on, what sort of" - there's not - - -

**PROF SLOAN:** What about a two-tiered system? I am very concerned about a system. In some of the states it is actually illegal for someone who has got an architecture degree to write "bachelor of architecture" after their name, which is true, but because architecture is a legally-reserved word.

**MR TREBILCOCK:** Okay. Really?

**PROF SLOAN:** Yes.

**MR TREBILCOCK:** Really and truly?

**PROF SLOAN:** Yes.

**MR TREBILCOCK:** That's a bit much.

**PROF SLOAN:** That is a bit much. Good, okay.

**MR GASTALDON:** We're supportive for one system.

**PROF SLOAN:** I wonder whether we might have like two tiers because you have got people who have a bachelor of architecture, who work as architects, often a bit subspecialised in big firms and such - - -

**MR TREBILCOCK:** Yes, no problems.

**PROF SLOAN:** Yes, but they are not legally allowed to call themselves architects.

**MR TREBILCOCK:** No, but there is a very good reason - - -

**PROF SLOAN:** Doesn't that worry you?

**MR TREBILCOCK:** Not at all. The registration process that we went through as those sort of people - we had our degrees - does involve a fairly broad ability. We have got to show cause why we should be allowed to be registered. We have to show that we can handle the things that maybe we haven't had experience in and maybe we have.

**PROF SLOAN:** But you can go like this and then like that, it seems to me.

**MR TREBILCOCK:** "I make a second motion that this following be included in the architects" - so it's another point to perhaps amend it, but we're saying let's keep the - - -

**PROF SLOAN:** No, I'm just worried about, in a sense - how shall I put it? The sort of moral position of someone having an architecture degree working as an architect, but finding themselves in a situation where it's illegal to call themselves architects.

**MR TREBILCOCK:** I don't think they would want to. I don't know, but it was firstly on our minds that as soon as we got through that we could become registered.

**PROF SLOAN:** It seems to me that it's almost as if, "Look, I went through this hideous process. I'm not going to let anyone else, you know, climb up an easier mountain than I did."

**MR TREBILCOCK:** No, not at all.

**MR GASTALDON:** No.

**PROF SLOAN:** There does seem to be an element of that in a lot of the submissions.

**MR GASTALDON:** No, we're happy for everyone to be an architect, as long as they display the skills that are prerequisite.

**MR TREBILCOCK:** At the moment I think that there are market shares, a lot our builders use building designers, they use draftsmen. Most of our clients know that there is a difference. They might have gone to a builder first. The builder might have said, "I have Fred, this building designer, that works with me. Fantastic guy," and he may well be, and they might say, "Well, that's a good system for me," and they go with it. They might decide that they don't need that or they want some other advice and I think people are sufficiently aware of some difference. They mightn't be able to say, "Well, architects are only architects because of this" - that might enhance our position. They might see it as a jolly great hurdle to get through, "What a great thing an architect is," but most people don't know that.

**PROF SLOAN:** I'm sure if we walked out into Roma Street and asked people whether they knew of the existence of the Architects Act - - -

**MR TREBILCOCK:** They wouldn't have a clue, no. But they're aware of an architect having a skill level.

**PROF SLOAN:** They will have a commonsense - - -

**MR TREBILCOCK:** Exactly.

**DR BYRON:** Can I get your reaction to my hypothetical. I don't know if you were here this morning, but imagine if the state act were repealed and there was no longer any reservation of title and then the next day I went out and hung up a little brass shingle in the same suburb where you guys are and it said, "Neil Byron, architect".

**PROF SLOAN:** Dr Neil Byron, though.

**MR TREBILCOCK:** Absolutely, yes, even worse. Get the "doctor" on.

**DR BYRON:** Yes, I'll put my other five degree on it as well.

**MR TREBILCOCK:** You might find you'd get inquiries, heaven forbid.

**DR BYRON:** That's exactly my point.

**PROF SLOAN:** How far would he then go?

**DR BYRON:** If somebody knocked on my door and said, "Neil, have you ever designed a building before?" and I said, "No, not even a chook shed."

**MR TREBILCOCK:** You would not get the commission, chances are. But if you said, "Yes, I can do your job," because perhaps you believe you can - maybe you've done a diploma in CAD drafting 3 and you've got a few plans, "Yes, here are some plans," you might get away with it for a while.

**PROF SLOAN:** But you'd want to have insurance, wouldn't you?

**MR TREBILCOCK:** Absolutely.

**DR BYRON:** I would need insurance.

**PROF SLOAN:** The insurance company is not going to be too keen on him, are they?

**MR TREBILCOCK:** No, but don't you think - - -

**PROF SLOAN:** And then you can't get a building permit without the insurance. D you really think he's really going to get anywhere?

**DR BYRON:** I don't think I'd be allowed to do very much damage.

**PROF SLOAN:** Should he give up his day job?

**MR TREBILCOCK:** I think the problem is that at the moment the perception is that there is an architect with a presumed level of skill, we do that, and the longer that goes on, the less the presumption on skill. The very real danger is you somehow get commissions, somehow you get through the system, somehow someone spent a hell of a lot of their money on something you'd designed.

**DR BYRON:** If I did get a commission in your area in the sort of work that you could do, wouldn't you then react by putting up a little sign that says, "We are the really good architects, we are the real ones."

**MR TREBILCOCK:** Absolutely, "We are real architects. Check their degree, check ours."

**DR BYRON:** In an area the association of really excellent architects - there are 101 ways you could differentiate yourself from the rubbish like me.

**MR TREBILCOCK:** Sure, but that takes time.

**PROF SLOAN:** So you have to say we're only talking at the margin. You're not going to get just complete Johnny-come-latelys.

**MR GASTALDON:** I think you would. I think you'd have our two little guys here, whose resumes purport to having these sorts of skills, so I reckon they'd jump onto that quick smart.

**PROF SLOAN:** So when did you decide to become an architect?

**MR TREBILCOCK:** Not at age 10, but probably about 12.

**PROF SLOAN:** And that was in full knowledge of the architects acts and the registrations.

**MR TREBILCOCK:** Not a clue, not at all.

**PROF SLOAN:** I'm just a bit loath to accept the proposition that no-one is going to want to do architecture.

**MR TREBILCOCK:** We're not saying that. Who's saying that? You are?

**PROF SLOAN:** No.

**MR TREBILCOCK:** You just did.

**PROF SLOAN:** No, I don't believe it at all.

**MR TREBILCOCK:** Okay, good.

**PROF SLOAN:** What about you, Ivan? When did you decide?

**MR GASTALDON:** When I was about 15. From when I was 15, I've always wanted to become an architect.

**PROF SLOAN:** 15, quite late. So it wasn't quite the priesthood for you?

**MR GASTALDON:** No, it wasn't at all, no.

**MR TREBILCOCK:** Our main fear is that there will be sufficient confusion over a sufficiently long period of time, the danger of people making terrible mistakes with their house - and we're talking the narrow field within which we have specialised as housing - that they presume upon a level of expertise that may not be there. If their expectations are different, they've got perhaps - I have a lot of clients who are very educated in the matters of what they want, design-wise and we may tailor our services to something that a draftsman might do - heaven forbid. I mean just doing basic plans because they know exactly what's going on. That's, "No worries, Derek, yes, you're going to do this. Yes, I've got it," and they're able to execute the rest of it no trouble at all. But they're educated, they already know what's going on, and I think there exists the possibility that people will go on a path expecting something else and be woefully disappointed, having spent all of their money.

**PROF SLOAN:** Of course, bear in mind we're not advocating a deregulated environment, but I hear what you say.

**MR TREBILCOCK:** I think it would happen. I think you will find it would be more widespread, the use of the word "architect" - it would be snatched up and we would find it would take some time before our Institute of Really Good Architects takes off and the capital of Brisbane discovers they've really got to be part of Derek and Ivan's Institute of Good Architects to be worthwhile. I think that might take a number of years.

**MR GASTALDON:** There's also the cost, too.

**MR TREBILCOCK:** And the cost of it. We've got to run advertising and I'm not that good on television.

**PROF SLOAN:** Could get trained.

**MR TREBILCOCK:** And it would take some time before they thought, "Well, if I need an architect, I must go and see the Institute of Good Architects for one," so that's our fear. It's the consumer-based - Mr and Mrs Clayfield about to buy the

house, go to look - and how on earth would they know? They don't.

**PROF SLOAN:** Interestingly enough, we had a very happy consumer in today.

**MR TREBILCOCK:** Had she used an architect?

**PROF SLOAN:** She had used an architect.

**MR TREBILCOCK:** And she's happy?

**DR BYRON:** Very.

**PROF SLOAN:** And she had accessed that architect through the Royal Australian Institute of Architects.

**MR TREBILCOCK:** Absolutely. Fabulous, good for her, and she's good to do that. A lot of people will.

**PROF SLOAN:** Good model for self-regulation.

**MR TREBILCOCK:** She still has an expectation. All she's doing is - - -

**PROF SLOAN:** Because they also had further information about the kind of architect that would suit her needs. Very useful. You wouldn't get that from the Architects Board, would you?

**MR TREBILCOCK:** I've had a quiet referral from them in the past.

**PROF SLOAN:** They might refer someone to the taxi driver.

**MR TREBILCOCK:** I've heard that there's stories of taxi drivers going around. Enough of that, I think. That's our main thrust. It's a very narrow - - -

**PROF SLOAN:** Can I summarise your point.

**MR TREBILCOCK:** Yes, by all means.

**PROF SLOAN:** Which is support for government registration, but prepared to accept - - -

**MR TREBILCOCK:** Amendments.

**PROF SLOAN:** - - - an improved model.

**MR GASTALDON:** Yes.

**MR TREBILCOCK:** I think an improved model - - -

**PROF SLOAN:** What about national?

**MR TREBILCOCK:** It must be national, so whether you work in Sydney and - - -

**PROF SLOAN:** Are you registered in New South Wales?

**MR TREBILCOCK:** Pain in the bum, yes. It should be national. I think there should be some - - -

**PROF SLOAN:** What about the ownership restrictions?

**MR TREBILCOCK:** I don't have a problem with the way it is now. I think that's a good thing that architects are in control.

**PROF SLOAN:** Do you?

**MR TREBILCOCK:** I'd hate to see - - -

**PROF SLOAN:** Because the AACA legislative guidelines recommend removal of those restrictions. It wouldn't prevent you from continuing to own your practice the way you own it.

**MR TREBILCOCK:** No, but I don't know enough about that to comment, to make an informed decision.

**PROF SLOAN:** So not a diamond-edged issue?

**MR TREBILCOCK:** Not as such.

**DR BYRON:** If Lend Lease or Theiss or someone like that wanted to buy you out for a million bucks, you could sell it to them.

**MR TREBILCOCK:** I would be tempted. Hypothetical as that may be, regrettably - - -

**PROF SLOAN:** They wouldn't under the existing law, but exactly.

**MR TREBILCOCK:** There's very little real value in a practice. Any architects who are here may or may not agree, but I think there's - - -

**PROF SLOAN:** So you don't think they're heading there - - -

**MR TREBILCOCK:** I think the goodwill of a practice is worth the outstanding fees and, even then, only half of that, if they're lucky. I don't think there's any

goodwill in it per se, so I've got no personal thing. I don't want to see it change - that part of it, at least, I've got no trouble. I think that's pretty much our main point. We could ramble on, but I think that is enough.

**PROF SLOAN:** Thanks for putting the time in.

**MR TREBILCOCK:** There was one thing. On fees, competition, I think everything is fine in the world.

**PROF SLOAN:** That's unusual. What about the fee schedules?

**MR TREBILCOCK:** Fee schedules, I think, are fine. From what everyone does, especially once there's an opportunity to explain it, I think certainly our clients, the people who we see for our little \$200 things that come from everywhere, see what we do, how we do it. They make a decision, "Do I want that? Do I not want that?" They understand pretty well what's involved. They understand building designers pretty well. They've got a good market presence, 80 per cent as they're saying, fantastic, they're great. I think the public aren't that naive in the sense that they don't understand. I think they do understand a lot more than we give them credit for and we'll often have people come to us, "Look, I can't afford this sort of thing. Will you do it for this?" and sometimes we will.

If we're really busy, we might say, "Look, we're really busy, we can't do it anyway," but there's enough of that which goes on. I was a director of a pretty large practice before we started our own and the larger commissions, there was competition there too, so I think the public out there are getting the opportunity to shop around, any time.

**PROF SLOAN:** Are you both Queensland graduates?

**MR TREBILCOCK:** Yes.

**MR GASTALDON:** Yes.

**PROF SLOAN:** University of Queensland graduates?

**MR GASTALDON:** No, QUT.

**MR TREBILCOCK:** QUT.

**PROF SLOAN:** QUT. Is there one at the University of Queensland?

**MR GASTALDON:** Yes, there's also one there as well.

**PROF SLOAN:** Thanks very much, Derek and Ivan, for coming along.



**MR GASTALDON:** Thank you both very much.

**PROF SLOAN:** At the end of a long day, I call the public hearings of the review of legislation regulating the architectural profession in Brisbane on 9 June 2000 closed.

AT 4.40 PM THE HEARING WAS ADJOURNED ACCORDINGLY

## INDEX

	<u>Page</u>
ELWYN WYETH MANAGEMENT ARCHITECTURE ELWYN WYETH	223-236
A.M. FITZGERALD AND ASSOCIATES TONY FITZGERALD	237-249
TONY CALABRESE	250-259
AUSTRALIAN COUNCIL OF THE PROFESSIONS DOROTHY JEWELL	260-266
SOLE PRACTITIONERS GROUP ARCHITECTS - BRISBANE PHILIP DAVIDSON PHILIP GOUGH JAYNE HACKETT	267-300
DAVID COX ARCHITECTS PTY LTD DAVID COX	301-306
MARIE JANSEN	307-314
BUILDING DESIGNERS ASSOCIATION OF QUEENSLAND RUSSELL BRANDON PHILLIP BUCHANAN PETER NELSON	315-328
HERITAGE PLANNING CONSULTANTS BASIL VEAL	329-338
QUEENSLAND UNIVERSITY OF TECHNOLOGY GORDON HOLDEN	339-347
TREBILCOCK AND ASSOCIATES DEREK TREBILCOCK IVAN GASTALDON	348-364