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NSW
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23 December 1999

Productivity Commission
Architects Inquiry
LB2 Collins Street East
Melbourne VIC 8003

The following is a belated response to the November 1999 Issues Paper for the Review of Legislation Regulating the Architectural Profession, whose receipt I acknowledge.

I am making this response on my behalf as a professionally recognised environmental (ie 'town and country') planner. Although my academic background is in human geography and history I have met the Royal Australian Planning Institute's (RAPI's) requirements for corporate membership and I have been elected as a fellow in that Institute. I have been directly associated with environmental planning for more than twenty five years, having developed and led the RAPI-recognised planning courses at Charles Sturt University, practised for the last four years as a consultant in sole practice and served for more than six years on the NSW Divisional Committee of the RAPI.

In reading your Issue Paper it seems to me that your Review needs to be more precise about the meaning of the terms 'Architectural services' and the outputs of other professionals such as certain building professionals (eg structural engineers and building scientists) at one end of a spectrum and some environmental professionals (eg landscape designers and park planners) at the other. Indeed the term 'architect' is used by some of these professionals (eg landscape architects), whose outputs do not appear to be a concern of the present Review.

My concern about the need to clarify the terms arises out of the fact that in my observation many 'architects' (as treated in the present review) provide services which go well beyond what can reasonably be considered to be the focus of their expertise, built structures. Example are the activities of so-called 'conservation architects' who carry out heritage studies which professional historians are better qualified to do, and of architects who describe themselves as 'architects and planners' who provide environmental management service such as the preparation of strategic plans, master plans for precincts and statutory planning instruments for which environmental (ie town and country) planners have the appropriate qualifications.

The fact that 'architects' (amongst whom I include architectural drafts-people) are employed to work beyond their areas of training or equivalent experience appears to relate solely to the fact that public regulation gives them a 'cachet' which some of their cognate professionals do not have because they are not publicly regulated. Without an understanding of the purposes and processes of public regulation the general public appears to see public regulation of professions as giving their members a form of 'recognition' or guarantee of universal competence which is not accorded to unregulated professionals. This can mean higher fees for those in regulated professions such as architecture, surveying and engineering than for unregulated professionals who can be doing work for which they in fact are better qualified.

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Without intending this to sound like sour grape, this is certainly the case where environmental (ie town and country) planning is concerned. Although legislative trends are demanding increasingly the economic social, environmental and statutory expertise which planners get in their training (and architects do not), many 'developers' (of land and buildings) and many government agencies still prefer to consult with architects on matters for which planners are more competent, notwithstanding the higher fees charged by architects and the generally lower costs of planners (with the interesting exception of professional indemnity insurance where some insurers – presumably believing that architects and

planners do the same kind of work, with the same kinds of risks – base their PI premiums for planners on those charged to architects).

This rebounds on the quality of environmental outcomes. Where architects (and surveyors and engineers also) focus on 'design-and-construction' rather than on social and environmental outcomes, their environmental studies, strategic plans, precinct plans and statutory instruments tend to be concerned with physical outcomes. Where planners, steeped in the relationships between form and function prepare such 'plans' the results favour qualities of social and environmental outcomes. For many planners who work in the arena of development regulation the limited visions of architects in these 'plans' can be the cause of uncertainty, conflict and delays in the process of resolving development applications and – in my experience – often the need for developers to call in planners to advise on matters which haven't been fully addressed by architects (and others in the regulated professions).

Both the Planning Profession and the Architecture Profession are concerned with design (both the RAPI and the Royal Australian Institute of Architects are members of the Council of Building Design Professions) but with design at different scales. While the latter is concerned with individual structures the former is concerned with the massing of the elements which make up urban and non-urban environments. The lack of 'cachet' on the part of planners (whose problems are shared to some extent by landscape architects also) inhibits their ability to compete on an equal footing with architects in urban and non-urban environmental design, with the unsatisfactory outcomes alluded to above.

While the above appears to argue for deregulation of the Architectural Profession (if not the regulation of Environmental Planning) I do not advocate full deregulation. I hardly need to make the point that regulation of a profession can be in the public interest where environmental, social, safety, health and similar standards cannot be effectively guaranteed by the internal discipline of a self-regulated profession or by the external disciplines of the law. For architects and their clients much can be at stake when structures are designed. Failures in design though lack of competence and/or through negligence often have to be tested in the courts at great expense and with the frustration of long delays. Regulation, to ensure suitable standards of care and competence, will lead generally to a reduction of the internal and external costs that result from failures.

Perhaps, if the Department of Employment, Education, Training and Youth Affairs was more advanced in its development of a comprehensive and coherent National Qualifications Framework to cover the services provided by built and environmental design professions, professions such as Architecture and environmental Planning might be better able to regulate the quality of the services provided by their members (through accreditation, disciplinary and competency procedures) but this is not the case. Accordingly I would argue for the continued regulation of the Architecture Profession but explicitly limited to the regulation, recognition and accreditation of personnel engaged in design-and-construction of buildings and other structures and not extending this to the wider ambit of architects, especially fields which may in fact be outside the scope of their expertise.

Such a limited form of public regulation might enable professions cognate to Architecture to compete on a more equal footing, might lead to greater innovation and better social and environmental outcomes in environmental design in Australia.

Yours sincerely

(signature)

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