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16.6.00

Mr. Matt Stubbs  
Research Economist  
Productivity Commission  
Level 28, 35 Collins Street  
MELBOURNE VIC 3000

**PUBLIC HEARING THURSDAY 22 JUNE 2000  
REVIEW OF LEGISLATION REGULATING THE ARCHITECTURAL PROFESSION**

I confirm my attendance and presentation time of 10.30-11.00am Thursday 22 June 2000 at the hearing.

A summary of the submission I intend to make is as outlined hereunder:

1. It is a breach of an individuals constitutional right to deny that individual the right to distinguish themselves as "an Architect" based upon their training and experience
2. that to not distinguish an Architect from a Draftsperson - enabling a draftsperson to call themselves an Architect, will confuse the common person and deny them the consumer their right to freedom of choice and as such deny them a constitutional right.
3. I write to disagree with the recommendation of the commission. My reasons for doing so are as follows:
4. The Architectural profession is not highly regulated at the moment. The essence of the current Architect's Act is to restrict the use of the word Architect and its derivatives to those that meet the qualifications setout in the act. There is currently already NO activity that can be carried out by an Architect that cannot be carried out by a non-Architect.
5. It is my strong view that the current legislation protects the public by providing them with a clear choice. At the moment they can choose to either use an Architect or not. If the Act is repealed then the when the public requires a building to be designed they will have to choose between the following:
6. A building designer with an Architect's degree and other qualifications as would enable them to be registered as an Architect under the current system.
7. A building designer with an Architect's degree but without the other qualifications that would enable them to be registered as an Architect under the current system.
8. A building designer with a different qualification allied to the design field.

9. A building designer that has had some formal training in the design field but has not actually gained any qualification.
10. A building designer with no formal training.
11. If all 5 building designers are allowed to promote themselves as Architects then I am sure the result for the public will only be confusion. They will then be in the awkward position of having to make careful checks on the level of training of their building designer before engaging them.
12. Under the current act the public knows that if a person is an Architect he/she will definitely fall under category 1 above. If they are not an Architect they fall into the category of 2 to 5. A lot of people currently prefer to use an Architect because they know what category of professional they are engaging. Though they may know there are many good operators in categories 2 to 5, but as they will not know what category between 2 and 5 they fall into they may not want to take that option. By repealing the legislation it will just mean that people will not know whether people are in category 1 or 5 unless they make specific inquiries which they currently do not have to do for category 1.
13. This submission is not about claiming that the public need to be using Architects to ensure they obtain the best or even a good level of service, it is about saying they have the right to choose between using an Architect or not.
14. Take other professions as an example. In the legal profession many people consider that when buying or selling a property they do not need to use a solicitor to have their conveyancing done and will choose a cheaper alternative. But when they do the person doing the work cannot call themselves a solicitor and the customer knows they have elected not to use a solicitor.
15. In the accounting profession which does not have the same protection the public are faced with the confusion of trying to ascertain the differences between an Accountant, a Chartered Accountant and a CPA. If there were restrictions on the use of the word Accountant this confusion would not exist. People could still choose to use a Tax Agent but they would know they weren't an Accountant.
16. What possible advantage is there in repealing this legislation. Not one non-Architect would be able to provide one more service than they currently provide to the public after the repealing. The only difference would be that they could provide exactly the same service as they do now except they will be able to confuse the public by telling them they are an Architect.

Peter Hirst  
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