

Summary of BDAV Submission to Productivity Commission
relating to a Draft Report of a Review of Legislation
Regulating the Architectural Profession

1. The BDAV supports the Productivity Commission recommendation that State and Territory Architects Acts under review be repealed after a two-year notification period.
2. The BDAV expresses its disappointment that the Victorian Architects Act was not included as a relevant instrument to be reviewed by the Productivity Commission.
3. The BDAV will make representations to the Victorian State Government recommending that the State Government consider the Commission's report and respond within six months as proposed in the Consultation and Government Response set out on page VI of the draft report.
4. The BDAV does not support the notion of total self-regulation by an industry group or professional institute, particularly given the fragmented nature of the building and construction industry
5. The BDAV supports the concept of legislative underpinning for regulating the building and construction industry.
6. The BDAV holds the view that the current Building Act 1993 (Vic) provides an appropriate mechanism that enables industry representation to input to the regulatory processes for the purpose of both the building industry and the consumer.
7. The Victorian Building Act provides for a registration process that embraces all building practitioners in the various facets of the industry (other than sub-contractors). The Act embraces both residential and non-residential builders including temporary structures, building surveyors, building inspectors, engineers, quantity surveyors and draftspersons (architectural, interior and services).
8. The Building Act provides for a Building Registration Board. The functions of the Board, in particular, are to administer a registration system for building practitioners, to supervise and monitor the conduct and ability to practice of registered building practitioners and to hold inquiries into the professional conduct of a building practitioner.
9. One of the essential reasons why the BDAV supports the objects of the Building Act is that the Act is an endeavour to establish a preventative mechanism for consumers and the industry rather than adopting a curative approach.
10. There is no valid reason why architects should not be embraced by the Building Act. There is no reason why architects should be treated differently compared to any other building practitioner in the industry.

The BDAV submits that the architects do not incur the same degree of legislative scrutiny or public accountability as required under the provisions of the Building Act, for example, performance audits.

11. By architects being embraced under the provisions of the Building Act, the following benefits are -
 - Reduction in duplication of registration resources and infrastructure
 - Achieves uniformity of policy and regulation within the building and construction industry
 - Achieves a more transparent registration procedure
 - Reduce confusion amongst consumer
12. The BDAV considers that the major role that can be implemented by industry associations and by professional institutes is in the arena of continuing professional development programs which compliment the objects of legislation such as the Victorian Building Act. It is in this area that the BDAV believes that private associations can, in a truly practical sense, maintain credibility of a label and therefore the reputation of their membership.
13. The BDAV supports the removal of restrictions on the use of derivatives of the word architect by non-architects, thus allowing draftsperson and building designers to label their services as architectural. The Architects Registration Board has been vigilant in threatening prosecution in the past over advertising generally by non-architects. We believe that such initiatives are usually taken as a result of competitor architects complaining to the ARB. The BDAV regards the current provisions in the Architects Act relating to this particular issue as clearly anti-competitive and has created a legislative monopoly over use of title to protect architects from competition.
14. The market place must be considered an integral part of the debate in reviewing the legislation regulating the architectural profession and it is clear the market embraces the need for a competitive element and for choice given the degree of work carried out by non-architects.

Prepared by

Building Designers Association of Victoria

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