THE ARCHITECTS BOARD OF SOUTH AUSTRALIA

Established under the Architects Act 1939, as amended
ABN 20 167 920 248

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MRA Review
Productivity Commission
PO Box 80
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We refer to the review of the Mutual Recognition Agreement (MRA) between all Australian States and Territories.

The Architects Board of South Australia is responsible for administering the Architects Act 1939, as amended. This Act governs the registration of architects in South Australia.

The Board registers individuals who have met nationally prescribed academic and post graduate criteria and regularly registers individuals under Mutual Recognition Agreements with other States.

The Mutual Recognition Agreement has assisted labour mobility with little cost impact.

The cost implications for architects practising in more than one jurisdiction are that they require architects to pay a registration fee in each State in which they wish to practise. Whilst this cost is not high it creates an administrative burden for registered architects and whilst the Mutual Recognition Agreement allows for a simpler process than achieving registration via individual application in each State it still necessitates more work than would be necessary under one National Registration Act.

The Board notes comments made in the 1997/1998 review of the Mutual Recognition Agreement by the Department of Prime Minister and Cabinet. A number of issues raised in the Evaluation of Occupations Model are still valid today. These comments include:-

1. Improved communication between State and Territory Registration authorities particularly in relation to adopting national standards for academic qualifications as a prerequisite to registration.

2. Mutual Recognition highlights minor difference in registration requirements. Particularly in relation to the registration of corporate entities where the lack of national consistency in State based legislation makes it difficult for larger multidisciplinary national practices to conform with differing State based legislative requirements.

3. Due to a common examination process adopted by the Architects Board in all States and Territories and administered by the Architects Accreditation Council of Australia (AACA) the issue of "lowest common denominator" is not a significant issue.

   However for example in New South Wales the New South Wales Registration authority has, at the instigation of the New South Wales State Government, adopted a alternative method for individuals to become registered. This program enables individuals who have significant experience to become registered without the formal academic qualifications required in all other States.

   Individuals who become registered by this alternative means in New South Wales will therefore be registered automatically should they seek registration in another jurisdiction under the Mutual Recognition Agreement.

   There is some concern that this alternative route to registration may in the long term lower standards.

4. South Australia has no legislative obligations in relation to recency of practise or in relation to issues such as compulsory professional development.

   A number of States are contemplating or have introduced legislation relating to compulsory professional development and they may view the obligatory recognition of architects registered in South Australia under Mutual Recognition as a lowering of standards should their legislation require a higher level of updated professional expertise.

5. A significant issue in registering professionals in jurisdictions other than where their primary qualifications were obtained relates to the knowledge of local law. In particular in the architectural profession Building Acts, Regulations, Council Regulations, Environmental Law and other matters differ significantly from State to State. It is perceived there is a possible risk to the public should the architect not acquaint himself with the relative statutes which effect his operation in a new jurisdiction.

6. The Architects Board of South Australia sees little evidence of jurisdiction shopping where individuals seek out jurisdictions with the lowest registration requirements. As previously noted architects registration is based upon a national examination standard and with the exception of the recently introduced NSW Program referred to above and the registration of some overseas architects via a review of academic equivalence program which again is administered on national basis.

The most significant issue in relation to the Mutual Recognition Agreement is the lack of harmonised legislation in each State and Territory. The Architects Accreditation Council of Australia (AACA) which is a body consisting of all State and Territory Registration Boards has published a set of National Legislative Guidelines as a basis for the introduction of consistent legislation throughout Australia. As a result of the Productivity Commission Review and various State Reviews nearly all States and Territories in Australia are amending legislation as it relates to the registration of architects. Unfortunately due to differing perceptions of various State bureaucrats and politicians, legislation as it relates to architects registration has recently become more diverse rather than harmonised.

The Australian Procurement Construction Council consisting of State and Federal Ministers responsible for administering Architects Act have espoused the goal of harmonisation of legislation, however little has been achieved.

The differences in legislation relate to issues including:-

1. Interaction with various other legislation including Building Acts
2. Approach to corporate registration
3. Compulsory professional indemnity insurance
4. Compulsory professional development
5. Adherence to an industry code of conduct
6. Differing approaches to disciplining breaches of legislation.

SUMMARY

Mutual Recognition has achieved its primary objectives of removing barriers and simplifying cross border registration for architects, however more could be achieved with nationally consistent legislation.

Yours faithfully

R.P. Krantz
Registrar