



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMIC DEVELOPMENT AND TOURISM
Mr Jeremy Hanson MLA (Chair), Mr Michael Petterson MLA (Deputy Chair),
Ms Suzanne Orr MLA, Mr Mark Parton MLA

Submission Cover Sheet

Inquiry into Building Quality in the ACT

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The Committee Secretary
Standing Committee on Economic Development and Tourism
Legislative Assembly for the ACT
GPO Box 1020
Canberra ACT 2601

Via email: LACommitteeEDT@parliament.act.gov.au

Dear Sir/Madam

Inquiry into Building Quality in the ACT

We welcome the opportunity to provide comment and feedback to the Inquiry into Building Quality in the ACT.

The Australian Institute of Architects (the Institute) is the peak body for the architectural profession in Australia representing 11,000 members across Australia and overseas. The Institute works to improve our built environment by promoting quality, responsible, sustainable design. The following comments are made by the ACT Chapter of the Institute whose professional members are practising architects with first-hand experience of the development processes in the ACT and who act in the public interest of their clients across a range of residential and commercial urban developments.

Our high-level comments in this submission relate to the key areas identified in the Committee's Discussion Paper, 'Inquiry into the quality of recently constructed buildings in the ACT' and are supported by our February 2016 comprehensive submission made to the ACT Government's Environment and Planning Directorate (attached). In addition, we recommend that the ACT Government implements all recommendations made in the 2018 Shergold Weir Report, [Building Confidence](#).

We draw the Committee's attention to the fact that the Inquiry's Discussion Paper gives a misleading impression regarding the regulation of architects in the ACT. While it is technically correct that architects are not required to be 'licensed', architects are regulated through the *Architects Act 2004* which is administered by the ACT Architects Board. To give the impression that architects are somehow in the same category as unlicensed trades has caused much consternation within the architectural community.

We have long been advocating for better regulation in the ACT with respect to multi-unit residential buildings, mixed use buildings and speculative commercial buildings. The Institute is of the view that only fully qualified and experienced professionals should be responsible for delivery of design services and project management for these types of buildings. Further, appointment of a suitably qualified design professional throughout the building process will significantly enhance the quality of the construction outcome. Different classes of licence could be issued according to building class and size. We are also of the view that bringing other design professionals such as draftspersons, building designers, project managers and tradespeople such as water proofers and concreters under a regulatory regime is essential to provide better outcomes for building owners.

The Institute supports the concept of designated inspectors to independently monitor construction of high-risk work, such as apartment buildings, with the aim of educating builders and developers about their obligations under the building regulatory system. These inspectors must be qualified in their discipline under review and carry adequate professional indemnity insurance.

Architects are not always engaged to prepare documents for all stage of the design and documentation process and this lack of continuity is, in the Institute's opinion, one of the key contributors to building quality issues. Increasingly, since the advent of project management, the 'documenting architect' has not had a role in supervision, or even a quality inspection role during construction.

There is also misinformation in the community and building industry that documentation issued 'for building approval (BA)' is all that is required of the design and documenting architect or that the level of construction documentation can be reduced to decrease cost without impact on building quality. 'For BA' documents are insufficient for construction, in that they lack sufficient detail, the Institute advocates for minimum construction documentation provided by a licensed professional.

A study needs to be undertaken to provide information about the source of the problem. Of the buildings brought to the attention of the ACT Government as having building quality issues, it would be of benefit to find out how many have continuity of service by the one architect and how many have construction documentation service delivered by a different architect or para professionals. The outcome would enable remedial action to be taken to address the problem.

Licensing of other professionals/para professionals

The regulation of all building industry professionals/para professionals and trades is an option for Government consideration to ensure that participants have the relevant skills and experience to address built outcome quality issues.

The Institute believes that the current system of registration for architects should be the guide for this regulation/licensing process. Consumers need to be able to differentiate between the levels of skill on offer in the market, and know that an architect is – a person with an accredited tertiary qualification to the equivalent of a Masters degree has at least 3000 hours of supervised experience, and is examined for competence.

We contend that unlike some other professionals/para professionals:

- Architects are already regulated in the ACT (the Architects ACT 2004).
- It is a legal requirement that any person using the title 'Architect' or offering services to the public as an Architect, must be registered with the Architects' Board in that jurisdiction including:
 - Having a recognised academic qualification in architecture or a pass in the National Program of Assessment (NPrA), or a pass in the relevant Registration Board Prescribed Examinations where offered
 - Having a minimum period of 2 years of post-graduate practical experience under the supervision of a registered architect followed by the successful completion of the AACA Architectural Practice Examination (APE) and followed by examination by interview.
- Applying for registration to the Architects' Board in the State or Territory in which registration is sought including an onerous process to achieve registration.
- Members of the Australian Institute of Architects must uphold the key elements of professional practice including abiding by a code of conduct, holding professional indemnity insurance, and undergoing continuing professional development.

The Institute would welcome regulation which covers the practice of architecture to ensure that unregulated professionals such as building designers and draftspersons who provide architectural services are also regulated.

Recommendations

Our recommendations to the Inquiry are as follows:

1. Setting of minimum requirements and documentation standards for construction documentation in consultation with industry.
2. Publishing guidelines for documentation and detailing to inform industry and regulators.
3. Minimum construction documentation should be provided by a licenced/registered professional.
4. If a design review process is implemented, it should be internal to the regulatory authority and undertaken by professionals, qualified in the discipline that is under review. The process should include the Government Architect.
5. The introduction of additional construction inspection stages including but not limited to waterproofing of balconies and podiums (in addition to wet areas); condensation, roof construction; and retaining walls.
6. The introduction of designated inspectors to independently monitor construction of high-rise work, such as apartment buildings, with the aim of educating builders and developers about their obligations under the building regulatory system.
7. The implementation of a mechanism where recurring problems or findings of certifiers and inspectors are conveyed to industry. The Institute would recommend that training or information sessions to be held for industry to highlight problems and best practice methods on a regular basis.
8. Only fully qualified and experienced professionals be responsible for delivery of design services, documentation and project management for multi-unit residential buildings, mixed use buildings and speculative commercial buildings. Different classes of licence could be issued according to building class and size and education and experience.
9. Introducing regulation of building professionals, whether designers, draftspersons, certifiers, or quantity surveyors to provide community protection. Regulation is particularly important for project managers as they play a major role in the design and building process.
10. Introducing a mandatory requirement for indemnity insurance to an appropriate level for all building professionals to protect the public.
11. Completing the objects of the ACT Architects Act 2004.
12. Government recognising the benefits of full architectural services and continuity of this service from briefing – design – contract documentation to superintendence, or a minimum, advice during construction.

For noting, the members of the ACT Chapter hold on-going concerns around the quality of apartments in the ACT. To this end, the ACT Chapter is developing a consumer guide which will assist people buying existing apartments and apartments off the plan.

In conclusion, the ACT Chapter of the Australian Institute of Architects would welcome the opportunity to assist this Inquiry and provide further information at a public hearing. Please contact our ACT Executive Director, [REDACTED] in the first instance on [REDACTED].

Yours sincerely



Philip Leeson FRAIA
ACT Chapter President