



Association of Consulting Architects
The Business of Architecture

RESPONSE TO FRAMEWORK FOR REFORM: MODERNISING VICTORIA'S BUILDING SYSTEM DISCUSSION PAPER

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GLOSSARY

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| AACA | Architects Accreditation Council of Australia |
| ABCB | Australian Building Codes Board |
| ACA | Association of Consulting Architects |
| ACP | Aluminium Composite Panel |
| AIA | Australian Institute of Architects |
| AMR | Automatic Mutual Recognition |
| AQF | Australian Qualifications Framework |
| ARBV | Architects Registration Board of Victoria |
| BCR | Building Confidence Report |
| BIM | Building Information Modelling |
| CPD | Continuing Professional Development |
| DELWP | Department of Environment, Land, Water & Planning |
| D&C | Design and Construct |
| DCPCB | Design and Construction Practitioners Coordination Board (working title) |
| DFAT | Department of Foreign Affairs and Trade |
| FFR | Framework for Reform discussion paper |
| NCC | National Construction Code |
| NRF | National Registration Framework |
| NSCA | National Standard of Competency for Architects |
| OVGA | Office of the Victorian Government Architect |
| PBS | Private Building Surveyor |
| VBA | Victorian Building Authority |

1. EXECUTIVE SUMMARY

The Association of Consulting Architects (ACA) broadly supports the intent of the Framework for Reform discussion paper (FFR) to achieve industry reforms that will tackle issues of building quality, consumer confidence, industry skills and improved regulatory compliance. Acknowledging the scale and complexities of the problems outlined below, we summarise here our position and recommendations for the Panel.

1.1 CREATION OF A CHIEF REGULATORY BODY AND INDEPENDENT DESIGN AND CONSTRUCTION DISCIPLINE BOARDS

The ACA supports the establishment of a Design and Construction Practitioners Coordination Board (DCPCB) or similar that could oversee the quality of work and compliance industry-wide (*see Diagram 2, p14*). This entity would contain independent boards from each design or construction discipline responsible for delivering to compliance requirements as set out in the National Construction Code (NCC). Independent boards should be responsible for the accreditation, registration and compliance of their respective constituents.

1.2 MAINTAIN THE ARCHITECTS ACT 1991

Architects are governed by a consistent national competency and registration framework as set out in the Architects Act 1991 (the Act). Any registration and competency framework reforms should seek to preserve the established value architects offer by meeting these requirements, as enshrined in the Act. We don't believe that amendments to the Act will achieve the desired strengthening of building quality or longevity, or greater regulatory control, and could have unintended detrimental impacts outside of Victoria on broader reform work and on university level qualifications more broadly. There is a very real risk to quality design and construction should changes be made to the Act, therefore reform measures and greater regulatory controls must be sought in the establishment of appropriate governing bodies and in the strengthening of existing regulators such as the Architects Registration Board of Victoria (ARBV).

Whilst we would prefer the existing Act be retained, any amendments to this Act, or proposed future Act governing the work of architects, must ensure the terms *Architect*, *Architecture*, and *Architectural* are legally protected and the obligations under the Victorian Architects Code of Professional Conduct be maintained for appropriate consumer protection.

1.3 MAINTAIN AND STRENGTHEN THE ARBV

The ARBV regulates the architectural industry in Victoria, operating under the Act. It offers a high standard of consumer protection through its independent regulation and governance of registration, accreditation and Continuing Professional Development (CPD). The ACA's preferred model would be to strengthen the ARBV's functions, as enshrined in the Act. Increased revenue through a rise in registration fees, and a drive for new registrations, would support this.

1.4 STRENGTHEN CPD FOR ARCHITECTS

The relevance of CPD must be strengthened and amended to support improved quality outcomes and currency of best practice standards. Changes to CPD should include a compulsory component dedicated to the NCC and Australian Standards training.

1.5 INCENTIVISE MORE ARCHITECTURAL REGISTRATIONS

The ACA believes there are many benefits to encouraging higher numbers of architectural registrations, including improved quality of design outcomes and the better resourcing of the ARBV to perform its crucial task. Reforms should consider how more Architectural Graduates with an appropriate level of experience could be incentivised to become registered.

1.6 MINIMUM DOCUMENTATION STANDARDS

We support the establishment of minimum documentation standards based on the NSW model for regulated design, along with the establishment of appropriate independent compliance and quality checks throughout the construction process.

1.7 MAINTAIN ARCHITECT AND BUILDING CERTIFIER INDEPENDENCE

Independent architects and building surveyors ensure better consumer protection and confidence.

The ACA recommends any reforms must preserve this independence and strengthen the capacity of independent assessors to improve quality outcomes and increase consumer confidence. It is also the ACA's view that contracts that limit the independence of architects and building surveyors to comply with their obligations under the Act should be prohibited.

1.8 REGULATION OF UNREGULATED DISCIPLINES

The ACA supports the principle of registering previously unregulated disciplines (e.g., project managers, construction managers, superintendents and other individuals overseeing building contracts). The registration of and compliance activities must be governed by the appropriate Boards and structures, as set out in 1.1 above and in Diagram 2 on page 14 of this response.

We also support the appropriate qualification and registration of building practitioners of any discipline proposing to undertake Class 2 projects work and any work on complex buildings.

2. INTRODUCTION

2.1 ABOUT US

The ACA represents architectural practices in business and employment matters. As the national peak body representing the interests of employers in industrial matters as they relate to the Architects Award, the ACA also advocates on behalf of the “business of architecture” more broadly.

Through this leadership, support and advocacy, the ACA helps to ensure the long-term health and viability of the profession, and thereby supports the important contribution architecture makes to our cities, environments, communities and cultures.

The ACA VIC/TAS Branch’s primary concerns related to the FFR have been issues of building quality, procurement, certification, legislation requirements and ensuring the industry performs efficiently and fairly as a result.

This submission is also supported by ArchiTeam Cooperative members.

2.2 DEFINING THE PROBLEM

Two major inquiries over the past five years have highlighted regulatory shortcomings for Victoria’s design and construction industries, particularly in the wake of the Lacrosse (2014) and Neo 200 (2019) Class 2 building fires. The 2018 Building Confidence Report (BCR) noted the prevalence of serious quality failures including non-compliant cladding, water ingress leading to mould and structural compromise, structurally unsound roof construction and poorly selected and constructed fire resisting elements. A year later, the Victorian Cladding Task Force Report reported specifically on the prevalence of non-compliant cladding used on Class 2, 3 and 9 buildings across the state.

The BCR did not attempt to quantify failure rates according to building class, heights or construction complexity. It did acknowledge, however, that there were diverse factors impacting on construction quality and non-compliance, including procurement processes and risk allocations, lack of statutory duties of care to future owners and phoenixing of development companies. Whilst the report made no recommendations on a number of these issues, we acknowledge that these will be integral to future reform discussions.

The NSW Building Commissioner’s recent work in analysing building quality and consumer confidence issues is arguably the most extensive study on the interconnection between legal, procurement and regulatory failures in the construction industry. As a result, NSW has embarked on significant policy reform, which includes changes to procurement, building certification and approval processes, and the introduction of statutory duties of care to owners. At this early reform stage, it concentrates almost exclusively on Class 2 buildings.

In the 2021 Framework for Reform (FFR) discussion paper, the Expert Panel on Building Reform’s Terms of Reference are to provide a regulatory system that:

- delivers safe, compliant, durable, affordable and sustainable housing and buildings efficiently and effectively;
- protects consumers and improves confidence in the industry and regulators;
- supports skilled and experienced practitioners to carry out compliant and safe practices; and
- supports regulators to effectively and efficiently enforce compliance.

The ACA supports the objectives of the Expert Panel and wishes to constructively engage with the Panel to ensure appropriate policy changes are explored and implemented. Our response articulates our shared view of how proposed reforms in Victoria will impact on design and construction quality in this state, and on the value of the architectural profession in Victoria and beyond.

The architectural profession in Victoria consists of a wide range of individuals and corporate entities, ranging from sole practitioners and small practices with fewer than 5 or 10 staff through to large practices with 100 or more professional staff. In 2017 the Architects Accreditation Council of Australia (AACA) reported 4208 architects registered in Victoria. As at 30 June 2020, the ARBV reported 1112 registered companies and 27 partnerships.



According to the 2017 AACA data, across Australia the work of architects is valued at \$5.8 billion per annum and covers 13,000 enterprises. Extrapolated out, this values the work of architects to the Victorian economy at \$1.78B annually. Data also shows that 98% of architectural practices are small businesses with fewer than 20 employees.

Victoria enjoys an enviable reputation for design and construction and many practices are highly respected both nationally and globally. Many of the larger practices undertake major commissions overseas.

There are five schools of architecture in Victoria and their international reputation is such that 42% of architecture students nationally are studying in Victoria. Mutual recognition agreements negotiated by the Department of Foreign Affairs and the AACA with many overseas countries underpin our locally trained architects' standing in the international design community. These agreements also serve to attract international students to study architecture in Victoria. To maintain Victoria's ability to attract student interest and export expertly trained services, the maintenance of these agreements is vital. Any disruption to the accreditation and registration system for architects in one state could diminish this export capacity and appeal.

Equally important is the need to protect the export appeal and trade value of a Victoria-based architecture qualification in other states and territories. The ACA has previously voiced its support for the Automatic Mutual Recognition (AMR) scheme, which serves as a sound framework to create national harmonisation across the architectural labour force. Any plans for reform must not jeopardise this work to streamline the offer of architectural services and limit Victoria-registered architects from practising interstate and abroad.

3. THE ACA RESPONSE TO THE FFR IN MORE DETAIL

3.1 PRACTITIONER REGISTRATION

3.1.1 How can accountability across all construction work be improved?

The ACA acknowledges the need for greater consistency and accountability in building design, construction, and maintenance in Victoria, and understands the Panel's desire to explore how an increased regulatory focus on unregistered design practitioners might serve to bolster quality outcomes.

Despite the best intentions to improve build quality and safety through increased accountability, there remains significant, growing pressure on industry to deliver buildings within shorter timeframes and to leaner budgets. Improved accountability across all construction work will only occur if industry is incentivised to deliver on quality – in addition to time and cost – outcomes.

In many instances, changes to procurement have often been such that the architect's role as an impartial assessor of building performance has been significantly eroded. The widespread adoption of design and construction (D&C) contracts has led to a reduction in the architect's role and subsequent ability to fully document the design. It has also often reduced or excluded the architect's involvement during later design and construction phases. In instances where the architect has no part to play in the process of checking compliance against design documents, they are unable to independently report on the quality of finish and appropriateness of the products installed.

Our recommendation would be to examine, during the next stage of this reform program, the need for regulation of procurement systems for complex buildings. For example, NSW has limited the use of design and construct methodologies for Class 2 buildings to experienced and well-resourced contractors who can demonstrate the ability to manage risk, quality, health, and safety.

The FFR does not substantially address industry culture and its impact on the quality and safety of buildings. Healthy, collaborative industry culture is crucial to better performance, and to growing client and community confidence in the buildings they occupy and invest in. In South Australia, for example, construction industry practitioners are being encouraged to confirm their commitment to the Construction Culture Initiative, developed by members of the Australian Institute of Architects SA Chapter and the Master Builders Association of South Australia. This initiative encourages practitioners to:

- Gather evidence to inform and support positive change;
- Commit to a code of ethics and best practice;
- Develop and support the Construction Culture Initiative's communication strategy; and
- Participate in informing clients, the community and government.

A demonstrated unity of purpose among practitioners and desire for change has been evident throughout this process, with a clear understanding of the architect's role in creating and contributing to positive outcomes for the built environment. If such an initiative were to be replicated across Australia, the entire construction industry would stand to benefit.

3.1.2 Documentation quality

There are various references to the correlation between documentation quality and the issues of building quality and safety. Most of these issues pertain to D&C Class 2 Buildings, primarily because the builder engages architects to provide partial services. Often drawings are provided for the sole purpose of obtaining a building permit, and subsequent design work is undertaken by subcontractors, supplied as shop drawings. In this instance, the contractor often limits the architect's role in documentation and site attendance, resulting in poorer quality outcomes for the consumer.

Similarly, it is often the case that the architect's deed of novation prevents them from communicating changes in quality to the client the architect was originally engaged by. This can often result in substitutions of materials that deliver a lower quality product. This has been particularly apparent in the ACP (aluminium composite panel) issue, where external cladding has been substituted with non-compliant imported product.

NSW has introduced regulated design drawings for Class 2 buildings, which are signed off by architects and lodged on their portal as a way of enforcing stricter documentation standards. The ACA would support a similar system which defines the minimum drawing requirements to be submitted for building permit applications.

3.1.3 Which currently unregistered practitioners should be considered for registration?

The ACA believes any practitioners responsible for implementing the NCC compliance requirements should be registered, or should work under the direct instruction of a registered practitioner, as is the case for Architectural Graduates and students.

The ACA is concerned, however, with the expense and potential oversimplification of a “one size fits all” governance mechanism. Any reformed governance structure that combines and equates these disciplines would be inappropriate, unwieldy and unworkable.

The AIA and the ACA both support the two separate streams of registration under the National Registration Framework (NRF) currently being developed by the Australian Building Codes Board (ABCB), for endorsement by the Building Ministers Meeting. Registration would include a stream for architects and a stream for building designers working at varying levels. We also support raising the Building Designer Level 1 educational qualification to a Master’s Degree level (AQF 9).

The ARBV ensures Architects provide a high standard of consumer protection through a 3-step registration process, which involves the attainment of a Master’s level qualification, accrual of supervised professional hours and both written and oral examinations. This is founded on the regularly reviewed National Standard of Competency for Architects (NSCA), which contain 70 individual performance criteria and five knowledge domains.

We understand that the issue of developing industry-wide competency standards and a national registration system is a matter for future discussion and will be done at State and Territory levels where there are no systems currently in place. For those that are in existence, amendments will be required to match the NRF. The amendments will remain consistent with the NRF intent to continue to differentiate between Architect and Building Designer Level 1.

It is imperative that the consumer understand the level and complexity of expertise offered by architects relative to those offered by building designers. The registration, qualification and competencies should be used to determine the appropriateness of any practitioner to undertake work on projects of varying complexity.

We are of the view that the definition of “complex building” also requires review by the ABCB. At present, the definition could be seen to cover relatively small domestic type construction through to hospitals and commercial and residential high-rise buildings. Further definition and subdivision of the term “complex” may be required. The ACA is in agreement with the Australian Institute of Architects that “complex buildings” should exclude Class 1a and Class 10 buildings of any rise in storeys and that there be no restriction on Level 1 building designers working on these building classes.

Architectural companies should better encourage and provide incentive for more appropriately experienced and qualified staff to register. The ACA is planning to run a campaign in the near future to encourage members to do so.

3.1.4 Registration of individuals and corporate entities

The ACA believes there should be no requirement for every person who works in an architectural office to be registered. The current structure adequately ensures the Directors of registered architectural practices are responsible for any work produced, including work generated by those still studying or accumulating the necessary experience to gain registration. The full or provisional registration of graduates under the supervision of a Registered Architect is therefore redundant and would only place unnecessary cost burden and liability on inadequately experienced staff members. Registration of architects implies a duty that should be maintained towards any unregistered staff, which is maintained through appropriate CPD frameworks.

In the construction industry, many licensed trades are governed by similar rules to the current liability structures governing the work of architects. For example, unregistered labourers and apprentices work under appropriately qualified and registered superiors within their relevant corporate structures.

It would be highly problematic if all practitioners within an architectural office were required to be registered, as this would trigger a complex range of categories, including students, graduates, technicians, interior designers, student interior designers and draftspersons. The definition of Architect is also currently inscribed in the Architects Award under the Fair Work Act, and any change will pose federal legislative implications.

We do not believe this requirement for all practitioners to be registered was envisaged by the authors of the BCR or by the ABCB in its drafting of the NRF.

3.1.5 Offshore and outsourced documentation services

Architecture is a globally connected and integrated profession. As such, any proposed reforms must be examined for their potential impacts on national regulation frameworks and on the efficacy of Victorian-registered architects' work undertaken outside of Victoria.

The FFR paper seems to imply all practitioners who work on documentation in Victoria should be registered. Whilst this might seem reasonable at first glance, this proposal does not consider the international nature of the industry, whose builders, engineers and architects legally outsource and offshore some of their work.

Any registration framework must ensure there are legally responsible parties in Victoria for work completed overseas. Requiring every staff member in an office to be registered might encourage more practices to send more documentation offshore.

Unnecessary regulatory burden will further exacerbate the issue, driving more work to be done overseas by inexperienced and unqualified staff who cannot be regulated within Australia. This will not only lead to uncertain quality outcomes, but also significant skills and jobs lost to the Victorian economy at a time when we are being asked to procure and invest locally.

3.1.6 Do you agree with developing practitioner competence frameworks to support system-wide industry competence?

The ACA agrees with the development of practitioner competence frameworks that support system-wide industry competence. Victoria-registered architects – indeed, all architects nationally – are already comprehensively regulated. The NSCA has been in place since 1990, and is regularly reviewed, with the latest revisions due for adoption shortly by the registration boards in each jurisdiction. The standard applies to the accreditation of Australian universities, the National Program of Assessment, the Architectural Practice Examination and the Assessment of Overseas Architects. It contains 70 individual performance criteria and five “knowledge domains” covering: regulation; social and ethical matters; sustainability and the environment; disciplinary procedures; and communication. The ACA commends this competence framework as an appropriate tool for the oversight of industry-wide competence, and as a model for practitioners in other disciplines.

Architects are the only building professionals with a consistent, legislated national competency and registration framework. Any registration and competency framework reforms should seek to preserve the established value that architects offer by meeting these requirements, as enshrined in the Architects Act 1991. We believe there is a very real risk to quality design and construction should any reform measures erode the Act. It is imperative that any changes to Victorian legislation do not reduce standards by default or imperil the future implementation of the NRF for architects. The BCR notes in Recommendation 1 there should be nationally consistent registration requirements for architects, with mandatory CPD, auditing of practitioner performance, and statutory duties to prepare documentation that complies with the NCC. In principle, we support this view.

The ACA would support the following strengthening of the Board's role in ensuring better awareness of the NCC through:

- Higher levels of auditing, enforcement and discipline for non-completion of compulsory CPD;
- Mandatory component of NCC knowledge for CPD; and
- Inclusion of NCC knowledge in the proposed transition from graduation to registration of architects' requirements currently being developed by the AACA.

3.1.7 Could accreditation by industry bodies or RTOs become part of the practitioner registration and/or licensing process?

If so, how can we guarantee the improvement of practitioner standards through such a process?

The ACA does not support direct involvement of industry bodies or RTOs in the registration/licensing process except in providing accredited education and training programs. Any regulation which aims to increase consumer confidence and protection must remain independent from any industry bodies, have statutory powers, and offer independent disciplinary processes.

Any reduction in the standards of registration will only have a negative effect on consumer confidence. If accreditation standards for architects were to be eroded it is possible Victorian architectural degrees would no longer be accredited, and students could opt for the much shorter and less skilled qualifications such as Technician/Draftsperson.

3.1.8 Should the NSW approach (see FFR case study 1) to design practitioners be considered for Victoria?

It's the ACA's view that the exclusive acceptance of Registered Architects for Class 2 complex buildings is an acknowledgement of the levels of competency required for such projects.

NSW's approach to the registration of design practitioners only applies to Class 2 Buildings and only registered architects are permitted to submit "regulated designs." A separate registration process is still required, which does appear to be a duplication of process. It is not clear whether NSW intends to adopt the remaining NRF framework for other classes of buildings. If the final form of the NRF is consistent with the AIA and ACA's preference as described above in 3.1.3, we would recommend this as a consistent national framework for registration.

The ACA is in general support of the principal of a qualification-based approach to registration for building types. However, we do not believe there is a need for dual registration for architects. Consideration should be given to the possible introduction of a number of NSW-style requirements including design practitioners providing a declaration of NCC compliance and explanation of performance solutions.

We also recommend the adoption of a minimum Standards of Documentation for Building Permit application be considered.

3.2 BUILDING APPROVALS

3.2.1 Are there any other potential approaches to strengthen accountability across the building approvals process that the Panel should consider?

Any regulations which aim to increase quality, safety and consumer protection should establish minimum standards of documentation. Standards should suit each type of building and the level of construction detailing needed that will assist the building surveyor to understand the total scope of the project, thereby avoiding any reliance on shop drawings for the compliance process. NSW is adopting this approach for Class 2 buildings, which not only addresses the detailing of critical components but also coordination between services, structural and architectural elements. Any similar Victorian reforms should also consider the implementation of registered specification systems such as the NATSPEC National Specification System. This will ensure reference to the latest and most relevant Australian Standards.

Consideration should be given to Australian Standards being made available free of charge to all registered practitioners whose work must comply with the NCC.

It is also the ACA's view that any contracts limiting the independence of architects and building surveyors to comply with their obligations under the Act should be prohibited.

3.2.2 What other suggestions are there that would remove the potential for conflicts of interest between Private Building Surveyors and builders, developers, or design practitioners?

Under the terms of many contracts between architects and builders or developers, the architect's independence is deliberately limited to ensure they either unaware of, or cannot reveal, substitutions

or design changes to the consumer. There are numerous examples where drawings prepared for town planning are subsequently restamped for building permit with little or no construction detail. The ACA would welcome any reform that limits these practices.

As noted above, the engagement of consultants whose work requires independence should not be engaged via the builder (**see also 2.7**). Procurement systems should aim to preserve independence in the pursuit of quality, mitigate risk and allocate the remaining risk to those most able to manage that risk.

3.2.3 Is there merit in introducing a ‘Clerk of Works’ or similar oversight function into the approvals process?

The ACA believes there is merit in introducing an independent assessor on site during the construction process for larger and more complex projects.

Current procurement processes such as novation and D&C contracts have restricted or removed the independent inspection role of architects. The problem is not necessarily the lack of a Clerk of Works role but the lack of independence and limited role of the architect on site.

Traditionally the Clerk of Works reported daily on-site activities related to quality and conformance to the Project Architect who was responsible for issuing contractual instructions to the Builder, with no direct approval or regulatory function. If the concept of a Clerk of Works was reintroduced it would be important to establish who they would be engaged by, report to, and what authority they would have on site.

Early risk analysis and risk-based decision making involving all parties is crucial to successful project delivery and consumer confidence. A framework for the identification of potential latent conditions at the earliest possible stage is just one way to address project risk. This places a greater emphasis on public safety and attends to long-term community and individual user benefits. It also ensures more certainty for the life of the project, reducing the potential for disputes and issues of non-compliance that might also result in costly penalties. This independence and risk analysis function is inherent to any Architect or Clerk of Works role performed on a given project.

3.2.4 Should the NSW system of requiring the developer to notify the regulator in advance of the issuing of an occupancy permit and associated enforcement measures be considered?

In most regulatory systems there is a process for obtaining necessary certificates and operational information from the builder prior to occupation. The NSW system assumes all as-built documentation is uploaded to the portal prior to occupancy permits being issued, which effectively means notifying the regulator.

The ACA would note that all permit and occupancy issues are time-sensitive and any system must be easy to navigate and not cause preventable delays to occupation. In any case, as-built documentation or notification of completion of concealed works cannot substitute for verification during construction and risks becoming an administrative formality.

3.2.5 Are there other key issues and possible improvements that the Panel should consider?

The BCR Recommendation 20 advocates that commercial buildings require a comprehensive digital building manual that should be created and lodged with the building owners and made available to successive building purchasers.

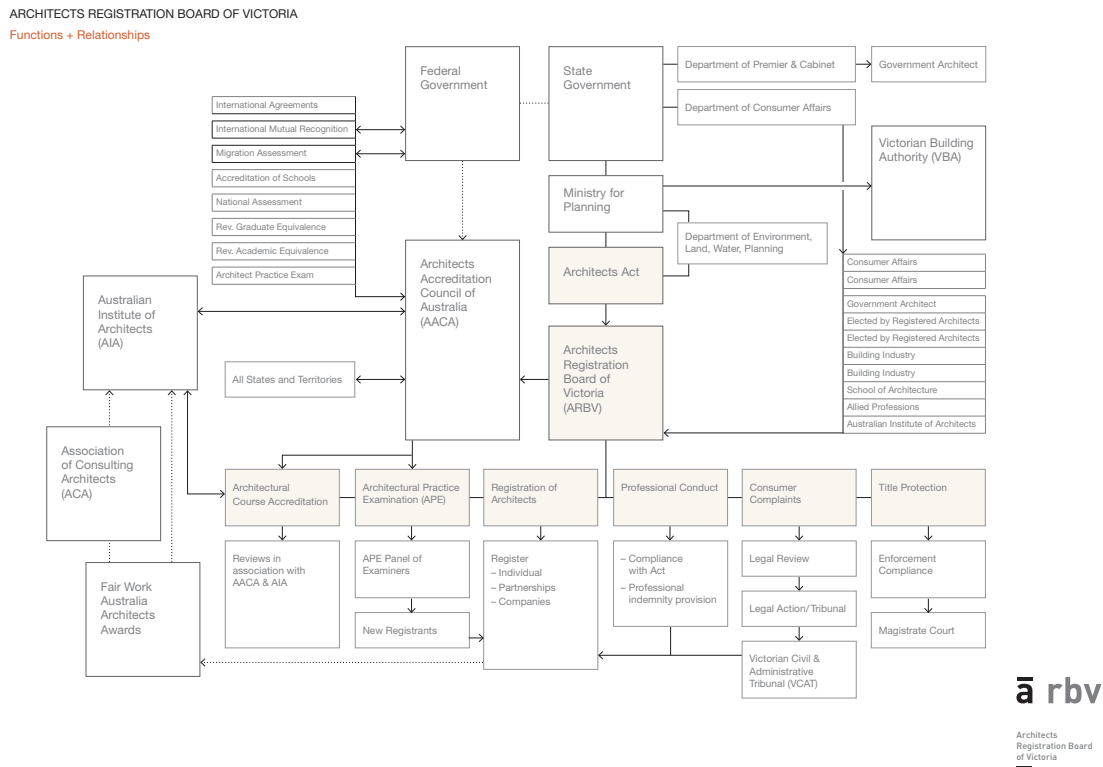
Recommendation 21 advocates the Building Ministers’ Forum agree its position on the establishment of a compulsory product certification system for high-risk building products. The proliferation of low-quality materials and systems, sometimes with deliberately false certification, is a continuing and urgent problem that must be addressed by governments at both state and national levels.

Both of the above recommendations from the FFR require careful consideration and further discussion with industry.

3.3 REGULATORY OVERSIGHT

The Architects Registration Board of Victoria (ARBV) regulates the architectural industry in Victoria, operating under the Architects Act 1991. Diagram 1 illustrates its function and relationship with various levels of government, industry organisations, peak bodies and regulatory authorities. Any reforms to the ARBV must be carefully considered, given its crucial role within both a Victorian and national regulatory context.

Diagram 1: Architects Registration Board of Victoria functions and relationships



The ARBV regulates professional conduct and practice, controls registration of individual architects and approves partnerships and companies that provide professional architectural services. It also administers the accreditation of educational courses and refers consumer complaints to an independent tribunal who can recommend sanctions or deregistration. Now mandating CPD, the ARBV administers Victorian compliance with the NSCA. Regularly and independently reviewed, these national competencies provide an important base from which to assess practitioner skill levels. As a profession, architects could do more to promote and utilise these competencies as a means for improving construction quality more broadly, and for boosting consumer confidence.

The FFR asks whether fragmentation of the regulation of design disciplines leads to poor outcomes. The ACA's position is that the complex nature of regulatory oversight requires specialisation of the regulatory framework to avoid a lowest common denominator approach to regulation. As part of a broader national system, the ARBV's interaction of registration and CPD, competency frameworks and accreditation of education is highly specialised, plays a crucial role within a broader national system, and should not be merged with other statutory regulators. We suggest that most regulatory issues related to building designers, building surveyors and engineers, for example, would be very different from those dealt with by the ARBV.

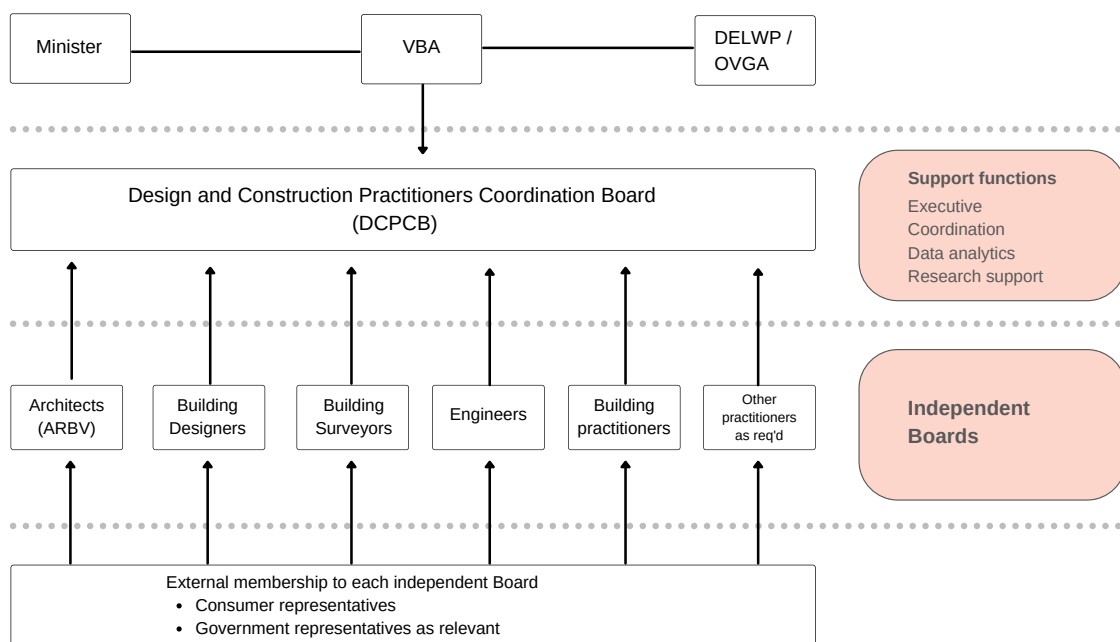
The ACA's preferred model is for the retention of the Architects Act and strengthening of the ARBV's functions.

As an independent, self-funded statutory authority, the ARBV currently sits under the Department of Environment, Land, Water and Planning (DELWP). An alternative would be to consider the ARBV to be auspiced by an entity such as the VBA Master Regulatory Body (**see 1.1 and Diagram 2 below**). This entity would contain independent boards from each discipline, i.e., building surveyors, engineers, building designers and builders, and would be responsible for the accreditation, registration, and compliance of their respective constituents. This would ensure a consistent executive oversight and accountability of all industry bodies responsible for work under the NCC.

The specialist perspectives and skills within the varying disciplines differ greatly, therefore separate regulatory authorities under the one master regulatory authority would be the most appropriate structural response. Separate regulators, versed in either design or construction are best placed to oversee appropriate levels of risk management and innovation that would deliver maximum value and safety to consumers.

Diagram 2: Proposed structure and possible membership of a Design and Construction Practitioners Coordination Board and relationships

Possible Structure & Membership of proposed Design and Construction Practitioners Co-ordination Board



Strategic Aim: Consolidated, effective, efficient and transparent accountability along the design and construction chain.

3.4 CONSUMER PROTECTION

Consumer protection is at the heart of each position and recommendation outlined above and, as such, should not be considered in isolation. Indeed, as a piece of legislation, the Architects Act 1991 enshrines the aims of our industry to protect consumers and construction quality as designed by an architect in Victoria. It protects the consumer from misrepresentation of qualifications and skills, and enables them to make conscious choices in the engagement of appropriately qualified design professionals who are bound by a code of conduct and minimum set of core competencies.

As the regulator of consumer protection on behalf of architects in Victoria, the ARBV exists to serve the public interest through the following functions, in adherence to this legislation:

1. The registration of architects;
2. The approval of architectural partnerships and architectural companies;
3. Regulation of the professional conduct of architects;
4. Provision of procedures for handling complaints against architects;
5. Regulation of the use of the words “architect”, and the terms “architectural services”, “architectural design services” and “architectural design”; and
6. Contribution to national initiatives and cooperation with Architects Boards in other states and territories.

The ARBV has regulated Architects effectively since 1991 but requires additional resources to continue and improve its central function as both industry support and regulator. Given its self-funded, independent statutory authority status, the ACA would support an increase in fees to reflect any anticipated increase in its function as part of a suite of broader regulatory reforms (*see also 1.3*).

In the [Health of the Australian Construction Industry Research Report](#) (University of Melbourne, 2020) a number of consumer protection reforms were proposed, in an effort to drive better building outcomes. These included addressing shortfalls in building contracting arrangements as mentioned above, and pursuing more opportunities for industry research. The ACA echoes the need for more independent research into the construction industry that would support improved consumer protection and confidence.

4. CLOSING SUMMARY

Architecture is a globally connected and integrated industry. To significantly improve consumer protection and ensure product quality and economic viability, we cannot make unilateral regulatory changes as a state without considering the national and international implications of such reforms. In principle, we support the consumer protection intentions inherent in the FFR and the BCR before it.

We recognise the fundamental, interdependent relationships between design and construction industry practitioners and believe that any reforms must be carefully considered. It is our view that the positions and recommendations noted above will contribute to achieving the desired strengthening of building quality and more appropriate regulatory controls, without diminishing the established gains as legislated for our profession.

The ACA stands ready to contribute to a reform framework that would propose robust, workable solutions for the broader industry, and maximum consumer confidence in buildings constructed to the highest possible design standards.

Yours faithfully,



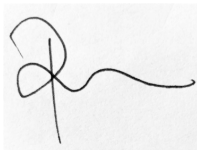
Paul Viney
ACA VIC/TAS President




Angelina Pillai
ACA Chief Executive Officer



John Held
ACA National President



Phoebe LaGerche-Wijsman
ArchiTeam Cooperative CEO



Warwick Mihaly
ArchiTeam Cooperative Director