



NSW BUILDING REFORMS

Response to Draft Building Bill – Licensing Proposals 2023



NSW CHAPTER

Submission issued 11 August 2023

ABOUT THE INSTITUTE

The Australian Institute of Architects (the Institute) is the peak body for the Architectural profession in Australia. It is an independent, national member organisation with around 13,500 members across Australia and overseas including almost 4,000 members in the NSW Chapter.

The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of Architects and Architecture to the sustainable growth of our communities, economy and culture.

The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

PURPOSE

- This submission is made by the Australian Institute of Architects (the Institute) to provide comment on the Draft Building Bill – Licensing Proposals 2023.
- At the time of this submission the National President is Stuart Tanner and the NSW Chapter President is Adam Haddow.

CONTACT DETAILS

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1 INTRODUCTION

The Australian Institute of Architects (the Institute) and its members are dedicated to raising the quality of the built environment for people and to the advancement of architecture. We seek to improve the enduring health and wellbeing of all Australians and our diverse communities. We are grateful for the opportunity of reviewing the Draft Building Bill and providing our feedback.

Architecture influences all aspects of the built environment and brings together the arts, environmental awareness, the sciences and technology. By combining creative design with technical knowledge, architects create the physical environment in which people live, work and play, which in turn, strongly influences our quality of life. Through its members, the Institute plays a major role in shaping Australia's future.

The Institute has continued to call on all Australian governments to take action and urgently improve how building and construction is regulated in response to the recommendations of the Shergold-Weir 'Building Confidence' report. We are strongly encouraged by the quality and the nation-leading volume of work which has been undertaken by the NSW government in this area and will continue to engage with government to assist these important reforms continue into the future.

2 DRAFT BUILDING BILL – LICENSING PROPOSALS 2023 FEEDBACK

Q.27 Do you support the Department's proposal to introduce licencing requirements for building designers? Why / why not?

Yes. The Institute strongly supports the licensing of building designers and believes this will deliver much need protection for consumers.

The Institute recommends the scope of work for building designers adopt a risk-based approach and be determined by:

- Class, according to the Building Code of Australia
- Building levels and size
- Building typology
- Building complexity
- NCC Construction type
- Building Procurement Model

UNRESTRICTED CLASS OF BUILDING DESIGNER

The Institute believes an unrestricted class of building designer may result in unintended consequences, will reduce consumer protection, and will impair international recognition of our skills base by indicating that an Architect and Building Designer (Level 1) are equivalent in terms of their education, skills, experience, ongoing professional development, regulation, and expertise when they are clearly not the same.

It is not easy for consumers to understand the difference between a Building Designer and an Architect. By conflating the two professions, the NRF and the Draft Building Bill is signalling to the market that the product delivered by the two will be of the same quality.

The table below sets out the differences between the two professions.

Table 1: Registration requirements

| Requirement | Architect | Building Designer Lvl 1 |
|---------------|--------------------------------------------------------------------|----------------------------------|
| Qualification | Bachelor degree (3 years f/t) plus Masters degree (2 years f/t) | Bachelor degree (3 years f/t) |

| | | |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| Australian Qualifications Framework (AQF) | Level 9 | Level 7 |
| National Competency Standards | National Standard of Competency for Architects (NSCA) | None |
| Experience | 3,300 hours of logged, verified, and appraised supervised practice (approx. 3-5 years to achieve) | None <i>NRF propose 3 years</i> |
| Examination | Architectural Practice Exam (APE), including oral and written examination administered nationally by the Architects Accreditation Council of Australia (ACA) | None |
| Code of professional Conduct | Yes | None |
| Ongoing compulsory CPD (audited) | Most States and Territories with specific focus on NCC | None <i>NRF recommends for NCC</i> |
| International Mutual recognition of registration | Yes with selected countries | None |

By State and Territory law, architectural education, accreditation, requisite professional experience, and registration examination are rigorously interconnected across Australia. Without completing all the registration components, a candidate cannot apply for registration as an Architect or provide architectural services as defined under each State and Territory's relevant Act.

The Institute believes that any new registration process and stated provision of services, as outlined under any new State/Territory legislation, must include the following:

- Competency frameworks that go beyond education qualification and years of experience alone
- Suitable robust independent methods of assessment of education standards against a common set of national competency standards equivalent to the ACA's NSCA
- National regulatory body responsible for accreditation of building designer qualification providers equivalent to ACA
- Suitable robust and independent methods of assessment of practitioners against standards established by the competency framework

- Strong codes of conduct focussed on consumer protection, with appropriate investigatory powers and sanctions
- Mandated professional indemnity insurance of coverage suited to the work being performed
- Ongoing and audited requirement for Continuing Professional Development (CPD)

SUMMARY

The Institute maintains that:

1. Architects be identified as able to prepare design documentation, provide design, construction, supervisory oversight, and provide relevant certifications, such as design compliance declarations, for all building types, categories, and levels of complexity; and
2. Building Designers be identified as providing a limited scope of work (low rise & medium rise) unless they can demonstrate equivalent qualifications, independent oversight and experience as a registered Architect.

It is critical to note that under the current DBP Act and Regulation, some fully registered and experienced architects are restricted from operating as Design Practitioners-Architectural due to the stringent experience parameters. To endorse Building Designers with less expertise and independent oversight in an unrestricted class appears disproportionate and discordant with the intent of the building reforms to protect the consumers of NSW.

3 CONCLUSION

Thank you for the opportunity to review the Draft Building Bill – Licensing Proposals 2023 and to provide our feedback and recommendations. The Institute is extremely pleased to be able to continue to support reform aimed at rebuilding consumer confidence in the NSW building and construction industry.

Should you require any further information or wish to discuss any of our feedback, please feel free to contact us. We welcome the opportunity for continued consultation as the NSW Building Reforms continue to evolve and we offer the Institute’s support in assisting government to achieve high-quality and trustworthy built outcomes for all in NSW.