



Attorney-General  
Minister for Justice  
Minister for Corrections  
Minister for Building and Construction  
Minister for the Arts  
Minister for Heritage

Level 10, 15 Murray St,  
Hobart TAS 7000

Date: 16.09.2020

By email to: [Minister.Archer@dpac.tas.gov.au](mailto:Minister.Archer@dpac.tas.gov.au)

Dear Minister Archer,

## **RE: NATIONAL REGISTRATION FRAMEWORK FOR BUILDING PRACTITIONERS**

On behalf of the Tasmanian Chapter of the Australian Institute of Architects (the Institute), we would like to make the following comments regarding the Australian Building Codes Board (ABCB) National Registration Framework for Building Practitioners (NRF), as currently proposed (August 2020). We understand that the ABCB are meeting on September 24 to discuss this and we strongly urge the NFR to be changed, based on the following:

### **Does not support the Building Confidence Report intent**

- The National Registration Framework for Building Practitioners, as currently proposed (August 2020), will have unintended consequences and will result in poorer quality and a less safe outcome for the public – the end users of buildings.
- This directly contradicts the purpose of the Building Confidence Report recommendations. The purpose of the report is not merely to ensure compliance with the NCC, but to raise the quality of buildings and outcomes for consumers and rebuild public confidence in the industry.
- The current proposals, particularly in terms of building designers and project managers, are insufficient to raise confidence in the building industry, because the bar has been set at a level that is too low to ensure quality outcomes.

- The stated objectives of the Building Confidence Report are to ‘enhance public trust and confidence in the building industry’. This will be best achieved through prioritising professionalism and higher levels of competence for all practitioners.

### **Should be based on an assessment of competence**

- The (proposed) NRF is not based on assessment of competency, which is a well-recognised high-quality benchmark for assessment that results in better building outcomes. Experience does not equal competence. Experience equals merely experience and can relate to someone who has done something for a long time, and not necessarily well. There must be an underpinning robust assessment process of experience levels that translate to competencies. These competencies from different types of practitioners in the levels outlined in the NRF must be comparable.

### **Education and experience requirements are too low**

- The levels of education and assessment of experience set out in the NRF are inappropriate with regard to the skills required to deliver safe buildings and buildings that comply with the NCC in all of its aspects.
- For instance, there are increasing professional registration, mandatory training and experience requirements for registered architects. It appears that the NRF is reducing the level of education, experience and skill required to design and document buildings in the building designer category of the NRF, at level 1 in particular, but also in level 2.
- The NRF allows building designers with a diploma in building design (a 1 to 2-year course) with 3 years post qualification experience to be able to undertake a good proportion of building types that currently require a registered architect. Registration requirements for architects relate to education, experience and demonstration of competency through an examination and interview against national competency standards that are recognised internationally. There is currently no comparable assessment process for building designers.
- The NRF does not recognise the significant differences in education and mandatory practical experience between registered architects and others providing building design services. This lack of regulatory recognition corresponds to confusion within the community as to the role and capabilities of an architect as opposed to a designer/drafter and can result in poor quality outcomes and risks to safety.
- Academic qualifications identified in the draft NRF appear out of step with the current framework for Architectural Qualifications. The Schools of Architecture in Australia deliver a two-tier degree programme with a Master’s Degree required to qualify for registration (AACA Accreditation 2019). This is equivalent to the AQF 9 not AQF 8 as set out in the NRF.
- AQF level 9 criteria provides that graduates at this level will have specialised knowledge and skills for research, and/or professional practice and/or further

learning. Graduates at this level will have advanced and integrated understanding of a complex body of knowledge in one or more disciplines or areas of practice.

- Graduates at this level will have expert, specialised cognitive and technical skills in a body of knowledge or practice to independently:
  - analyse critically, reflect on and synthesise complex information, problems, concepts and theories
  - research and apply established theories to a body of knowledge or practice
  - interpret and transmit knowledge, skills and ideas to specialist and non-specialist audiences

Graduates at this level will apply knowledge and skills to demonstrate autonomy, expert judgement, adaptability and responsibility as a practitioner or learner

- The knowledge and skill outlined above is appropriate for level 1 and is particularly relevant to developing performance solutions under the NCC.
- Architects have completed an accredited program in architecture at AQF level 9, a mandatory period of two years minimum of relevant work experience and the Architectural Practice Examination prior to applying for registration as an architect. Each of the assessment programs on the [pathway to registration](#) are benchmarked against the [National Standard of Competency for Architects](#). All assessment programs use the context of a complex project for assessment of competency.
- For experienced design practitioners who have not utilised the conventional pathway to registration as an architect there are a number of [pathways to registration](#) available to relevantly experienced practitioners.
- The NRF should be lifting the competency of professionals across the spectrum of building designers to an equivalent level with Architects, rather than proposing a scheme that would lower the standards across the industry and increasing risks for poor outcomes for consumers by having less qualified practitioners. This proposed NRF proposes registration of building designers before they have developed the required competencies to practice in projects of high complexity or at large scale for class 3-9 buildings.

## Registration levels

What is proposed – A building designer registered at the relevant level is permitted to design and document building design work using Performance or Deemed-to-Satisfy Solutions. The three levels of registered building designer are:

1. Registered building designer level 1 All buildings
2. Registered building designer level 2 Medium rise buildings
3. Registered building designer level 3 Low rise buildings

An individual registered as an architect under architect's legislation will meet the requirements to be registered as a building designer level 1.

- We would strongly recommend that they be described as follows:

1. Registered Architect – All Buildings
2. Registered building designer level 2 Medium rise buildings (with medium rise being defined as two storeys rather than three – and with qualifications on it depending on the number of consultants that are required to deliver the building).
3. Registered building designer level 3 Low rise buildings
  - This would then prevent the necessity of requiring registered architects (noting they are already registered to practice) to also be registered as building designers. It would also differentiate between skill level of an architect and building designer and provide greater confidence and understanding for the public.
  - The issue we have relates to the scope of work in each level and the qualifications and experience requirements in each level. Design of buildings of type A should be restricted to registered architects and the management and coordination of design follows that same logic through various classes of building designer. Class A buildings are the source of the most drastic failures and risks.
  - Architects are the profession who would, traditionally, provide expert and impartial input in relation to design, regulatory compliance and construction quality.
  - Architects are required by (legislated state) Registration Acts to be professional providers of design and documentation services as well as independent arbitrators between the client and contractor during construction. The knowledge and capability of designers who have not completed the prescribed tertiary education and post graduate architectural registration requirements are significantly less than those of a registered architect. In addition, designers are also not required to be insured (increasing community risk) or to abide by a code of ethics, which are both requirements of architectural registration.

### **Scope of work**

- The NRF views architects as largely equal to building designers and other lesser qualified practitioners offering building design services. This does not provide clarity regarding the relative capabilities of an architect as opposed to a building designer or drafter and will not result in improved public confidence, which is the core objective of the Building Confidence Report.
- The NRF and Taxonomy provide a register of individuals in core disciplines. This will only be effective providing each core discipline is appropriately framed.
- The Taxonomy lists people qualified to undertake Design Level 1 as having an ‘Approved degree in architecture, architectural science or architectural design’. This demonstrates a fundamental misunderstanding of the difference between the education pathway required by a registered architect and that required for other designers within the building sector.
- Building science and building design degrees do not provide an equivalent scope or standard of education to that attained by a graduate of an accredited architectural program. It is therefore not reasonable to expect the same standard

of service to be provided by a building or other designer as can be expected from a registered architect.

### **The distinction between architects and building designers**

- Architectural science and architectural are not terms supported by various Architectural Registration Acts in Australia. The restriction of the term architect is stipulated so that the public and consumers of architectural services have confidence in the standard of professionalism and expertise that they can reasonably expect an architect. This benefit is diminished when a system such as the NRF implies that people with lesser qualifications are capable of providing equivalent expertise to a registered architect.
- Using the term 'architect' in relation to people who are not registered is misleading and diminishes the very real distinction between the capability of an architect as opposed to a designer. This will not achieve the objective of the NRF, which is to clearly articulate the different roles that specific groups of people can undertake within the construction sector to a suitable standard. Incorrect use of the term architect also contradicts the Restrictions and Protections section of the NRF.
- Therefore, it is recommended that this distinction is expressed:
  - Through the removal of the use of the term 'architect' from the NRF, except where it refers to a person who is a registered architect.
  - in the Taxonomy, with registered architects being listed as the only practitioners suitably qualified to undertake Design Level 1.
  - In the education requirements, with Building Design Level 1 requiring an AQF Level 9 qualification, which is the level of education required to satisfy the architectural registration requirements.
- The NRF recognises the suitability of the existing architectural registration system in Australia, on the basis that it already meets the objectives of the NRF in relation to education, accreditation and mutual recognition. The benefits inherent in architectural registration should not be diminished by the failure of the NRF to clearly distinguish between architects and others involved in the design of buildings.

### **Medium rise definition**

The Taxonomy defines permitted work for level 2 as NCC Class 2 to 9 buildings - performance and DTS to a maximum of three storeys above a storey used for parking vehicles.

- The definition should be restricted to a maximum of two storeys rather than three. The three storey definition conflicts with the NSW SEPP 65, which defines apartment buildings 3 storeys or more to be designed by an architect.
- As well, the NRF should be required to deliver a robust system with the capability to handle the future of construction in Australia, which will be considerably more

complex. The below examples are areas that already exist. The 'normal' future of construction in Australia will include buildings which have:

- BiPV building cladding / facades generating power (it will look like normal cladding and will not be noticeable as solar panels)
  - Battery power storage for zero carbon
  - Mass food generation in basements
  - [Roof top gardens](#) for communal, social and environmental benefits
  - Food generation as a communal benefit on those roof tops
  - Recycling of food waste within that building to reduce garbage collection
  - Building management systems that open windows/louvres automatically to reduce the need for artificial air-con
  - Complex security systems without the use of cumbersome keys
  - No-car cities
  - [Self-charging driverless cars](#)
  - [Passive house](#)
  - Pre-fabrication
- For example, a 2-storey residential complex (e.g. a string of townhouses) with underground car parking, we can expect in the near future to also include all the items listed above. However, we would consider this a complex building and requiring a Level 1 training to design, co-ordinate and manage. The Level 2 definition does not comprehend this type of construction.

### **Risks to the future of the architecture profession**

- In its present form, Table O1 NRF Taxonomy Level 1, has the potential to reduce the accreditation requirements of a registered architect by allowing a comparison of a person with a degree in architecture plus NCC training to a registered architect.
- This document and the support of the ABCB may become an influential document in allowing the establishment of “building designers” to a lesser level than a registered architect but by association suggesting a person with a degree in architecture plus NCC training is equal to a registered architect.
- Given that the funding of University courses in architecture are tied to the requirements of practice, if the equivalent NRF registration requirements are lowered to undergraduate degree plus honours, the federal funding and HECS for masters of architecture may be removed.

### **Building Design (includes architect & draftsman) - Energy Efficiency**

There appears to be a misunderstanding of the role of architects and building designers with regard to commercial energy efficiency design work.

Some architects do specialise in energy efficiency, however it (and energy rating) does not naturally sit within the architectural discipline. Typically, commercial energy modelling

is undertaken by specially trained practitioners who may be architects, but who are more likely to be engineers or scientists. Residential energy modelling requires specific training that is not ordinarily included in architectural education. The training is state based and licenced. Practitioners come from architectural, engineering, science and building certification backgrounds.

The draft NRF suggests that a person should be a level 2 building designer before being able to be qualified as a level 2 energy efficiency designer. This is an overlap of professions that shouldn't be expected or suggested. Level 2 energy-efficiency design (commercial) is quite different to level 3 energy-efficiency design (residential). A level 2 energy-efficiency designer must not automatically qualify as a level 3 energy-efficiency designer.

Level 3 energy-efficiency design (residential), certificate IV in NatHERS aligns with current requirement for accredited assessors. Energy-efficiency-design should be its own discipline, and should be categorised by 'residential' and 'commercial', rather than a number system that suggests a commercially endorsed specialist can automatically qualify as residentially endorsed.

### **Building Design (includes architect & draftsman) - Access Consulting**

There appears to be a misunderstanding of the role of architects and building designers with regard to access consulting.

Some architects specialise in access design; however, it does not always sit within the architectural discipline. Often specialist access designers are required. This work is undertaken by specially trained practitioners who may be architects but could also be practitioners from building certification backgrounds. Architectural education includes access design, however, Certificate IV in disability access consulting is not ordinarily included. The training is state based and licenced. Registered architects may not have the required training or experience to perform this role at the level required by state licencing or Certificate IV in disability access consulting.

Clarity is required as to "normal" access design performed by architects, and those cases where licenced access experts should be engaged.

### **Project Management**

Architects must be included as project managers.

Project Managers are responsible for project managing the project. This includes managing the program, the scope, the inclusions of all the consultants, as well as managing the cost of the project and keeping the client well informed throughout the project.

Without a deep understanding and knowledge of:

- a) all of the consultants on the project,
- b) the future complexity of construction in Australia, and

c) the importance of the building to the public/urban design and other social implications, the project manager can be driven purely by time and cost.

We recommend the Project Manager should be AQF9 qualified and minimum 2 years post graduate experience, have a code of conduct and be required to hold PI insurance and do ongoing CPD annually.

We trust that the above will be taken into consideration in any discussion surrounding the NFR and we would welcome the opportunity to discuss this further with you. We are also endeavouring to meet with Peter Graham, the Executive Director of CBOS, who is also a member of the ABCB, to discuss this with him as a matter of priority.

Kind regards,



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