

**THE LEGISLATIVE COUNCIL SELECT COMMITTEE ON ACCREDITATION OF BUILDING PRACTITIONERS MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON WEDNESDAY 30 AUGUST 2006.**

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**Mr MARK DUNBABIN**, CHAIRMAN, BOARD OF ARCHITECTS TASMANIA WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Harriss) - Thanks gentlemen. Mark, Geoff is already aware from his appearance here yesterday that we need to make this preliminary comment and that is that because of the DPP investigating whether there is case to answer for criminal activity regarding the agreement signed between John White and Bryan Green, this committee will not be going down that path at all at this stage because there is a potential that we may be prejudicing the deliberations of the DPP. So anything you have to provide to the committee today in support of your extensive written submission will need to steer clear of that particular issue. Please proceed to give your evidence in support of your written submission and then we will ask some questions.

**Mr DUNBABIN** - Just as an overview of things from where we stand as the Board of Architects: we welcome the introduction of the act and accreditation of building practitioners. However, we have concerns as to how it has unfolded and how it has been implemented. Perhaps it would be suitable to give an overview of our involvement and where we sit in things.

**CHAIR** - Certainly. We did have the RAIA in before us yesterday so we are aware of some of the processes there as the professional group.

**Mr DUNBABIN** - We may overlap what they have said. Prior to the introduction of the act, we signified our intention to become an authorised body, to be a player in the accreditation of building practitioners, more specifically, building professionals. We signified our intention to go specifically to accredit architects but shortly after that we intended to go and join with engineers and to a wider industry group. So we submitted an application to become an authorised body: architects, engineers, building surveyors. I think we went right across to builders, the building groups as well.

**Mr HARPER** - That was via the Joint Industry Council.

**Mr DUNBABIN** - Consumer Affairs were also involved in that application. That was lodged but it did not reach the final hurdle due to Consumer Affairs withdrawing from that group. That particular application fell by the wayside.

**Mr WILKINSON** - Who was in that group first with Consumer Affairs and then Consumer Affairs pulled out?

**Mr HARPER** - Well, are you talking of the joint industry group's application?

**Mr WILL HODGMAN** - Yes.

**Mr HARPER** - In the BPACT application I think that you have there is a listing of about 13 signatories to a memorandum of understanding which I can tell you if you want them.

**Mr WILKINSON** - Engineers, architects, building surveyors.

**Mr DUNBABIN** - Building groups, HIA, MBA. Our belief was that the organisation vested with the role of accrediting building practitioners should be broadly industry based.

**Mr WILKINSON** - So it was an industry-based accreditation group that you wanted involved?

**Mr HARPER** - Do you want me to read the list of names that are on this list which I think you have got a copy of in the BPACT application? It was all 13 signatories of that where we were heading and thought that -

**Mr WILKINSON** - Consumer Affairs were on it and then they pulled out. Did they give you any reason?

**Mr HARPER** - No, Consumer Affairs were not on the joint industry group. The joint industry group put forward an application or intention to become an authorised body. After going through all the reference group material, we saw that there was a lot of synergies between all the organisations if we could come to agreement on certain standards and everybody going through a competency-based assessment, to have one body to do the accreditation.

**Mr WILKINSON** - I asked you about when Consumer Affairs pulled out.

**Mr HARPER** - Okay. I will get to that. The next step after that is that when we were developing the application of the joint industry group there was proposal put forward that Consumer Affairs could provide a lot of the front office for that group and then on 29 May 2003 the joint industry group agreed that the Consumer Affairs model would have a lot of advantages and therefore we put our efforts behind developing one with Consumer Affairs at that stage and that continued on, as you will see in the BPACT submission - and I will not go into detail now - until 15 August 2003 when we were advised that that was being withdrawn.

**Mr WILKINSON** - Were you given a reason as to why it was being withdrawn? That is what concerns me. Did Consumer Affairs say, 'Look, it is being withdrawn' for any reason?

**Mr HARPER** - There is in the BPACT submission - which we are getting into - an e-mail from Roy Ormerod that states that it is being withdrawn. That was the only reason that we were given in writing.

**Mr WILKINSON** - Is that all? You were given no other reason? What about by word of mouth? Were you given a reason for it?

**Mr HARPER** - There was a telephone call when I did speak to Roy and he said that he had been asked to withdraw it.

**Mr WILKINSON** - Did he say by whom?

**Mr HARPER** - No. As soon as we became aware of that there was - which once again is in the BPACT submission - a letter from myself to the Director of Building advising that we would put in a separate application again - that was from Engineers Australia. The Board of Architects had already flagged right at the beginning and the act was specifically changed to allow the board to become an authorised body or party to an authorised body. But the board's intent was always to go forward with that.

**Mr WILKINSON** - So all Roy Ormerod told you was that he had been told to withdraw it?

**Mr HARPER** - Yes.

**Mr WILKINSON** - He did not say, 'Look, John Howard told me to withdraw it' or anything like that? It was just, 'I've been told to withdraw it'?

**Mr HARPER** - Yes. He did not specify any person. I think the written e-mail that he sent out after that conversation was when he first was in there which does not give any reason at all.

**Mr DUNBABIN** - So sometime subsequent to the demise of that application the Board of Architects and Engineers Australia and the RAIA formed an organisation called BPACT with a view to submitting another application to become an authorised body. That was a pretty comprehensive submission. That was submitted and was also rejected, which was disappointing. That was essentially on the basis of maintaining the viability of the sole authorised body, the TCC.

**Ms FORREST** - The submission that you presented was compliant with the act. You were informed that it was compliant with the act but it was rejected on the basis that it would -

**Mr HARPER** - That is, in fact, the next one, not this one. So can we separate it? This is for the Board of Architects; if we leave the BPACT one until the next one.

**CHAIR** - The minister's letters are all included in there so we can come to that. Let us focus on the architects' involvement as that group. We will certainly come to the detail of the BPACT which ranges across that.

**Mr DUNBABIN** - We were one of the three parts making up BPACT. So that is where that was left. I do not know whether we want to talk about the Supreme Court.

**Mr HARPER** - I think that is a BPACT issue also.

**CHAIR** - Yes, it is.

**Ms FORREST** - At the beginning of your submission pretty well you talk about the transitional arrangements that were put in place when initially the accreditation process was set up and you note the transitional arrangement was meant to cease on 1 July 2004 but then the TCC continued, I believe, up until 30 June this year - or was that until next year, 2007?

**Mr HARPER** - That is stated in their documents. I believe that document was withdrawn later, after we brought that to the attention of the department.

**Ms FORREST** - Are you suggesting in this comment and through evidence that the transitional arrangements are still in place; they have not actually ceased the transitional arrangements?

**Mr HARPER** - We understand that they have now but - I think it is probably in the BPACT one again - their June 2006 newsletter states something along the lines that: since the transitional provisions ceased a few months ago.

**Ms FORREST** - That was in 2006?

**Mr HARPER** - That was in 2006.

**Ms FORREST** - It was supposed to finish in 2004?

**Mr HARPER** - Yes.

**Ms FORREST** - So it has gone for at least 18 months longer than the transitional arrangements were originally intended. Is that what you read by that?

**Mr HARPER** - Yes. The transitional arrangements were meant to be that any existing building practitioner could apply before the date of the introduction of the act and continue to operate, and after the date of commencement of the act, which was 1 July 2004, that any building practitioner seeking accreditation after that date had to have an AQF qualification or they had to have a qualification and experience suitable for the grade that they were seeking accreditation.

**Ms FORREST** - You're saying that hadn't actually occurred?

**Mr HARPER** - No, people were continuing to register.

**Ms FORREST** - Continuing to register without that qualification, and that aspect has possibly only ceased in the last few months?

**Mr HARPER** - Yes.

**Ms FORREST** - Okay, so, my understanding of the transitional period, and you might need to correct me on this, is that it was to allow practitioners that had been working in the industry without the requisite AQF qualifications to become accredited and in that transitional period of six or 12 months - I'm not sure how long that was - they had to work toward achieving that or demonstrating some way that they were competent to work in that field, is that fair?

**Mr HARPER** - No.

**Ms FORREST** - Can you explain what the transitional period was for then?

**Mr HARPER** - The transitional period was, as I say, up to the commencement of the act to allow any existing building practitioner to become accredited so they wouldn't be put out of work. A considerable amount of the industry, except for the three major building organisations, put forward suggestions that people seeking accreditation in that transitional period should still go through a competency-based assessment. In fact the proposal put forward was that, no they only had to provide something like two completion certificates of a building to get accredited as a builder, and we were saying no, they should go through against a set of standards, identify their shortcomings and be given the period for, say, the next three years to go and get some additional training in those areas as part of their CPD requirements to come up to speed.

**Ms FORREST** - Is this self-assessment we're talking about? Were they expected to do a self-assessment of their skills?

**Mr HARPER** - No.

**Ms FORREST** - Who was going to conduct that assessment, then, of their requirements to ensure that they were a competent practitioner?

**Mr HARPER** - The authorised body.

**Mr DUNBABIN** - The TCC.

**Ms FORREST** - So what skills and qualifications did the authorised body have to conduct an investigation on you as an architect?

**Mr HARPER** - Architects is the easy case.

**Mr DUNBABIN** - The easy case for TCC because -

**Ms FORREST** - Because of the national have a register?

**Mr DUNBABIN** - Yes.

**Ms FORREST** - Okay, we'll go to someone else then, like a building surveyor or someone who doesn't have that national register. What skills do they have to make that assessment?

**Mr DUNBABIN** - We've seen their overall structure, but we're not aware of the exact composition of their committees and panels and so forth.

**Ms FORREST** - So you can't actually make an assessment of that?

**Mr DUNBABIN** - No we can't.

**Mr HARPER** - But from an architect's point of view, of course, we had concerns that on day one when the act was introduced, as you see from our documentation, something like 30 per cent of the people listed as an architect on day one were in fact not architects.

**Ms FORREST** - Well they weren't registered on the national register.

**Mr HARPER** - Well they weren't on the Tasmanian register, because there is a register in each State.

**Ms FORREST** - Okay.

**Mr HARPER** - Therefore by definition they are not an architect because the term architect is restricted by the Architect's Act since 1929. Only people that are registered under the act can use the term in relation to building.

**Ms FORREST** - So have you or the Board of Architects challenged TCC on those listings?

**Mr HARPER** - We have. We brought that to the attention of the department and their list was immediately withdrawn.

**Ms FORREST** - So it was amended straightaway?

**Mr HARPER** - Well they withdrew that list, but then, as I mentioned yesterday, the professions were never invited to any implementation meetings with the TCC and it wasn't until December that we actually once again demonstrated that they were still listing people as architects that weren't. It wasn't until the 6 December meeting, which is documented here, that we pointed out why doesn't the TCC e-mail the Board of Architects to confirm whether somebody is an accredited architect before they process the application?

**Ms FORREST** - And that wasn't happening?

**Mr HARPER** - That wasn't happening until after that meeting in December.

**Ms FORREST** - That was December last year?

**Mr HARPER** - December 2004, about five months after the introduction of the act.

At the same time we still have concerns, in item 12 of our submission, that there are a large number of people who have been accredited as a building designer that are above the scope of work that was intended by the minister's guidelines. In fact, there are a couple listed. For example, Mark Lenardi has been accredited to do seven-storey buildings with a maximum floor area of 12 000 square metres when unless you're an architect you should have been restricted down to three storeys and 2 000 square metres. So it is those sorts of accreditations taking head which were outside the minister's guidelines and in fact, nothing against Barry Nelson, because he's an engineer, but he's been accredited as a building designer to do 13 storey buildings and 21 square metres and his qualification is as an engineer and a building surveyor, not as a designer as in the architectural design, but he has been accredited to do 13-storey buildings.

**Ms FORREST** - So you'd suggest in that accreditation that people who are making this assessment and accrediting them under that field don't actually understand the field or understand what is required by that level of accreditation?

**Mr HARPER** - Yes.

**Ms FORREST** - My understanding of how it worked was TCC asked for expressions of interest; they received expressions of interest from whoever; they sent in that expression of interest detailing which areas they wanted to be accredited in?

**Mr HARPER** - Yes.

**Ms FORREST** - So why would someone ask for an accreditation above what they could demonstrate? Is it to increase their capacity?

**Mr DUNBABIN** - It ups the number of projects you can be involved in. It increases the scope.

**Ms FORREST** - So they were just relying on being accredited without demonstrating that they were capable of it, is that what's happened here?

**Mr DUNBABIN** - We don't know.

**Ms THORP** - You can't just guess what someone may have done something for.

**Ms FORREST** - No, that's true, but I'm just wondering if someone's applying for -

**Mr DUNBABIN** - We weren't party to what people took to the TCC in terms of their -

**Ms FORREST** - But that's the process though. They said that the applicant said which areas they wanted to be accredited in and put that in, and shouldn't they have had to provide evidence at that time as part of the application? Then the accrediting person looks at the application, looks at the supporting documents and makes a decision on whether that person should be accredited as they have requested or would they say you can be accredited for this and this but not that, is that how that system worked? You may not be able to answer this question because you didn't do it, I know, but when you put in an application you would actually have to ask for the areas you wanted to be accredited in, wouldn't you?

**Mr DUNBABIN** - Yes, and it does appear that there seems to be a number of categories there that are not to do with the act. They are not part of the guidelines. They appear to be created along the way.

**Mr DEAN** - In this position where this person received an accreditation for what he was not able to be accredited for, has that been done because of a misinterpretation of the minister's clear directions or has it been done because we can do it?

**Mr DUNBABIN** - I wouldn't have thought they had the ability to -

**Mrs SMITH** - We've got to ask TCC that. I think we're asking a presumption.

**Mr DEAN** - No, I don't want a presumption, but the interpretation is clear to you, is it, of the minister's directions in regard to all of this?

**Mr HARPER** - It is listed as the classes of building practitioners levels and -

**Mr DEAN** - There is no ambiguity in it, I guess I'm getting from you?

**Mr HARPER** - No, because each of these groups of people or each class then had the appropriate qualifications linked to those classes to determine the skills where people fell and could be accredited.

**Mr DEAN** - Okay, right so it's very clearly articulated.

**Mr HARPER** - Yes. As I say, unless you're an architect you should have been restricted to three storeys and 2 000 square metres of building, and these people have been accredited way above that.

**Mr WILKINSON** - What you said troubles me a bit that 36 people applied to be accredited architects. Out of those 36 people how many were actually qualified through the normal process; that is, university? How many had architectural degrees?

**Mr DUNBABIN** - Well, it goes beyond the degrees as well, given you then have two years of experience under a registered architect. You then sit practice exams, which are national, and having passed those you are then a registered architect.

**Mr WILKINSON** - So these people are what? Had they gone through the university course and got their Bachelor of Architecture?

**Mr DUNBABIN** - We are not aware of what qualifications they have. So they may or may not have.

**Mrs SMITH** - If I might ask a question to get some clarification here because we are asking a lot of presumption and I do not want to give presumption. You are representing the Board of Architects of Tasmania. Is it possible that architects could be accredited through the TCC from overseas or other States without it coming through a process you would be aware of? That would be perfectly legal.

**Mr HARPER** - No, because the Board of Architects of Tasmania states that the act prohibits anybody that is not accredited or registered with the Board of Architects from practising in Tasmania.

**Mrs SMITH** - So a European who wanted to be accredited or a New South Welshman would have to come through your board to get accredited before they could go to TCC? Is that correct?

**Mr DUNBABIN** - To be registered in Tasmania.

**Mrs SMITH** - Thank you.

**Mr HARPER** - The minister's guidelines specifically state that they need to be accredited by the board.

**Mr WILKINSON** - As a board of architects you would have, would you not, a list of the people who are on your register and their qualifications? In other words, if you are a



lawyer the Law Society knows that Bill Bloggs has an LLB and he received that in 1972; therefore, it is very easy to trace back to see whether the people who made application for accreditation had actually received their degrees.

**Ms THORP** - And is it not fair to say in your submission, too, that you are quite happy to check for TCC - double check - that that is case?

**Mr DUNBABIN** - Yes.

**Ms THORP** - But also take into account that it is possible that someone has not paid their fee for some reason or they have gone on extended leave and have dropped off your books?

**Mr DUNBABIN** - Yes.

**Mr DEAN** - Just on that, to your knowledge, are there any cases that you are aware of where somebody from outside of this State has gone direct to the TCC to get accreditation and the TCC have said, 'No, you must be registered through the Board of Architects' and so on? Are there any examples of that, to your knowledge?

**Mr HARPER** - Now there is because anybody that wishes to be accredited with the TCC does follow that model after that December meeting that we had in 2004.

**Mr DEAN** - After 2004 that occurred, right.

**Mr HARPER** - In fact with any documentation that the board sends out when people come to us to get registered, we advise them in writing, 'Even though you are registered as an architect by this board, you can not practise as an architect until you go and get accreditation under the Building Act'.

**Mr DEAN** - Thank you for clearing that up.

**Mr DUNBABIN** - I guess for architects, in our case, it is probably more clear cut than most. The registration procedures are already there.

**CHAIR** - Mark, I am looking at your attached document 4, the letter from Bryan Green to Mike Roussos, which suggests that an architect's registration by the Board of Architects will be deemed all that is necessary for accreditation under the TCC process if TCC had asked the Board of Architects to confirm that. Is that not the case?

**Mr DUNBABIN** - Yes.

**CHAIR** - Has the TCC asked the Board of Architects to confirm those registration processes by the Board of Architects?

**Mr HARPER** - I am sorry, I do not quite understand the question.

**CHAIR** - I am looking at that attached document 4 and the third paragraph; the last couple of words there: 'The minister advised that there have not been any transitional provisions for architects as registration by the Board is the accreditation requirement'. So my question is: has the TCC, during that process, asked the Board of Architects to confirm

that any applicant for the TCC accreditation is in fact registered by the Board of Architects?

**Mr HARPER** - Since that December 2004 meeting, yes. Prior to that, no.

**CHAIR** - So in that respect, addressing Mark's point, for architects the whole process here about accreditation with the TCC is relatively simple.

**Mr HARPER** - After sending in his expression of interest in becoming an architect, the response Patrick Young received is attached at item 20 of our submission, which basically says the requirements for the category you have chosen are registration under the Architects Act and personal indemnity insurance. So all the TCC had to do then was confirm with the board that they were a registered architect and then ensure that they had professional indemnity insurance. That's the end of the matter.

**Ms FORREST** - Which makes it difficult to justify the fee.

**Mr HARPER** - Exactly. That is one of the reasons we went down the BPACT track and we are happy with the Consumer Affairs model because it recognised that the assessment and the qualifications and the person's competence had already been assessed through the earlier registration exempts.

**Ms FORREST** - So the fee that is charged to accredit building practitioners or building surveyors may be - and it is a question for TCC also obviously - to cover checking up on the evidence that person provides that they meet the criteria that would make them an accredited person under that category. For the architects, all the TCC has to do is check with the board that this person is registered and that their professional indemnity insurance is current?

**Mr HARPER** - Yes.

**Mr DUNBABIN** - Yes, so that's one of the concerns that we have, the blanket fee that is common across everybody.

**Ms FORREST** - Yes. It is fair to suggest that the Board of Architects would suggest it is an excessive fee for that particular service. We talked with the previous submission about it being considered by many people that an application fee plus the registration fee is acceptable, particularly for the first registration because you've got the extra work to do to check out that person's credentials. In the case of the architects what you're saying is that there is no checking that needs to be done so that initial extra application fee is perhaps superfluous to their requirements and the ongoing registration fee should possibly be less too because of the amount of work that doesn't have to be done. Is that a correct assessment?

**Mr HARPER** - Yes. You probably still need some sort of initial application fee but only a fairly nominal fee to put them on there and just do the paperwork processing. For example, the Board of Architects' annual fees are currently \$54.45 and the application fee is \$60.50 plus a certificate fee of \$12.10. But that's because they have already done the architectural practice exam and paid for that at an earlier stage.

**Mrs SMITH** - Would you accept it a fair presumption that the fees that are paid to TCC do more than just register a person, in your case a tick-off by your organisation, that those fees will be used or should be presumed to be used for auditing and training et cetera that architects would be involved in, so it is more than just ticking the box to say this person is accredited as an architect therefore he gets his total compliance, there is more to it than just checking that they are on your list, is that a fair presumption?

**Mr DUNBABIN** - It is. The three aspects of our accreditation are: registration as an architect; professional indemnity; and continuing professional development. The act requires that the authorised body carry out audits of professional development requirements. On that topic, we are not aware of any architects who have been audited thus far.

**Mrs SMITH** - But there is a presumption it should happen, and a presumption when you pay a fee that you're getting more than just what evidence appears to be saying?

**Mr HARPER** - It's not the role of the authorised body to provide professional development, it is only to ensure the people are actually undertaking professional development, so there is no cost in doing the professional development.

**Mr DUNBABIN** - Basically in your application you lodge you say how many professional development points you've earned and how you've earned them. You would provide that documentation to the authorised body.

**Mr WILKINSON** - Following on from Sue's argument, in most professions now there is this continuing education process that is carried on and, as Sue was saying, regarding the money that was requested by TCC you could assume that there was this continuing professional education, but, as I take it, that's not done by the TCC, that is done by the architects body or the engineers body, is that correct?

**Mr DUNBABIN** - Yes.

**Mr WILKINSON** - Therefore it is the architects body that runs that professional education or it is the engineers' body that runs that continuing professional education; it is not TCC.

**Ms THORP** - Or individual people.

**Mr HARPER** - Correct. Or any other universities.

**Mr DUNBABIN** - Anyone who is authorised to provide it.

**Ms THORP** - TCC's role is to ensure that that person has done it by just checking.

**Mr HARPER** - That you have your required number of points.

**Ms THORP** - Yes. Just like teachers have to do.

**CHAIR** - We have the BPACT submission to go, which may range across some of the things which we would have wanted to question you on in your submission. Does any member

want to ask Mark any specific questions related to his submission or, indeed, is there anything else, Mark, that you want to contribute? Ms Thorp has a question to you.

**Ms THORP** - I just have one. In reference to your page 4 with the little circle around it, in the second paragraph it says, 'For your information I have provided Mr Geoff Harper, a director of BPACT, with a statement of the reasons for my decision not to authorise that body. I have looked through and I cannot find it and I just wondered if either of you happened to know if we have received a copy?

**Mr HARPER** - Are you in the BPACT submission?

**CHAIR** - This is the letter from Bryan Green to Mike Roussos.

**Ms THORP** - Yes. I beg your pardon.

**Mr HARPER** - Sorry, yes. That statement of reason is in the BPACT submission and that document is in that submission. So if you want to wait until we swap hats we can go into that.

**Ms THORP** - Okay.

**Mrs SMITH** - At the end of 2005 were the Tasmanian architects comfortable with the arrangements they had in place with the TCC or did they believe there are still issues outstanding?

**Mr DUNBABIN** - We certainly believed there are issues outstanding.

**Mrs SMITH** - In your opinion, was the Government aware by the end of December 2005 that there were issues outstanding as far as the architects were concerned?

**Mr DUNBABIN** - I do not know whether the fact that we were seeking to have our own authorised body signalled our intent in that regard. They knew we still had concern about the level of fees and issues of that nature - some time ago. It was not as though we were in their office every day advising them.

**Mrs SMITH** - The last communication I can find between government and your organisation is August 2004. Would you have any written communication between yourselves and the Government through the building department regulator, whatever, since that time or is that the last written communication that you would have had? I am attempting to gauge the proven awareness of the State Government at the end of last year as to whether or not they were aware there were issues between TCC and those they are accrediting or whether that was just an external between those organisations and the accrediting authority.

**Mr HARPER** - The accreditation side of it had been sorted out so that was pursuing our case. So it was only matters relating to the fees, the CPD and the audits which were on record from some time ago but were not issues that were currently being communicated about.

**Mrs SMITH** - Thank you.

**CHAIR** - I am interested in the e-mail which Barry Neilson sent to you, Geoff; he makes a comment in there that the TCC do not seem to have any concept of mutual recognition, and clearly that is a concept prevailing across State jurisdictions. What impact has the lack of understanding, as suggested by Barry, of the mutual recognition principle by TCC had on any of your members in gaining accreditation here?

**Mr HARPER** - From an architect's point of view?

**CHAIR** - Yes.

**Mr HARPER** - Mutual recognition is direct to the Board of Architects and we operate under the mutual recognition act so if somebody is accredited as an architect in another State, provided they can provide the documentation and pay the appropriate fees then they will be registered as an architect.

**Mr DUNBABIN** - But this harks back to the issue we discussed a while ago of practitioners we considered to be accredited beyond their qualifications. I think in a couple of instances the mutual recognition tack was advanced as a reason.

**Mr HARPER** - Yes. In the individual persons that may not have been accredited as an architect, but in another State were able to do work to a certain level, then applied under to be accredited under the Building Act, and these are possibly some of the ones that we were referring to earlier that were accredited outside the guidelines to do a higher scope of work when there isn't any existence of such a level.

I think Barry has probably had a few people within his firm that they've tried to get accredited in Tasmania that were accredited in Victoria under the Building Act there and had difficulties, but I don't believe they were architects.

**Mr DEAN** - In that the TCC is a not-for-profit public administration company and you are a user of that group and they accredit architects, what sort of feedback have you had back from the TCC as to what they're doing, what's happening, where the funds are going? Have you yet to see any of that documentation, or have you sought any of that information from the TCC? Is it available to you?

**Mr DUNBABIN** - We've had very little advice as to what panels have been set up and the composition of them.

**Mr HARPER** - The TCC still seems to have in their mind that in the professional side of things they are a potential competitor and will provide us with very little information.

**Mr DEAN** - In public administration, a not-for-profit -

**Mr HARPER** - In a not-for-profit body you would think everything would be open.

**Mr DEAN** - That's what I'm getting to. But you're not able to get that access?

**Mr HARPER** - We haven't even been invited, shall we say, to participate in these panels and joint industry councils and boards that were supposedly going to be set up. We've had virtually no contact.

**Mr DEAN** - Thanks.

**CHAIR** - We may need to have you back to address term of reference (1) and that is the service level agreement, and the committee will make a judgment as to whether we do need to have you back, Mark.

**Mr WILKINSON** - What do you believe is the most appropriate method to have if we have to have this Tasmanian Compliance Corporation overriding all the building industry? Do you believe that architects should be left out of it, engineers should be left out of it, other professional bodies left out of it, and TCC just look after builders, let's say? Do you believe that it's necessary? Is there a better way, and if there is a better way, what is it?

**Mr DUNBABIN** - Which is more your term of reference (2).

**Mr WILKINSON** - If you'd like to think on that and perhaps write us a letter, if possible, setting that out.

**Mr DUNBABIN** - Right. In a nutshell our position is given that we've got the registration procedure in place nationally and we've got the model AACA, which is the umbrella organisation of all the State boards of architects, we feel that that suffices on the accreditation side of it, but in terms of the consumer side, we'd be more than happy to look at the consumer complaints and all that sort of thing handled outside of our jurisdiction.

**Mr WILKINSON** - So you're saying accreditation is safely in the hands of architects at the moment because supposedly their history has built that up.

**Mr HARPER** - Yes, it's pretty well enshrined.

**Mr WILKINSON** - But if there are any disputes, TCC can look at those disputes and let's say have independent people looking at those disputes to see whether there's any substance in them, is that what you're saying?

**Mr HARPER** - I don't think we're saying TCC, we're saying an appropriate body.

**Mr DUNBABIN** - A consumer advocate.

**Mr WILKINSON** - Consumer Affairs?

**Mr HARPER** - Well, we have seen that that would have been appropriate and that is why BPACT actually went down that track to allow Consumer Affairs. I have done a little comparison between what is about to be introduced, the Professional Standards Act, the Building Act, the Architects Act and also the Engineers, so I am quite happy to table that which shows you how much overlap there is between the same requirements and presumably at the end of that a consumer, for example, who this legislation is meant to

protect will only be confused about where they should go to lodge a complaint. They could go to the Board of Architects, they could go under Professional Standards legislation when that is operable, they could go under the Building Act, they could go to the Royal Australian Institute of Architects, they could actually go to Consumer Affairs or they could take action through the courts. The poor consumer would have very little knowledge of what is best and what results they will get out of any; that is why we were suggesting that some review of the whole consumer complaints handling would be very worthwhile.

**Mr DEAN** - When an architect seeks registration with your body, it must go through your board, through your body, you obviously verify all of the data and detail that is provided to you so you establish that they have done what they needed to do to become architects and all of that? That is all part of it?

**Mr DUNBABIN** - It is a submission of a log book of experience. That is assessed and it is then decided on the strength of that whether the candidate is able to sit the practice exam which is a national thing. They then go on to sit that practice exam.

**Mr DEAN** - So that is all a part of that process?

**Mr DUNBABIN** - Yes.

**Mr DEAN** - And then all of those things are in place for the protection of people who use architects?

**Mr DUNBABIN** - We have, under the act, a procedure but then people can also go to the Royal Australian Institute of Architects.

**Mr DEAN** - Another body?

**Mr HARPER** - The Board of Architects Act or the Architects Act does not require insurance but we have been for a number of years trying to get that into the Architects Act. Nor does it require CPD at the moment but the national model, which is included in this document, has all the requirements that we believe an act should have which are the national standard right around the country. So we are quite happy to give you this; it talks about the model and even has drafting instructions for the act. This has been around since 2001 but when we talked to government about that they said, 'Look, we are trying to get the Building Act introduced and operable and we will look at the amendments to the Architects Act later on'.

**Mr DEAN** - It may be helpful, Mr Chairman, I think, if it was produced.

**CHAIR** - Indeed. If you would like to table that, Geoff, please.

**Ms FORREST** - Regarding consumer complaints and representations, does the Board of Architects see potential that could be a conflict by the board itself or the national body, or whichever one it is, undertaking those complaints? You were saying with the registration process being managed by the board, the complaints process may be better separated so there is some distance between having architects assess architects against a complaint.

**Mr DUNBABIN** - Having it perceived to be in house, yes.

**Mr HARPER** - But it is also from a consumer's point of view. If I have a consumer, for example, and want to lodge a complaint, I am not sure whose fault it is so why do I need to go and lodge one up against the architects - one there, one there? I would be better off going to a central body who can make the assessment, has the expertise in the building area to work out whose fault it was, instead of consumers trying to work out where to go.

**Ms FORREST** - You are not suggesting that the board takes all those roles on board, so to speak, but in managing the accreditation side of it and, perhaps, the audit process - I am not sure what your views are there - but certainly the complaints process would possibly be better done by an external body, is that what you are suggesting?

**Mr HARPER** - Yes.

**Ms FORREST** - That is one of the criticisms I have read in some of these other submissions of like assessing like, whether it be architects, engineers, health professionals, lawyers, whoever.

**Mr HARPER** - That is the perception that may arise. Obviously, we would seek to hear these things.

**Ms FORREST** - Perception can be different from reality. Sometimes that is a problem, isn't it?

**Mr HARPER** - Yes.

**Ms FORREST** - Thank you.

**CHAIR** - As I said, Mark, we may need to have you back and if that is the case, we will be in touch. Thanks very much for being here at this stage.

**THE WITNESSES WITHDREW.**