



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

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ARCHITECTS AMENDMENT BILL

Mrs STUCKEY (Currumbin—LNP) (4.20 pm): Before I commence my contribution to this debate, I commend my colleague the member for Callide for his broad exposé on the Architects Amendment Bill. I think every architect in Queensland would be very proud to know how much he thinks of them. I was enjoying some of the architecture in this building a few minutes before this bill was actually brought on. I can tell members that there are some nooks and crannies here that are certainly fine pieces of architecture.

As I rise to speak in the debate on the Architects Amendment Bill 2010, which was introduced into the House on 9 February by the honourable Minister for Public Works and Information and Communication Technology, I would like to say from the outset that the LNP will be supporting this bill, as members have heard from my colleague. I extend my appreciation to the minister for offering myself and the opposition a briefing on this bill and the anticipated provisions within it last year. The departmental staff were most helpful, Minister, and I wish to record my thanks on the public record of this House this afternoon.

Mr Schwarten: Thank you.

Mrs STUCKEY: You're welcome. In addition, I would like to thank my adviser James Martin for his support and assistance.

The Architects Act 2002, known as the act, regulates the registration of architects and the practice of architecture in Queensland. First regulated in Queensland by the Architects Act 1928, provisions are currently controlled by the Architects Act 1985. Some members may be wishing to have the member for Callide back as I take them through some of these facts.

The Board of Architects of Queensland, also known as the board, which was established as a result of changes to the 2002 act—an act that dissolved the board established under the Architects Act 1985—presently administers the act. The board has experienced difficulties over the years in implementing this scheme, evidenced by the actuality that the transitional provisions of the 1985 act are still being used.

The proposed amendments in this bill feature a simplified registration scheme for architects, as the honourable member for Callide has already espoused. This will be achieved through the recognition of national procedures approved by the Architects Accreditation Council of Australia. Other provisions contained in this bill consist of extending the fitness to practice provisions through a health assessment in addition to the Board of Architects of Queensland's assessment; broadening the board's powers to apply for a criminal history in considering applicants for registration; extending the registration of an architect to include a non-practising architect presuming they meet the required provisions; and providing further grounds for the board to cancel the registration of an architect and implementing greater disciplinary processes.

A simplified registration scheme is a key platform of this legislation and competencies will no longer be prescribed by regulation. People will instead need to satisfy two criteria, those being holding an

academic qualification in architecture or a pass in the national program of assessment recognised by the AACA and proven competencies in the practice of architecture. If passed, which looks most likely, these amendments will make it unnecessary to have assessment entities as before and will bring Queensland into line with other Australian states and territories.

Released by the National Competition Council in May 2001, a staff discussion paper titled 'Reforming the regulation of the professions' recognised that the primary objective of regulating a profession is to protect the welfare of consumers and to protect the public. This bill has been introduced to rectify areas of the Architects Act 2002 that fall short of providing for the best interests of the profession and the public as consumers. It appears the overall aim is to bring the legislation into line with similar legislative standards regulating professions such as was the case with changes to the Professional Engineers Act 2002 that were made in April 2008.

Stated policy objectives of the 2002 act were to protect the public by ensuring architects' services were delivered in a professional and competent way and that standards of both practice and service were upheld. The bill before us today seeks to improve upon those objectives, and this is to be applauded.

Gaining adequate information about the skills of various practitioners is often difficult for consumers. More often than not, word of mouth referrals prove a frequently used and reliable method when in search of the services of various professional practitioners, and architects are no different. In some instances, potential customers may be lured by large advertisements or other marketing strategies but how do they know the service provider is honest and competent? Protection from uncertainties such as these are valid reasons why legislation needs to be updated and amended for the society we live in now.

Whilst this bill is not raising any contentious new laws I still wanted to make sure the industry did not have issues with certain aspects of it and that the value of design will not in any way be eroded by the implementation of this legislation. To this end, I consulted with key industry bodies such as the Australian Institute of Architects' Queensland chapter, the Association of Consulting Architects, the State Architect Mr Phillip Follent and former government architects.

For the most part, industry groups are happy with these amendments, stating they are pretty much what they expected. Some general reservations as to the regulation and processes for criminal history checks and health assessments were expressed and the comment was made that there appeared to be an overly strong emphasis on criminal activity.

These abovementioned mature former government architects remember the glory days when Queensland was making a name for itself as a progressive modern city. Hosting a successful Commonwealth Games in 1982 was indeed an honour. The Brisbane games are still held as one of the very best achievements of our previous architects. Everything went so well from the moment Matilda, a 13-metre mechanical kangaroo, helped out with the opening ceremony until the finale on 9 October. I note that Matilda was in the media again recently. A service station in Tugun wanted her to be displayed on the Gold Coast. It looks like poor old Matilda lost out as councillors determined she was too large to be on view. Interestingly, the Premier is launching a bid for the Gold Coast to host the 2018 Commonwealth Games. Perhaps she should use Matilda to improve our chances.

Six years later the games accomplishment was to be surpassed by the unforgettable Expo 88. I do ask for a little latitude to share a few key facts from that wonderful Expo. As the first free enterprise funded World Expo the exposition was a considered yet calculated risk for us here in Queensland. Some 7.8 million persons needed to have visited Expo over the six months for it to have been a successful exercise. That is an average of 42,000 visits per day over the 184 days of the Expo.

Hosting Expo in Australia and in Brisbane, with a local population of just over one million persons and getting a six-month figure more than seven times that figure, was by no means a fait accompli. Not only was World Expo 88 a success in goodwill and diplomacy, it put Brisbane on the global map. It managed to pay for itself many times over with no public debt or liability and reversed an alarming trend that had occurred in previous World Expos. Thanks to the government's foresight for this Expo and the leadership of Sir Llew Edwards and his team, the final statistics for the six-month Expo, including VIPs and staff, came to 18,574,476 visits—that is more than the whole population of Australia at the time.

Queensland experienced huge periods of growth during the seventies and eighties, yet due to the sound economic management of the government of those times—which I might add was not Labor—it did not get into debt as we see today. The ABC program *Keeping the Faith* asked a panel to come up with a single word to describe architecture. Their summation produced a sentence: it can delight or disturb, change our lives and finally outlive us. So with a leap of faith, we put our trust in the mind of the architect. It is interesting to note that one of the amendments focuses on the status of the mind of the architect and their fitness to practise in their chosen field, and I shall elaborate on that point later.

I had the pleasure of speaking recently with a long-serving government architect who informed me that architecture is a lifetime profession, which is why we need to streamline the regulations that are before us today. Together with engineers, he said, architects have always been the responsible party to get

projects done. The language with which he spoke was emotive and inspiring, much like the architectural feats that have shaped our nation and our state of Queensland. Architects are responsible for designing our houses, hospitals, universities, schools, courthouses, churches and community buildings, our museums and public spaces. Almost everything we see in our modern society has been gauged at some level by an architect who has shaped the vision, the design and the time and made a mark in history.

When one mentions 'architecture' and 'Queensland' together, it is impossible not to acknowledge the iconic Queenslander. Compatible with our unique climate, the broad verandahs, stumps and breezeways of the first Queensland homes were practical applications that soon typified our home-grown architecture. Modern trends have of course imparted their influence on the traditional Queensland dwelling. However, the sense of openness and relationship to the land are ongoing features attributable to these origins. The relatively young Gold Coast has experienced its share of design mistakes along with a neglect of infrastructure planning to cope with our rapid growth. Our long stretch of picturesque coastline lends itself to a smorgasbord of architects' ideas. Talks of statues of giant bronzed Aussie lifesavers positioned in the Broadwater reveal the boldness such a vibrant and youthful destination breeds.

One of Queensland's history-making buildings is located a mere 30 minutes drive from my electorate, visible from the sandy beaches of Currumbin and piercing the skyline with unmistakable presence. I speak of course of Q1—not Q2—the Sunland Group's record-breaking high-rise accommodation tower. Inspired by the Olympic torch, the design, construction and engineering of the world's tallest residential tower were awe inspiring to say the least. From a sustainability aspect, though—and the minister may be interested in this—the maximum use of glass skins is probably not practical and has proven to be a magnet for lightning.

In a truly benevolent gesture, Soheil Abedian, the architect who founded Sunland Group and gave us the world's first Palazzo Versace hotel, recently announced he would provide funds for a new architecture school at Bond University in February 2010. The school is due to open in January 2011 and the degree will take three years and four months to complete. This is exciting news for nascent designers and for Queensland, as expanding opportunities for education in architecture will allow the future visionaries of our state to develop. At a time when sustainable planning is critical for our exploding population, we must nurture and encourage the young and not-so-young minds to design wisely as living space becomes a premium.

The Architects Accreditation Council of Australia currently only recognises two educational institutions in Queensland for accredited qualifications, so it is fantastic to see the efforts of successful architects like Soheil giving back to the community. In Queensland there are 2,572 registered architects. To obtain a Bachelor of Architecture from QUT takes five years full time. At UQ a Bachelor of Architectural Design takes three years full time as an undergraduate plus one year full time for a professional Master of Architecture.

I move now to some of the changes that this bill will make. As mentioned previously, the proposed amendments are designed to update the regulations to current industry practices and are similar—but not the same—as the Professional Engineers Act. While this is a bill that is designed to bring provisions into line with national standards, it raises the substantial question of whether the new provisions create situations that can be exposed to abuses of process. The Scrutiny of Legislation Committee's *Legislation Alert No. 2* of this year draws the attention of the parliament to a number of amendments within this bill which may affect rights and liberties of individuals, including rights to privacy of personal information and to gain a living by work of a person's own choice. Section 7A deals with types of registration as an architect and the provision allows the registration of an architect under the act as a practising architect or a non-practising architect.

'Architect' is a controlled term and clarifies how a person can be identified as such and offers a degree of consumer protection. The term 'architect' is protected under the Architects Act 2002. Section 113 finds that a person who is not an architect but claims or holds themselves to be an architect is liable for a maximum penalty of 1,000 penalty units. Likewise, a person who is not an architect who uses the title 'architect' to promote or advertise their services will be liable for the same penalty under the act. These strict penalties are important to maintain the professionalism associated with qualified architects in the digital age, where website designers are calling themselves 'information architects' and offering courses to train others as such.

Non-practising architects are those who do not intend to practise during the current registration year—that is, they are academics or those not fulfilling practice requirements but still wanting to be identified as architects. It did seem unreasonable in previous legislation that if an architect chose a career path of academia they were not allowed to identify themselves as an architect, and I can see the minister is agreeing with me here. After all, they would have undergone the approved training. But there does appear to be no provision introduced to require those registered as non-practising architects to identify themselves

as such, and I would ask the minister to address that in his summing-up, or we can deal with it when we consider the clauses.

As I have already mentioned, consumer protection is at the core of these amendments. An article in the *Courier-Mail* of 6 November 2009 saw the Board of Architects of Queensland fine a Brisbane developer for falsely claiming that some of its homes were architecturally designed. This fine of \$17,500 against Paradise Homes was the first in Queensland. In addition, an employee was fined \$9,000 for the offence of 'holding out' using the title of architect. As with other professional bodies, there is a certain image and prestige in calling oneself an architect. People using this title offer reassurance to those who employ their services that they have undertaken study and reached a level of expertise. I might say that a particular Premier who is now living on the public purse in the US had a fondness for titles and the image they created. He collected doctorates as some collect footy signatures, and I do hope the minister does not have such lofty plans.

Mr Schwarten: I have got a doctorate, actually—an honorary doctorate from the Central Queensland University. There you go!

Mrs STUCKEY: Section 16 in clause 9 deals with registration requirements. I am actually almost speechless at that comment from the minister, so I will just take it on board. With regard to registration requirements, essentially these amendments remove the current regulations that control registration and simplify the process by prescribing national standards for registration. To qualify for registration under the existing act, an architect needed a qualification identified under the relevant regulation. Under these amendments, they will need a qualification recognised by the Architects Accreditation Council of Australia and to successfully complete the AACA architectural practice examination or a similar examination as approved by the board. This is bringing Queensland into line with other states and territories in Australia. According to the explanatory notes—

The qualifications and experience required to be registered as an architect will not change as a result of this Bill ...

I am sure there is a lot of relief in that for many students.

If this bill is passed, the board will have greater control over continuing registrations. With the passage of this bill through the parliament, the board will take over the responsibility from competency assessors. A registered architect will no longer need to comply with continuing competency requirements but with continuing registration requirements which will be controlled by the board. It will be the responsibility of the board under these amendments to decide if an architect has maintained competency to continue their registration.

New section 28 deals with extending the grounds by which a board can cancel a registration, that is, if the architect's registration to practise in Australia, another state or foreign country has been cancelled for disciplinary reasons under the relevant jurisdiction's law; or if the architect's membership of an association of architects in Australia or a foreign country has been cancelled for disciplinary reasons; or if the architect has contravened a condition of the architect's registration; or if the health assessment report given to the board under proposed section 35F finds that the architect is currently unable to competently and safely practise as an architect. No doubt it is in response to the influx of incompetent overseas doctors and other professionals who have caused bumbles that have affected the lives of Queenslanders that this government is applying such conditions in this legislation. The board will now have the power to cancel an architect's registration if their registration has been cancelled in another state or territory in Australia owing to disciplinary reasons or if a health assessment denies their ability to competently and safely practise as an architect.

A new section is proposed in this amendment bill, placing the onus on the architect to advise the board of any disciplinary action taken against them by another state or territory of Australia, or a foreign country, within 21 days of the action or they face a penalty. Clause 17 carries a maximum penalty of 50 penalty units, or \$5,000.

Another area covered in this bill is criminal history checks. This provision allows the board to ask the Commissioner of Police for a written report about the criminal history of a relevant person. This provision is part of the attempt to broaden the fitness to practise provisions, that is, whether the applicant has a conviction other than a spent conviction where the rehabilitation period of 10 years for an adult and five years for a child has lapsed without further conviction. Another provision states that a relevant person is an individual applying for registration, an architect applying for renewal of registration, or an individual applying for restoration of registration. There appears to be no other restriction, limitation or criteria set for when the board may exercise this power, which may well lead to issues regarding privacy.

Proposed new section 35D, titled 'Health assessment', allows the board to request that a registered architect undergo a health assessment if the board reasonably believes that the registered architect may

be physically or mentally impaired. The board must give the subject architect an information notice about this decision. The board may immediately suspend an architect's registration if the health assessment is not undertaken, or the architect does not cooperate with the doctor selected by the board. The health assessment report may be used only for the purposes of the act and must be destroyed as soon as practicable after it is no longer needed. If the health assessment proves that the architect is unable to practise in a safe and competent manner, then that architect may have to pay out of their own pocket for the reports, assessments or whatever else is required.

We can be thankful that here in Queensland indemnity insurance was set up with the Institute of Architects and the standard here in Australia is second to none. In China, with over 400,000 practising architects, there were no such standards of education in order to be registered. Just five years ago, China finally adopted the US standards to qualify students to be registered in order to access indemnity insurance. The board's role here in Queensland is now extended to advance educational and professional standards for architects, but, as I have said, they are already some that we can be proud of.

More transparency is required in the tendering process for major projects. Having made that comment, it is of note that Labor's track record on big projects is pretty hopeless. Take the North Bank experiment, where we saw people in this government wanting a concrete metropolis, wanting to spoil our river views by treating the river as a sewer and trying to build over it. We have not heard much about that proposal for some time and I would be very keen to hear what the latest update on it is. Another amendment proposes to increase the maximum penalty for disciplinary procedures from 40 penalty units to 200 penalty units, which will reflect the penalties within similar regulated professions, such as engineers.

I would like to close by adding my congratulations to Lindsay and Kerry Clare, who in March were awarded Australia's biggest architecture prize—the 2010 gold medal for architecture—during a ceremony hosted by the Australian Institute of Architects. This talented couple have combined work and home life in a 30-year professional and personal relationship. Their public works include the Gallery of Modern Art and the chancery building at the University of the Sunshine Coast. With those few words, I once again give the LNP's support to this bill.