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## Australian Institute of Architects

### Response to the Accredited Professional Scheme Draft August 2018

The Planning Task Group of the SA Chapter of the Australian Institute of Architects has reviewed the Accredited Professional Scheme Draft August 2018 and prepared the following response. The Institute supports the concept of an Accredited Professional Scheme to:

- ensure that persons engaged in discharging duties in relation to the PDI Act 2016 are suitably qualified to perform those duties competently, professionally and ethically
- provide the public with confidence in decisions made under the Act are robust and consistent with the intent of the PDI Act.

The Institute notes the following general comments.

- That the primary role for architects as accredited professionals within the PDI Act 2016 is at Accredited Professional – Planning level 2 (assessment panel member).
- That architects currently act as assessment panel members.
- That in the context of the PDI Act 2016 architects should be identified as the accredited professionals responsible for qualitative design assessment undertaken by assessment panels.
- That the requirements of the Accredited Professionals Scheme as detailed in the Draft August 2018 document are largely consistent with the requirements of the Architectural Practice Act 2009
- That the cost for an architect to be recognised as an Accredited professional – Planning level 2 be determined in recognition of:
  - the lesser evidence requirements as discussed in Part 3 below
  - the exemption from audit as stated in Section 26 Subsection (1)
  - inclusion of complaints procedures within the Architectural Practice Act as discussed in Part 6 below.

The remaining comments relate to specific sections of the document.

### Part 3 – General Provisions relating to accreditation

Architects operate under an Act of Parliament and maintain annual registration as required by the Architecture Practice Act 2009. As such, an architect should be recognised as Accredited professional - Planning level 2 for the purposes of the PDI Act 2016 without further requirements to provide evidence as specified in:

- Section 15 Subsection 1 (a) - an architect is required to have completed an accredited Master of Architecture and undertaken at least two years of post-graduate professional experience prior to being permitted to apply to register. Therefore, details of experience in relation to the technical skills (as listed under Planning level 2 of the draft Accredited

Professionals qualifications, experience and technical skills) should be the only requirements for architects in relation to this subsection.

- Section 15 Subsection 1 (b) - architects are required to observe The Architects' Code of Conduct, which we argue meets the requirements of the subsection.
- Section 16 Subsection 1 (a) - architects must hold professional indemnity insurance cover specific to the services that they deliver. This is in accordance with Section 16 Subsection (2) (b).

#### **Part 4 – Continuing Professional Development**

It is important to provide certainty regarding the criteria for assessment and recognition of CPD activities. If this is not provided there is a risk that the CPD standards will vary to an unacceptable level and participants may not maintain the required level of competency to perform their duties under the Act to an acceptable standard.

The following should be considered requirements for recognition of CPD courses or activities:

- Definition of competencies required by accredited professionals at each level
- Course/activity content and how it relates to these competencies
- Assessment of CPD courses/activities to determine the number of CPD points they will be accredited for
- Protocols for defining the learning outcomes that will be achieved by completing the course/activity.
- Standards for recording participant's learning outcomes for audit/re-accreditation purposes.

This level of detail is not currently provided.

#### **Part 6 – Complaints**

The Accredited Professional Scheme includes a complaints procedure, through which complaints that are specifically related to the PDI Act 2016 and the related Code of Conduct and be lodged and assessed. The Architectural Practice Act 2009 also includes a comprehensive complaints procedure, which has the power to investigate unprofessional conduct as defined in the Act.

The Institute argues that registered architects who are also Accredited professionals would potentially be subject to parallel complaints procedures and that this would duplicate these existing provisions and be unfairly onerous.

The Institute proposes that complaints raised against accredited professionals who are also registered architects be:

- Assessment of the complaint by the Accredited Professional Scheme Accreditation Authority to determine if there has been a breach of PDI Act or any regulations.
- Referral of any complaints deemed to warrant investigation to the Architectural Practice Board of South Australia (APBSA) in the first instance to determine whether it constituted a contravention or breach of a provision of the Architectural Practice Act 2009 or the Architects Code of Conduct. This is in accordance with Section 27 Subsection (6) (b). If the APBSA deem there are grounds for investigation, then they would pursue the matter and advise the PDI Act accreditation authority of the outcome.
- Matters deemed not to have breached the Architectural Practice Act 2009 would be returned to the Accredited Professional Scheme Accreditation Authority for consideration against the criteria stated in Section 27 Subsection (2).

This would ensure that complaints are considered by one authority only, and not subject to two separate investigations. Both complaints procedures operate under the jurisdiction of the South Australian Civil and Administrative Tribunal who have the responsibility for review of decisions.

## **Part 8 – Miscellaneous**

### Item 31 – Cancellation of professional indemnity insurance

The expectation that an insurer of an accredited professional would inform the accreditation authority of changes to their client's insurance policy is not reasonable. There is no mechanism to ensure that this would occur.

It would be advisable to reword this section to require the accredited professional (the insured) to inform the accreditation authority of any notice from their insurer that:

- they are intending to amend or cancel the policy
- have amended or cancelled the policy if advanced notice of the change is not provided.

## **Schedule 1 – Continuing Professional Development**

### 2 – Planning (Levels 1, 3, 4)

Section (3)(a) stipulates that a minimum of 2 CPD units must be in performance based planning or design. The Institute notes that this CPD requirement should not be considered as sufficient education to qualify accredited professionals other than registered architects to undertake performance based design assessment such as design review. This level of CPD would only provide non-architects with an overview of the considerations required to undertake performance based design assessment and equip them to recognise projects that require expert design review as part of the assessment process. It is not a substitute for five years of tertiary education.

### 3 – Planning (Level 2)

The comments provided above apply to this section also.

The Institute also believes that Accredited Professionals who participate in design review and any other forms of qualitative design assessment need to undertake and maintain specific professional development activities pertinent to this role in addition being registered architects or people with relevant design focused training and skills, such as urban designers and landscape architects. Just as heritage assessment is undertaken by architects with specific experience and qualifications, qualitative design assessment is a specialist field that should be undertaken by suitably qualified and experienced design professionals to achieve robust and respected outcomes.

### **Accredited Professionals qualifications, experience and expertise**

The Level 2: Assessment Panel Member includes professionals from fields allied to planning, including architects. However, the Recognised equivalent scheme criteria only pertain to organisations that represent planners. This should be amended to recognise members of allied professional bodies whose requirements are aligned with those of the Accredited Professional Scheme. This would include architects registered by the Architectural Practice Board of South Australia.

## **Conclusion**

In preparing this response, the Institute has raised several points which we consider will improve the efficiency of the Accredited Professional Scheme without compromising its effectiveness. As stated in our previous submission in relation to the Accredited Professionals Discussion Paper April 2018, we believe that the regulation already applicable to the architectural profession largely satisfies the requirements of the PDI Act and should be recognised to prevent duplication and reduce the costs of implementing and administering the Accredited Professional Scheme.