

BUILDING CONTROL (AMENDMENT) BILL 2010

WHAT IS WRONG WITH THE PROPOSED AMENDMENT?

IT IS UNNECESSARY

The Building Control Act 2007 already has independent, statutory “practical experience assessment procedures” to enable those who do not have architectural qualifications, but experience to apply for Registration. What is required under this process/grandfather clause is the submission of:

1. Information on four projects prepared by the applicant over a 10 year period.
2. A C.V. showing ten years of work in the field of architecture.
3. Details of the work carried out over a 10 year period commensurate with those of an architect.
4. Information on projects for each year of the period and declarations as to the authorship of the projects and all documentation necessary to support the information.

Any reasonably competent provider of architectural services should be able to provide such information – and have no reason to avoid the process.

IT UNDERMINES CONSUMER PROTECTION

The proposed amendment is based purely on self-declaration and quantitative, rather than qualitative assessment. It specifically excludes any type of independent assessment of the competence of the applicant leaving it open to question. This means ‘architects’ would be registered without reaching a required minimum standard in the interest of consumer protection. What the amendment tries to do is to serve, at the expense of the consumer, those who are unwilling to have their knowledge, skill and competences assessed by an independent Government appointed Statutory Board.

IT DAMAGES THE REPUTATION OF IRISH ARCHITECTS AND ARCHITECTURE

The proposed amendment specifically excludes compliance with the basic minimum EU standards for the education of architects. Those admitted to the Register through the proposed amendment could have the right to register in EU States, which would be contested by those States, and would cause the qualifications of every Irish architect to be questioned.

In the present economic circumstances many architectural practices and individual architects have to seek work abroad. The proposed amendment damages the internationally validated status of the Register and Irish architects with qualifications.

IT DISADVANTAGES YOUNGER ARCHITECTURAL GRADUATES

The Building control Act 2007 requires, as in many of EU Member States, both a formal qualification and a professional practice qualification. The Professional Practice qualification usually takes from two to three years after graduation to complete and includes two years practical experience, a lecture course and a written and oral examination. A 35 year old architect with a qualification, would still have to take the professional practice cycle or be exempted, in contrast with the unqualified 35 year old who can simply apply without any requirement to take a professional practice examination.

IT COULD COST THE STATE MORE

The amendment is so loosely constructed as to provide the possibility for virtually anybody working in the areas of building services, engineering etc. to apply, and given the complete absence of any objective assessment of competence to register as an architect. Such persons, employed in local authorities, semi-states or Government could then apply for payment at the grade of architect with substantial additional costs to the State.

IT IS INCONSISTENT WITH THE REST OF LEGISLATION

The proposed amendment introduces a far lower level for registration as an architect by practical experience than is provided for in the section of the Act dealing with building surveyors and quantity surveyors which still include qualitative assessment, interview and verification.

MISINFORMATION ABOUT THE REGISTER – AND THE FACTS
THE TECHNICAL ASSESSMENT PROCESS IS NOT INDEPENDENT

Answer: The process is completely separate from the RIAI.

RIAI, as Registration Body, does not have a role in the assessment of those not having architectural qualifications or the decisions taken. The responsibility is that of the independent Technical Assessment Board which has four non-architects appointed by the Minister for the Environment, three architects nominated by the RIAI and a Chairperson/Barrister nominated again by the Minister. The Board has appointed panels of expert architects to provide an opinion on the submissions received but the Board has the right to accept, reject or to seek further information on any application.

There is also full independent appeals mechanism. This includes an internal independent Statutory Appeals Board, again with a majority of non-architects and a Chairperson who is required to be a Barrister or retired High Court Judge. Appeals can be made on procedural or substantive grounds.

IT TAKES TOO LONG / IT IS TOO DEMANDING

Answer: It can be done in your spare time in as little as two months. You can also take as long as you need.

The RIAI ran a pilot study in late 2007 and 2008 in order to test procedures. A period of two months was given to prepare submissions and those who participated did not find this particularly difficult but gave the view that four months would be preferable. This was at a time of an unprecedented level of activity in the construction industry; all those who submitted were working full time, so the applications were prepared in their spare time. The application forms, information papers and standard C.V. templates have been available on the RIAI website since November 2009.

TOO EXPENSIVE

Answer: This is law and is necessary. While there is a cost, there is nothing extra being charged.

Assessment of those not having architectural qualifications, as a once off exercise, is necessarily a complex process with the need for a whole range of checks and balances, audit trails etc. A detailed report on costs has been submitted to the Minister as all costs have to be approved

The cost being proposed, of the order of €6,300 is the actual cost to the RIAI as the Registration Body. RIAI receives no State funding; the process is required to be self-funding.

The costs have been investigated and audited by an independent firm of Accountants experienced in forensic work and this has also been submitted to the Minister for his decision.

THIS IS ELITIST AND ARCHITECTS ARE LOOKING AFTER THEMSELVES

Answer: This is completely incorrect. It is the Amendment that seeks to serve special interests.

Far from being elitist, the process is completely inclusive. It already has a grandfather process to accommodate good competent non qualified persons. The Technical Assessment is completely independent and does not disadvantage anyone in the process. In fact, the only people worried about this are those who are unwilling to have their work independently assessed. This is not in the public interest.

THE BAR HAD BEEN SET TOO HIGH

Answer: Again incorrect. All the process looks for is minimum architectural standards.

The bar is simply that of equivalence with an architect and this is defined as:

- Whether the applicant has performed the duties commensurate with that of an architect.
- Whether the work submitted is equivalent to the work of an architect, having regard to the scale complexity and quality.
- Whether or not the work submitted was realised by the applicant and if not totally responsible what responsibility could be established.
- Whether the applicant can comply with the competencies specified in Article 46 of the Professional Qualifications Directive.

What is required is compliance with the average level of the work of an architect not award winning architects but simply the general average and no more than that. Article 46 sets out the basic requirements for the formation of an architect across the EU. Assessment criteria are not absolute in that the Technical Assessment Board comes to a reasoned judgment; for example not necessarily all the competences set out in Article 46 have to be covered in full.

IT PUTS PEOPLE OUT OF BUSINESS

Answer: This will not prevent anyone working, whether they are registered or not.

The Act does prevent those not on the Register from using the title architect but it does not limit or control in any way the functions of those providing services in the field of architecture. Quite a number of firms that might have described themselves as engineers and architects have changed titles to titles such as engineers and building design professionals or building and planning design consultants etc.

The Technical Assessment process is completely independent and any competent professional, who is willing to have that competence independently assessed has nothing to fear.