



**Mal Grierson**  
Director-General

Department of **Public Works**

Ref: 00551/05

16 MAR 2005

Mr Scott Gregson  
Director  
Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
Dickson ACT 2602

Dear Mr Gregson

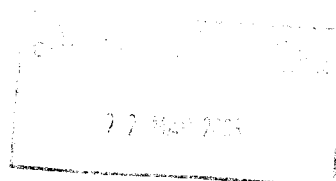
I refer to your letter of 8 September 2004 inviting the Queensland Department of Public Works to make a written submission regarding the Australian Competition and Consumer Commission's proposed revocation of authorisation A58 granted to the Royal Australian Institute of Architects.

The registration of architects and the practice of architecture are currently regulated in Queensland by the *Architects Act 2002* (the Act). This Act repealed the previous *Architects Act 1985* to meet the Queensland Government's obligations under the National Competition Policy. These changes included a legislative requirement to include a code of practice for architects.

In 2000, the Productivity Commission (the Commission) requested that the Department of Public Works make a submission on its draft report entitled *Review of Legislation Regulating the Architectural Profession*. Subsequently on 21 June 2000, the Department submitted that the exemption of section 74(2) of the *Trade Practices Act 1974* to architects should be removed.

On 4 August 2000, the Inquiry Report on the *Review of Legislation Regulating the Architectural Profession* was released by the Commission, which concluded that there appeared to be no reason to continue to exempt architects from section 74(2) of the *Trade Practices Act 1974*. The Commission commented that given architects offered a range of services and that all other providers of building design and related services are subject to section 74(2), then exemption of architects from this provision seemed incongruous.

It is agreed that there appears no justification for the retention of the exemption for architects in section 74(2). It is also noted that the legislative environment has changed significantly since the date of issue of authorisation A58 and as a result, the authorised conduct is likely to have affected the overall public benefit originally recognised. For this reason it is considered that authorisation A58 granted to the Royal Australian Institute of Architects can no longer be justified.



If you have any queries in relation to this matter, please do not hesitate to contact Mr John Scrivens, Director, Legal and Contractual, Department of Public Works on telephone (07) 322 45240.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tony Waters', written in a cursive style.

Tony Waters  
**A/Director-General**