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MITCHELLDESIGN

ARCHITECTURE
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URBAN DESIGN
MASTERPLANNING

27 May 2005

Mr Scott Gregson
Director
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 119
Dickson ACT 2602

Dear Sir

APPLICATION FOR SUBSTITUTE AUTHORISATION BY THE RAIA

As member of the Royal Australian Institute of Architects and a practising architect I wish to express support for the application by the Institute for authorisation by the ACCC for its Fee Guide, its Code of Conduct, its Client Architect Agreement and its Competition Policy. While I understand that there is concern that such authorisation might have an anti-competitive effect I think that the contrary can be reasonably well established; that in practice the current authorisation has not had that effect. Further, I think it can also reasonably be demonstrated that there is a significant public benefit in the use of such documents by architects and the public.

Fee Guide

The fee guide provides historical information on the level of fees, reasonable in the market for a particular type of project, or size of project. This is particularly useful to me in the case where I have not been involved in a similar project and therefore do not have my own cost data as a basis for comparison.

Such guidance is particularly useful for new and small practices. It is not available generally. Even in straight tender situations which are becoming increasingly common, unlike builders' tender prices, fees are never published.

The fee guide is useful to me in the same manner as building cost data is useful in assessing the likely cost of projects. It is not a substitute for calculating the cost of the work based on my own costs for its execution but provides a useful check both of potential costs and recommended inclusions.

Client/Architect Agreements

The standard Client/Architect Agreements protect my client's, and my own interests in the same manner as standard building contracts. The agreements are the contract for service. They set out clearly, the services to be provided, the costs associated with the services and the obligations of the parties to the contract. They also provide for the parties, a fair and simple means of complying with legislation requiring such agreements to be in writing.

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Code of Conduct

The Code of Conduct and disciplinary procedures are evidence that the RAIA requires higher standards for all its members than those that apply generally to architects registered under government regulation. This is clearly in the public interest and it may well provide a competitive advantage to members. In my own experience, clients will seek out RAIA members because of the high professional standards required.

Membership of the RAIA is not compulsory so that those who do not wish to abide by the standards are still able to practice.

Architectural competitions provide a well established means for clients to select an architect or design team or an appropriate design solution in certain circumstances. In the same way as government authorities provide guidance for tendering conditions, it is appropriate to do so for competitions: Competitions are not tenders and require both objective and subjective assessment..

Competition Guidelines

The Competition Guidelines are important to architects to ensure fair competition. It is appropriate for those competing to be assured that their work will be judged fairly and by people qualified to make such judgements.

Competitions run according to the guidelines provide certainty of process and consistency in outcome. They are widely accepted by clients and building authorities. In my own experience of competitions, some of which I have won, the adoption of the guidelines by a client will inevitably result in a more considered approach and generally a better outcome for the project than would otherwise be the case

All of these documents provide assistance to me in dealing with the business of running the practice. For my clients, they provide fair standard guidelines to the processes involved and a level of consistency of service and potential outcomes.

If they did not exist it would be necessary to invent them.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ian Mitchell', with a small dot at the end.

Ian Mitchell FRAIA