



## Amendment versus Re-write

The Architectural Institute of British Columbia (AIBC) was asked to consider whether amendments might address the problems in the existing *Architects Act*, the rationale for making such changes to *the Act*, and the specific solutions that government may want to consider.

In general, the Institute has asked four broad questions:

- 1) Does the *Architects Act* adequately reflect public health, safety and professional accountability requirements for the province's built form design industry?
- 2) Does the *Architects Act* reflect the current practice of architecture in the province, and beyond?
- 3) Does the *Architects Act* reflect the evolution of the practice of architecture to include specialization and a wider range of technically sophisticated individuals?
- 4) Is *the Act* being clearly interpreted for legal and administrative purposes?

In each case it has been determined, through extensive internal and external consultation, that there are improvements and/or wholesale changes of consequence that would make the *Architects Act* a more effective and representative piece of legislation.

Through this consultation, the Institute established a formal working relationship with design professionals who are not currently defined or regulated by *the Act*. This working relationship developed to the point where we were able to make a submission to the Ministry of Advanced Education on behalf of the members of the AIBC, the Building Designers Institute of BC (BDIBC), and the Interior Designers Institute of BC (IDIBC).

In that meeting with government, we spoke of the possibility of making select amendments to *the Act* versus a wholesale re-write. **It is our belief that the scope of the proposed changes warrants a full re-write.** Additionally, the many amendments over previous decades have created a lack of internal logic that has become a fundamental flaw we hope to correct.

That being said, the Institute remains aware that any practical opportunity for making timely legislative changes may be more likely through an amendment process.

In the following pages we have tried to identify specific challenges and opportunities that can be addressed by changes to the *Architects Act*, along with suggestions on how these objectives might be met. The Institute has developed documentation on a number of these issues and hopes to contribute to the legislative process as it moves forward.

## Legal & Administrative

**Challenge** – The current organization of *the Act* lacks internal logic and consistency. This results from decades of amendments without review and revision of the entire act. *The Act* is difficult to use as related subject matter is dealt with in several places. With the proposed changes, the readability and comprehension of *the Act* also needs to be addressed.

In addition, the current *Act* does not contain contemporary, self-governing expectations such as administrative law, natural justice or the options for professional conduct. The structure of the Institute is also severely limited and makes no provision for changes to governing council representation or other issues.

**Solution** - Update the legislation by bringing internal logic and organization to its structure so that it is easier to understand and administer. Remove outdated language, concepts and provisions, and revise the governance provisions of the legislation to make them consistent with the governance of the Institute.

## Business Models

**Challenge** – The *Architects Act* does not adequately provide mechanisms for businesses that offer a multi-disciplinary approach to building design and construction. The barriers to creating successful architect/engineer, architect/landscape architect, architect/planner, architect/architectural technologist, architect/interior design and architect/building design firms – or other professional partnerships – do not reflect current business practices, expectations, corporate structures, or equity of opportunity. Entities such as limited liability partnerships or minority participation in firms by architects are not allowed under *the Act*.

Additionally, the development of more rigorous industry standards for the provision of liability insurance is not reflected in the requirements of *the Act*. The development of mandatory insurance provisions and clear standards of assessment for municipal building officials needs to be addressed.

**Solution** – The removal of archaic restrictions on business models, along with the repeal of the certificate of practice system and its replacement with a licensing system that better describes and details the scope of practice of AIBC members. These licenses will include specific provisions for the accepted liability of institute members and registered firms.

## Exemptions

**Challenge** – We feel the current exemptions in the *Architects Act*, specifically the type and size of buildings that by law do not require the services of a design professional, do not adequately protect the public. The sophistication of building design, construction techniques and code requirements entails a revision of this section. For example, is it not appropriate for an 11-bed hospital or certain government buildings to be exempt from *the Act*. The exemptions are not consistent with the B.C. Building Code and lead to varying interpretations of the law.

**Solution** – Exemptions would be in place for single family homes and duplexes on a single site, practicing professional engineers, and active duty military personnel. Any person engaged in the practice of architecture, other than as specified above, would be described in detail under the proposed legislation.

These changes to the exemptions would provide clarity and certainty for municipal building authorities and governments, especially as it relates to joint and several liability insurance. Expansion of the professional membership categories of the Institute would ensure that the public can obtain proper services for the full complement of home building and renovation design work, and contribute enormously to public confidence.

## **AIBC Membership Expansion**

**Opportunity** – Technological advances, technical skills expansion, educational developments, improvements in design and construction processes, and changes in the relationship between the public, government and practitioners have been significant. In the years since the *Architects Act* was acclaimed, architectural practitioners now work in a wide variety of fields as well as areas of specialization not currently recognized under *the Act* – either because they do not fulfill the original definition of “architect” or the technical skills and application did not exist at the time *the Act* was formulated. These individuals and firms, represented by established and well-administered provincial membership organizations, have met industry and academic criteria of education, examination and experience.

In addition, the current act places unacceptable restrictions on the recognition of foreign-trained architects and does not allow for sufficient recognition of alternate qualification routes to professional designation in B.C.

**Solution** – We feel it is in the public interest that all persons who practice architecture, in all its forms, are subject to regulation by a self-governing body acting under provincial legislation. To that end, the AIBC, BDIBC and IDIBC (and potentially the BC Society of Landscape Architects) desire to include, as full members as defined by the *Architects Act*, their design professional members currently not recognized under the traditional definition of “architect”. Registered Architectural Technologists and Architectural Technicians, as well as registered Building Designers, Interior Designers and Residential Designers, can be important contributors in offering certainty to the public regarding health and safety, accountability, accessibility, and established qualitative and ethical standards. We believe the proposed expansion of membership in the AIBC, and the proposed “limited license” scopes of practice, are a benefit to the public, the province and the industry.

Changes to *the Act’s* treatment of foreign-trained architects will bring the built form industry in B.C. more in line with current national and international free trade policies, and introduce an acceptable level of fairness in assessing international and alternative qualifications. In the same vein, the ability to support labour mobility is to the advantage of the regional, national and provincial economy as well as individual practitioners.

All categories of members would be subject to the professional standards of the Institute and the disciplinary provisions of *the Act*. This would be highly beneficial to the practice of architecture and the protection of the public interest as many of those practicing in the public domain are currently not subject to scrutiny or required professional standards.

We believe that these changes will permit the profession to more ably and meaningfully contribute to the betterment of the public good, the province, and all communities in B.C., as well as represent the excellence of architectural expertise far beyond the boundaries of the province.

(Revised November 2008)