



A Submission to the Canterbury Earthquake Royal Commission

Roles and responsibilities - An Architect's Perspective
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A Personal Details

1. My name is Claire Marion Chambers. I am a registered architect of Auckland and have worked as an architect for 35 years since graduating. I have been registered for 32 years and have run my own practice in Auckland for 27 years.
2. I have a B.Arch (Hons) from Auckland University. I was an examiner for the Architects Education and Registration Board for some years in the 1990's. I was appointed a Fellow of the New Zealand Institute of Architects in 1998, and understand that I am well regarded in my profession.
3. I currently run my own practice as a sole practitioner. My work experience has given me valuable insights into the building industry as a whole and it's strengths and weaknesses.

B This submission

4. I know John Scarry, structural engineer, and have spoken to him about his submission [GEN.CERC.0003](#) and I have also viewed that submission. I wish to write in support of John Scarry and those parts of that submission which I am qualified to support, such as those relating to the loss of the training provided by the MOW and Ministry of Education.
5. I wish to comment on Roles and Responsibilities within the industry from the architect's perspective.

C Fee Structure for architect's professional fees

6. I am very concerned that the architect's role has been eroded and the quality of work done has been affected by the removal of the standard fee scale for architect's services, which existed and worked extremely well, in retrospect, up until it's removal during the 1980s. The result of this change was that clients and developers moved from selecting the best architect for their project to selecting the one charging the lowest fees, with results which could

have been predicted. This decline in the quality of the architect's work has adversely affected the ability of the structural engineer to properly carry out his/her work.

7. Let me explain how this worked in practice. When there was a standard scale of fees, clearly the architect who provided the highest quality work and the most comprehensive service was the one everyone wished to use - in my case, word of mouth meant that I had clients waiting for me to do work and within a year of setting up in practice I had 3 full time architectural staff. I should explain that the standard fees allowed only for a modest income for the hours needed to do the work to a good standard, and there was no "fat" in them. Once the standard scale of fees was abolished, however, virtually the only calls I received were those from potential clients asking what my fees were and asking why I had not reduced them and saying they could get a lower price up the road, which most of them proceeded to do.
8. So the result was that overnight people moved from selecting the best architect with the highest quality of service for their particular project, to the one with the lowest fees. As the standard fees had no fat in them this meant that the architects who lowered their fees had to provide a reduced service or face a lowered income. Even I found it tempting to reduce my fees as I lost many potential projects and as the Orwellian mantra of "competition good, price fixing bad" became so frequently repeated and widely believed.
9. It now seems impossible to reinstate any such scale of fees or even to believe that having one worked as brilliantly as it did. However, until the architects standard fee scale is reinstated, I can not see how the best architects and other consultants will be sought, and used as they used to be, for each project. And in my opinion it then seems inevitable that the many and serious problems in the building industry will continue. Which brings me to the next topic:

D The Role of the Architect

10. A building project is highly complex and changeable, and involves many different people with different skills. In order that it is properly organized, designed, costed, detailed and built correctly at every stage to the required standards, it is essential there are sufficient fees for everyone at all of these stages of the process and for the architects in particular to be paid adequately for their work - and also ideally for the architect to take on the huge

role of overseeing the whole process and all of the other consultants, as in projects where the architect takes this role rather than the developer. Developers simply can not and should not be relied upon to give precedence to public safety, because their main motivation is profit, which is often in conflict with the public interest. Having the architect work under the developer, as so often happens now, means that the architect is forced to meet the developer's aims or lose the project. (As an aside, the aesthetic results of this power structure reversal can be seen in the design of the modern buildings in any city today). New Zealand has wonderful architects who are recognized internationally for their design flair and work ethic - it is a travesty that they now usually work under developers rather than the reverse.

11. So in answer to the questions about the roles of those in the building process, and how to ensure better building outcomes, my view is that the answer to a successful project is to ensure the engagement of the most suitable architect to run each project from start to finish, as used to happen, with them having overall responsibility for this, and appropriate powers and fees for this role. The architect is the professional person who, along with the other consultants, ensures that all of the many competing and conflicting needs and interests are balanced, and that the profit motive of a developer, in the case of commercial developments, does not take precedence over such issues as safety requirements. However, to play this role, the architect must have the power to do this, and this should be required by the law.
12. It is noticeable to me that the serious problems in the building industry have occurred as the role of the architect has been eroded, and I believe this correlation is statistically significant.

E Architects' Liability and the crisis in the architectural profession

13. In my view, recent amendments to the Building Act 2004 have increased architects' liability to unprecedented and unsustainable levels, when considered alongside Joint and Several Liability which effectively means that there is no proportional liability in New Zealand. This means that architects can be found liable for damages for work on site carried out by other people over whom they had no control, because owners are allowed to engage their own contractors and also subcontractors who may not be adequately trained or overseen by the main contractor, and who may even alter details in the architect's drawings. This happened on a project I had drawn up

only last year - the owners decided not to engage me to carry out contract administration, and then informed me that they were going to use a different waterproofing system to the one I had carefully researched and detailed, and also mentioned that their builder was planning to alter the technical waterproofing flashings I had detailed after a great deal of thought, in a particularly tricky area.

14. It is not possible for architects to get adequate insurance cover for the huge and uncontrollable risk this sort of situation presents, because the maximum amount of cover for each project is capped for any issues relating to leaking buildings.
15. Because of my close involvement with the law in both my personal and professional life, I understand fully the reality of the risks I now face, the likelihood of being sued at some point despite my excellent work record, and the devastating effect this process could have on me financially and emotionally. Because of this, I have decided to reduce my work and I am planning to close my practice in the next year or two. I read in The NZ Herald a few years ago that about 75% of the architects in Auckland were being sued at that time for leaky building issues, though in many cases those architects had contributed little, if anything, to the problem.
16. The architectural profession appears to me to be in crisis, at a time when it is sorely needed by public and the building industry. Another architect with 50 years experience has spoken of this unprecedented crisis in the profession. There are only about 2000 registered architects in the whole of the country, and I am very concerned that many of the most experienced architects may be planning to stop work in the next few years. This would have a devastating effect on the building industry and the buildings which are built.
17. At the very least, to reduce this effect and the numbers leaving the profession, the liability facing architects for the faults of others must be removed by law.

F Conclusion - Six steps to ensure safer, well constructed buildings

In my view there are 6 steps to improving the safety and construction of all buildings in New Zealand:

Step One - Read and implement John Scarry's recommendations in his submissions. John has been researching this subject for years and knows what he is talking about. He has no

hidden agenda, because he has been doing this work for no financial gain. I believe that his sole concern is, and always has been, public safety.

Step Two - Reinstate the architect as the team leader on every project, except very small projects, with fees and powers and laws to ensure this happens.

Step Three - Reinstate the mandatory Scale of Fees for Architects Services, based on real projects and the work needed on these.

Step Four - Ensure that all liability faced by architects is proportional to their involvement and the damage caused.

Step Five - Ensure that developers can not escape from their liability by changing the name of their company for each project, or in other ways This has not been covered in my submission but is crucial to architects not facing paying out for developers' errors and shortcuts.

Step Six - Reinstate the true full apprenticeship scheme in the building industry.

Implementing these steps would ensure the result this Royal Commission is seeking, that of safer, well constructed buildings, I can virtually guarantee it.

It would take time to rebuild all of the lost skills and systems, and to rein in the developers. But anything less than this is guaranteed to fail, in my view.

Claire Chambers
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