



RESPONSE TO SOUTH AUSTRALIA'S REGULATORY FRAMEWORK INQUIRY – DRAFT REPORT

The SA Chapter of the Australian Institute of Architects (the Institute) has prepared this response to the **Inquiry into reform of South Australia's Regulatory Framework Draft Report**. As with our previous response, the Institute this response focuses on regulations directly applicable to the architectural profession.

The Institute largely supports the key messages presented in the Draft Report. Examples demonstrating where improvement could achieved have been provided.

- Effective and efficient processes for developing policy are required to enable development of effective and efficient regulation.
- Transparency and accountability require improvement and are essential to determine the effectiveness of regulation, achieve continuous improvement and increase stakeholders and community confidence in our regulatory system. The effectiveness of regulations should include measuring against the key objectives contained in the policy that underpins the regulation as well as the improvements in efficiency in the delivery of the regulations.

EXAMPLE

The Planning Development and Infrastructure (PDI) Act includes clear objectives, which are further articulated in the State Planning Policies. However, mechanisms for measuring against delivery of these objectives and communicating these findings can be improved.

For example, the Housing Supply and Diversity Policy includes objectives regarding increasing housing diversity and the provision of affordable housing. The electronic planning portal currently measures the time taken to process applications but does not measure outcomes such as these housing policy objectives.

Inclusion of filters to enable data collection relating to housing types and construction value would provide an efficient and effective means of assessing whether these objectives are being achieved. Publication of the data would enable policy makers, stakeholders, and the community to understand the impact of these policies and to shape future decision making.

The above is one example of how the Planning Portal could be utilised to measure outcomes against objective stated in the SA planning system.



- Coordination between regulatory bodies should be improved and would provide a more logical, effective, and efficient regulatory system for South Australia.

EXAMPLE

The Accredited Professional Scheme (APS) has been established as part of the implementation of the PDI Act. The APS requires all parties involved in the assessment of development applications to be able to demonstrate compliance with requirements relating to qualifications, insurance, a code of conduct and continuing professional education. The objectives are to provide a greater level of professionalism, to improve the quality of assessment outcomes and to improve public confidence. The APS recognises that the system for registration of architects meets all the APS criteria, including a system for assessing compliance and disciplinary procedures.

However, the APS requires architects to complete an application form, be subject to a secondary compliance audit system and to pay additional fees to be recognised as an accredited professional. This is a duplication of the Architects Registration Act and places an unreasonable burden on architects participating in the assessment of development applications. It also represents an additional cost to government due to the resources required to deliver these duplicated regulatory criteria.

- Harmonisation of regulations across Australia would be welcomed. This would recognise the fact that organisations increasingly operate at a national level and that nationally consistent regulation would aid in understanding and application of regulations and improve compliance. Where new regulations are being developed, a consistent national approach should be prioritised.

EXAMPLE

Regulatory responses to the Shergold Weir Building Confidence Report (BCR) are currently being developed. The Australian Building Codes Board (ABCB) has been charged by the Building Minister's Forum to develop responses to the BCR Recommendations, with each State and Territory then deciding how these guidelines will be implemented.

This has already resulted in the development of varying regulatory responses between jurisdictions and in the duplication of some existing regulations. This regional variation works directly against the recommendations of the BCR, which strongly advocate for a consistent national approach. It will also result in architects and other construction professionals, who frequently work in multiple jurisdictions, having to understand and implement multiple regulatory systems, which is inefficient and increases the likelihood that errors will occur.



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- Digital delivery of regulatory systems is supported, as it provides efficiencies in access, implementation, management, and monitoring of regulatory performance. However, digital technology needs to be suitably resourced to ensure that systems are set up and tested for operational effectiveness prior to implementation and maintained into the future. In addition, the effectiveness of digital delivery will be maximised where the regulation(s) being delivered are well written.

The implementation of the Planning and Design Code was impacted by the release of the first phase prior to the electronic planning portal being completed and by the limited testing that was undertaken prior to implementation of Phases 2 and 3. There were multiple issues regarding the way in which the portal operates and the accuracy of the information that is provided when it was launched in March 2021. While many issues have been addressed, others remain unresolved, resulting in sub-optimal outcomes for applicants, assessment bodies, and referral agencies.