



MEMBER FORUM
April 19, 2013

9:00 A.M. – 10:00 A.M.

SHAW CONFERENCE CENTRE
EDMONTON, ALBERTA

MINUTES

CALL TO ORDER

President Mark Chambers called the Member Forum to order at 9:00am. Mark welcomed everyone and mentioned Council specifically wants to ensure that we have the opportunity for several open discussions throughout the year with members on various issues that we are facing as a profession and as an Association. We thank you for attending and look forward to our discussion with you this morning.

Mark mentioned there are two microphones on the floors for questions at the end of the presentation and asked everyone to clearly state your name for questions so they can be put in the minutes.

ITEM 1 PROFESSIONAL DEVELOPMENT HARMONIZATION

First on the agenda was Professional Development Harmonization. Mark stated that in 2000, The Alberta Association of Architects' membership voted for the creation of a mandatory Continuing Education Program based on life-long professional development. This decision demonstrated an important commitment towards achieving excellence in architectural and licensed interior design practices in Alberta. The requirement for members of the AAA to participate in and comply with the Continuing Education Program was further established in the Architects Act and General Regulations which came into effect July 2009.

Since that time additional changes have taken place to the Program, including a change to the name of the Program, which is now known as the Professional Development Program (PDP). The first concrete steps toward the National Harmonization of the Professional Development Programs in Canada began in 2010.

Several changes have already been implemented to our Program as part of this initiative. More changes will take place over the next few years as we head toward the 2017 National Harmonization goal of 70 learning hours over a two year reporting period.

In the past year the AAA Professional Development program has seen a change in the dates of our reporting period in order to align with that of

other provincial jurisdictions. The reporting period currently runs from July 1st to June 30th. Several changes will be made to the Program for the 2013 Reporting Period and these will take effect July 1st, 2013.

These changes were noted in the table on the PowerPoint.

Mark mentioned to the members to please note the incremental increase to the learning hour requirements. Everyone received a copy of these changes recently along with their transcript. As well, a couple copies had been provided on each table for the members to look at. The AAA will continue to work collectively with the Regulators across Canada to streamline report requirements in multiple jurisdictions.

ITEM 2 REVIEW OF THE ARCHITECTS ACT AND GENERAL REGULATIONS

Mark Chambers introduced the second item on the agenda as the Review of the Architects Act and General Regulations. Mark introduced Doug Ramsey, Past President and Legislation Committee Chair, who presented the topic.

Doug told the members that the Legislation Committee identified eight Task Forces to explore areas of revision. All members of Council participate in a Task Force. Chairs from the Task Forces are members of the Legislation Committee.

Doug personally thanked the Task Force Chairs and members, as well as the AAA Council for their on going work. Our Executive Director and the Administration at Duggan House have provided the Legislation Committee and Task Force members tireless support through research, development of documents, organization of meetings and consultation sessions.

Doug mentioned how the work and recommendations of the Task Forces are interrelated, therefore; a recommendation from one Task Force can easily affect another. The Legislation Committee meetings' highlight and discuss these issues. It is expected that the Registration Task Force and the Joint Board Task Force will become active in the fall, and they will both be directly affected by the recommendations made by the other Task Forces. There has been extensive research into other professions, other regulations and legislative precedents. These background documents have been provided to each of the Task Forces to assist in their discussions.

As the revised *Architects Act and General Regulation* will shape the practice of Architecture and Interior Design in Alberta into the future, Council has indicated that the consultation with members is key in the development of the recommendations. Members have been encouraged to become part to the process, through conversations with their peers and participation on the Task Forces. It is the Association's intent that all members have the opportunity to provide input and feedback on the issues being explored. We have developed a consultation strategy whereby each and every member shall be contacted and invited to be part of the review process. This strategy also includes information provided in the AAA eBulletin and eBlasts,

In the website pages dedicated to the legislation review, and most importantly in face-to-face consultation sessions with the members. The first member consultation sessions occurred in the fall of 2012. These sessions discussed with members issues regarding professional liability insurance and the inclusion of Allied Professions in our Act. A second round of consultations were held in Calgary and Edmonton in February of 2013. These consultations again were facilitated round table discussions, but the focus of these sessions was specific questions developed by the Task Forces to seek opinion and direction from the members.

Doug stated the AAA website has also been used to solicit responses and feedback from members for the Task Forces. A survey was posted on the website that reflected the same questions posed to the membership in the consultations to give members an alternative opportunity to provide comment. At the AGM, Legislation Committee presented to the members a "What we Heard" Document. An additional room and time slot were booked for the afternoon during the Continuing Education Sessions to allow for members to continue the discussion and provide feedback. More focused consultations with members and other stakeholders will occur in the Fall 2013, as the Task Forces put forward recommendations to Council in late 2013/early 2014. These recommendations will be presented to the members in early 2014. .

Council has approved two recommendations to guide the Legislation Committee and Task Forces in their continued work on the legislation review. During the October 2012 legislation consultation sessions in Edmonton and Calgary there was a suggestion that the AAA should consider an umbrella regulatory model. An umbrella act might have additional regulations and associations under the umbrella of the *Architects Act*. This model would delegate regulatory authority over title and scope to the individual associations. This would be similar to the model the health professions in Alberta use.

The Legislation Committee sought Council's guidance on what regulatory model Council wished to pursue through the legislation review. In November 2012, Council carried a motion, indicating it is the intent of Council to pursue one act, one association, which would include allied professions, and not to pursue an umbrella regulatory model.

One Act, One Association means that regulation of title, scope and practice for all professions will remain within the *Architects Act* and *General Regulation*, and the Alberta Association of Architects would remain as the one self-governing body.

In October 2012, the Professional Liability Insurance Task Force came to the membership through consultation sessions to determine whether the members believed the AAA should require members to carry Professional Liability Insurance. The Task Force received a response from the members at the consultation sessions, which prompted the Task Force to put a recommendation before the Legislation Committee that Professional Liability Insurance should be required for members of the AAA. The Professional Liability Insurance Task Force's rationale for making this recommendation was: first, that the profession has a duty to protect the public; and second clients and other members of the public

should have access to compensation when a member of the AAA fails to meet the standards of practice required under the *Architects Act* and *General Regulation*.

The Legislation Committee approved the Task Force's recommendation, and presented the recommendation to Council in January 2013, where Council endorsed the recommendation.

By no means is the work of the Professional Liability Insurance Task Force complete and there are still many questions to ask. There was a bit of an educational presentation that morning and the Professional Liability Insurance Task Force will continue its good work to recommend more on the opportunities on what and how this could look.

Doug then introduced Justin Archer, from Berlin Advertising and Public Relations, who presented the "What We Heard" report.

Justin came to the stage, thanked Doug and told the members that the "What We Heard Report" summarizes the input that has been received at the October 2012 and February 2013 legislation consultation sessions, the online web survey from February-March 2013, and all feedback sent to the legreview@aaa.ab.ca email address.

The report is intended to be a reflection of what we heard from AAA members at these consultation opportunities. Members will have an opportunity in fall 2013 to respond to the What We Heard report, to ensure that the feedback we've captured is truly what the members have said during the consultation process, as well as feedback on additional items Task Forces want to consult members on. The input has been divided into the five active Task Force areas, and by the questions that were asked by each Task Force.

Justin presented PowerPoint slides and the following information to the members:

"What We Heard" – Title, Scope & Allied Professions

- Open to the idea of bringing in Allied Professions, but some issues may need to be resolved:
 - Would other professions have protected scope?
 - Would Architects and LIDs lose control of the AAA?
 - Does the AAA have the capacity to regulate others?
- Positives:
 - More influence in the building/design community.
 - Increased protection of the public.
 - Increase profile for Architecture and Licensed Interior Design.
 - Most common Allied Professions cited were Architectural Technologist and Interior Design Technologists.
- Negatives:
 - Dilute/erode the role of Architects and Licensed Interior Designers.
 - "Don't give away scope".

- Specialist Designation: people on both sides
 - Pros: good to have the option.
 - Cons: “A professional is a professional. Why differentiate?”
- Exemptions to the Act:
 - Some say not to bother trying to get more scope as it won’t happen.
 - People who say scope should be increased vary. Some say that all habitable space should be stamped. Others mention large single family homes. A very common point was that relocatable industrial camp buildings should be within AAA scope.

Question 1:

In general do you think the AAA should explore the idea of adding Allied Professions to our legislation?

Shown here on the chart, a response rate of strongly & somewhat agree combined is 56%.

Question 2:

If Allied Professions are added to the AAA under our revised legislation, what is the anticipated value to AAA members?

Shown here:

A. Greater Influence	51%
B. Opportunity to increase scope	38%
C. Increase in profiles / stature	29%
D. Better Standards	60%
E. Other	26%

Question 3:

Is in the public interest for Allied Professions to be added to the AAA as part of our new legislation?

A combined total of 49% strongly or somewhat agree.

Question 4:

Should our legislation enable us to create speciality designations in the future, if we feel that it is in the public interest?

A combined total of 43% strongly & somewhat agree.

“What We Heard” – Complaints

- Publication of names:
 - Major concern with publishing names in cases where no wrongdoing has been proven.
 - Does public possess adequate understanding of subject matter to interpret a complaint case?
 - Publication only in severe cases.

- Some people have no problem at all with publishing names in complaint cases. Open and transparent.
- Hearings in public:
 - Majority are against.
 - People that are for it cite transparency.
- Public representative on complaint review panel:
 - Most are in favour.
 - Some say that this is a better way to protect public interest than having hearings in public as the public representative would bring an informed perspective to the proceedings.

Question 1:

Is it in the public interest for names of our members to be published in complaints?

A combined total of 37% strongly or somewhat agree.

Question 2:

Is the public adequately protected if names are only published in cases where a member has had his or her registration suspended or cancelled?

A combined total of 50% strongly & somewhat agree

Question 3:

In the interests of transparency to the public, should hearings be public?

A combined total of 21% strongly & somewhat agree.

Question 4:

Is it in the public interest to have at least one public representative sit on review panels?

A combined total of 71% strongly & somewhat agree.

“What We Heard” – Practice Entitles

- 51% rule:
 - Majority of people would prefer that it stay in place.
 - Primary concern is that Architects and LIDs would be pressured to stamp under threat of losing their jobs.
 - Others said that it would erode the viability of firms, as clients would bring everything in-house.
 - Some members would be OK with removing the 51% rule if measures were in place to protect the integrity of the professions:
 - Responsible professional
 - Practice Management Plan
 - Professional Liability Insurance
 - Permit to practice (issued once other conditions were met)

When we asked the 51% question a different way, which was 'should the public have the right to expect entities using protected terms like Architect and Licensed Interior Designer in their business names be at least 51% controlled by professionals, we heard an overwhelming 'yes'.

Question 1:

Should our legislation be revised to be more conducive to "in-house" professionals?

A combined total of 46% strongly & somewhat agree.

Question #2:

Change our requirement of 51% professional ownership...

This question certainly sees a split in the response with more members (46%) disagreeing and 38% agreeing.

Question #3:

Is the 51% ownership rule required to adequately protect the public interest in today's business environment?

A combined total of 56% strongly & somewhat agree.

Question 4:

Presently, authorized practice entities have exclusive use of the terms "Architect", "Architects", "Architecture", "Licensed Interior Designer", and "Licensed Interior Design" in their business names and must use them. Should the public have the right to expect that entities using these terms in their business names are at least 51% controlled by Registered Architects or Licensed Interior Designers?

A combined total of 74% strongly and somewhat agree.

Our last question on this subject dealt with input on what might a practice management plan contain. And you can see the result list on the screen.

"What We Heard" – Practice Review

- Practice Review Triggers
 - Complaint Review Committee to act as a filter, removing frivolous complaints.
 - Be more proactive in practice support. "More carrot, less stick".
 - Negative: not a big enough community to find disinterested people to review the practices of others.
- Practice Review Outcomes
 - Suspending or revoking licenses should not be taken lightly, but should exist as a last resort after other steps have been taken.
 - Some said that Practice Review Board shouldn't assess outcomes. It should determine if wrongdoing occurs, and if so become the complainant to Council. Council to assess outcome.

- Support Tools/Guides
 - Two kinds of support: Practice side and business side. Some say both are valuable, though others see no role for the AAA on the business side.

Question #1:

What might trigger a practice review?

Certainly we see a high percentage around the complaint review process from a client or AAA member but also a high percentage from a request from a member themselves as a practice tool

Question 2:

We asked what might be the outcomes of a practice review?

Training and mentorship came forward with the highest percentages.

Question 3:

We wanted to know what support members need from the AAA?

The list here certainly points to practice tools and guidance.

“What We Heard” – Professional Liability Insurance

- Professional Liability Insurance Requirement
 - This is where we heard the most agreement of any issue: most members see no problem with some insurance requirement.
 - We did not go into detail on what this would look like.
- Who Should Carry Insurance
 - Most people feel that the practice entity rather than the individual practitioner should carry insurance

Question 1:

We asked if Professional Liability Insurance for members is warranted?

A combined total of 73% strongly and somewhat agree.

Question 2:

When asked who should carry PLI the highest percentage went to the practice entity

Question 3:

What might be the minimum amount of coverage required for Professional Liability Insurance?

Answers gave us some varied responses with no definitive number.

- The Legislation Committee and Task Forces have received this report and will be developing draft recommendations based on the input from members and the Committee’s research and deliberation.

- Those draft recommendations will be presented to AAA members at another series of consultations in fall 2013 for feedback and suggested revisions.
- Following those sessions, the Legislation Committee will prepare the next iteration of its recommendations. AAA members will have a final opportunity to comment on the recommendations before they are finalized and provided to the Government of Alberta as the official recommendations of the AAA on the revised legislation.

Mark Chambers came to the podium and thanked Justin.

ITEM 3

MEMBER FORUM – QUESTIONS FROM THE FLOOR

Mark Chambers opened the floor for comments.

Neil Mackenzie, Architect, AAA, wanted the members to realize that the “What We Heard” survey is based on 79 participants, a very small percentage of the members. Also reminded members that they all need to get involved.

Karel Pokorny, Architect, AAA, shared his thoughts on the Practice Review Board section of the survey.

- If you don't know your history, you are bound to repeat it.
- When the Act was revised in the 80's, the Government gave the PRB the right to impose penalties. However, you cannot have two bodies that can impose penalties.
- If a practice review needs to be done, tell the person/firm what needs to improve and then do periodic checks. If they are not improving, report to the Complaints Review Committee for further action.
- In the 80's, the PRB was formed to do practice reviews. And that is what it should be doing, since that is what it is there for.
- If peer reviews were implemented and you got a good review, your insurance would be reduced.

Henry Howard, Architect, AAA, addressed Karel's comments. As Chair of the Practice Review Board, Henry notes that ensuring reviews are done is exactly they are looking to do.

Eugene Dejneka, Architect, AAA, mentioned that 25 years ago, practice reviews are what the PRB did and he is glad to see it being recycled.

Another individual, who did not state his name, mentioned that the survey needs to be online for people to complete.

Another individual, who did not state his name, thought that the Practice Review Board should not be using the carrot and stick approach but an education approach. Nothing positive is ever heard about reviews. Regarding Allied Professions, he says if a salary comparison was done, Technologists may earn more money and may not want to join.

Another individual, who did not state his name, brought forward that the AAA is making them work harder for fewer credits regarding professional development. As well, courses are expensive and they need courses

that are offered without too much expense.

Darryl Rewniak, Architect, AAA, addressed members as the Chair of the Program Support Task Force and said they discuss how to do and promote positivity. One-third of members are outside of Alberta. Three level tier support system.

Scott Pickles, Architect, AAA, brought forward that we need people to bring their ideas forward. We encourage participation.

Tomas O'Scolai, Architect, AAA, asked if Council could consider raising the carry over maximum on PD requirements hours to cushion the increase requirements.

Karel Pokorny, Architect, AAA, told members about a paper he wrote on reciprocity and felt the process is a sham.

Tomislav Cerkvencac, Licensed Interior Designer, AAA, brought forward his concern of the financial burden the AGM costs its members that do not live in Edmonton and Banff. Maybe Council could look at having an AGM in the future in Calgary. He also expressed his frustration of trying to accumulate learning credits when all the sessions at the AGM are full.

ITEM 4

CLOSING REMARKS

Mark Chambers thanked everyone for their input for Councils review in the next year.

The Members Forum adjourned at 10:00 a.m.