

## **ASR Reception – China Australia FTA 13<sup>th</sup> December 2006**

I am not a trade negotiator and I admit I do not understand much of the jargon used in trade negotiations, but I do know about the delivery of architectural services in many different markets around the world. I have worked on projects in the US, Canada, Europe, the Middle East, and China.

As a director of Cox Architects, we employ almost 400 architects and have offices in Australia, the Middle East and importantly, China. We, along with other Australian architects have been working in China for more than 20 years.

China represents a significant component of the international trade in architectural services for Australian architects. The 10 largest Australian practices earn almost half their total income from work outside Australia and the profession continues to demonstrate a very keen interest in working in China as does the Chinese client base seeking these services.

Our profession has throughout history thrived on the exchange of ideas across different cultures. As a result, architects speak the same language throughout the world through their shared interest in design, technology and built environment.

The technological revolution has not been limited to the digital world but continues to transform building materials and the way we produce and use them.

This transformation is now rapidly accelerating with serious environmental pressures demanding vastly better solutions in all aspects of architectural design. It is now more important than ever to encourage the genuine free exchange of leading architectural design ideas.

The practice of architecture in Australia is unregulated. The design of buildings in Australia is not restricted to architects or anyone else. Only the use of the title “architect” is restricted to those able to demonstrate appropriate skills and education standards. Regulations in Australia are designed to protect the public, not the architect.

It is interesting to note that such Australian architectural icons as the Sydney Opera House and our very own Federal Parliament House were designed by architects who were not Australian, but the result of open international architectural competition.

Equally, major current projects in China such as the Shenzhen Aquatic Centre and the Olympic Sailing Centre (Cox architects) and the Olympic swimming Centre and Olympic Village (PTW) as well as many other major projects are the results of collaboration between Chinese and non-Chinese architects.

But some the most relevant regulations we do have in Australia are those designed to acknowledge and protect the value of intellectual property.

These regulations have encouraged an enormous amount of research and development in architectural design by recognizing the value of the intellectual property created in such work.

Ironically our very own government recognises this IP value by effectively usurping it through non-negotiable government commissioning agreements.

China has made good progress improving the recognition of Intellectual Property Rights and the enforcement of protection regimes in China. But there is still a long way to go before the IP regime in China can be equated to appropriate standards achieved in other modern economies and the international trading system.

Any FTA negotiations must recognise that problems with IP protection in China are a key impediment to raising both the quantum and quality of the bilateral exchange of architectural services between China and Australia.

There are many reasons why the two-way trade in architectural services between China and Australia is logical and beneficial to both countries.

- Australia currently provides university education for a large number of Chinese students effectively encouraging cross cultural, social and professional understanding.

- Collaboration between Chinese and Australian architects is developing mutual respect and understanding as well as commercial opportunities.
- A shared concern for environmental sustainability and the design skills and related technology required to achieve significant environmental improvements.
- The increasingly sophisticated manufacturing capacity in China is creating new opportunities for innovation in design.
- A shared time zone between our countries which facilitates communication.

There are however some issues in China we believe require attention:

- More consistency in rules and regulations across China are required to provide more certainty in investing or working in China.
- Artificial restrictions to trade in architectural services such as residency requirements or local architectural registration should be removed.
- Consistent protection of copyright and trading names are required to protect legitimate architectural service providers against the improper use of their documents or established trading name in China.

Other issues outside those able to be addressed in an FTA agreement, such as problems with the repatriation of funds from China and currency exchange, must also be addressed if mutually beneficial professional exchange between our two countries is to be fostered.

Thank you.

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