



K A M R A T A L - P E R I T I

*To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community*

## President's Report 2019

The best way to describe the past twelve months is with one word: EXTRAORDINARY!

It is true that we set ourselves a very ambitious program at the beginning of the year, but none of us ever expected the free rollercoaster ride that ensued, that at times verged on turning into a nightmare, yet also gave us many other moments of immense satisfactions. For certain, we cannot say that it was not a colourful year.

This report is split into three sections:

- A. An overview of the targets set and the progress achieved
- B. The current state of affairs in the industry as a whole
- C. A look towards the future

### A. Targets and Progress

In January we established six Focus Areas, namely:

- Legislative focus
- Practice focus
- Quality focus
- Public profile focus
- Centenary events
- Administration of the Kamra

In terms of our **LEGISLATIVE FOCUS**, we identified four main action areas:

1. **Periti Act** – I am pleased to report that we have reached agreement in principle with the Ministry for Infrastructure, Transport and Capital Projects on practically all the text of the Main Act, and that those parts of the Act on which Malta is subject to infringement proceedings by the European Commission have also been approved by the said Commission. The intention was for the draft Act to be presented to Parliament in October, however this target was not achieved primarily because of some fine-tuning that we needed to go through which also involved obtaining legal advice. The timeline then shifted to contemplate presentation to Cabinet at the end of November, and for it to be presented to Parliament in January. As one can imagine, this timeline is no longer achievable, but we are in discussion with the Ministry to ensure that this is not delayed unnecessarily.

I must add that the latest agreed text generally reflects the direction given to the Council in the various AGMs and EGMs since 2007, except for one aspect, namely the reduction in the period of liability. The latest discussions on this matter revolved around the proposal that the definition of the term of liability will remain in the Civil Code, and that it will be eventually qualified in the impending Building and Construction Act which will establish the new Building

and Construction Authority. In view of this, we will be discussing with Government on the possibility of enacting the new Periti Act, but delaying the coming into force of certain provisions such as obligatory PII and obligatory CPD until such time as the term of liability is satisfactorily addressed.

It was our intention to present the outcome of our conclusions on the Periti Act during the AGM, and we had invited Minister Ian Borg to join us. However in view of the current political situation, the Council agreed to postpone this discussion to an Extraordinary General Meeting which will be held in the beginning of 2020.

I would here like to thank Professor Alex Torpiano and Perit Andre Pizzuto for their presence and participation in all the meetings held with Government over the past year on this matter, as well as Periti Amber Wismayer, Vincent Cassar, David Felice and Damian Vella Lenicker who formed part of our Working Group and who are currently working on the drafting of the revised regulations that govern the *Kamra* as well as a revised Code of Professional Conduct. Thanks are also due to Dr Lucienne Meilak and Perit Ray Farrugia, appointed by the Ministry to liaise with the *Kamra*, for their patience and meticulous approach in going through the text article by article with us.

- 2. Building Regulations** – In November 2018 we presented our draft proposals for a Modern Building and Construction Regulation Framework for Malta, at an EGM which empowered the Council to conclude its proposals and present them to Government. These proposals were issued for Public Consultation in May 2019, and were well received by the profession and the general public.

At our EGM of July 2019, the profession endorsed the full text of our proposals, and we proceeded to present this document to various entities, one by one. These included the Ministry for Infrastructure, Transport and Capital Projects, the Parliamentary Secretariat for Planning and the Property Market, the Building Industry Consultative Council, the Chamber of Commerce, the Chamber of Engineers, the Building Regulation Board, the Building Regulation Office and the Malta Developers Association. All of these entities agreed with the proposed framework, and commended the *Kamra* for its work in this regard.

The next step on this matter is to move on to in-depth discussions with the newly established Building and Construction Agency headed by Mr Ivor Robinich, and with the Ministry, to ensure that this Framework is implemented in the shortest time possible.

On this point, I would like to thank the Working Group that drafted these proposals, namely Perit Karl Micallef, Alvaro Ferreira, Perit Justin Zarb, Perit Philip Grech, Cliff Goodenough, Perit Amber Wismayer, Professor Paolo Cucchi, Milan Haluska, and Perit Marco La Rosa. Professor Alex Torpiano and myself were also involved in the drafting which spanned over our respective tenures as Presidents of the *Kamra*. Last but not least, sincere thanks to Perit Andre Pizzuto who spearheaded this process and who was instrumental in ensuring its delivery and its effectiveness.

- 3. Planning Policy** – One of our biggest concerns as a Council has been, for many years I must add, the workings of the Planning Authority, the manner in which planning policy and regulations are drafted, implemented and interpreted, and the general relationship between the Authority and the profession.

At the end of 2018, the *Kamra* was invited to nominate a representative on a Committee which was tasked to review the Rural Policy of 2014. That dubious pleasure fell to me. I am

not at liberty to divulge the details of the discussions that took place during the various meetings held throughout 2019, however I believe I have an obligation to note that if these meetings are typical of the manner in which policies are normally drafted then it is no wonder that our built environment is in the state it is in.

During a conference organised by the Malta Property Foundation last October, Minister Ian Borg stated, quite out of the blue, that he had had enough of waiting for the Planning Authority to redraft the Rural Policy, and that a public consultation period would be initiated to establish the objectives of such revised policy. This consultation period lasted all of three weeks.

Periti Andre Pizzuto, Alberto Miceli Farrugia, Ivynne Grixti and myself put our heads together on this, and managed to submit what I consider to be a comprehensive set of proposals which included the abolition of the term ODZ and its replacement with the term Rural Area, the classification of the Rural Area depending on the activities and sensitivity of its various components, the introduction of a Landscape Policy, and the establishment of clear quality criteria for development in the Rural Area, among others. We hope that our proposals and concerns will be seriously heeded.

During 2019 we also submitted our response to the proposed amendments to the Ta' Qali Action Plan, which proposes the rezoning of an area of 60,000sqm from industrial use to commercial uses in a move which seems intent on serving the interests of one or two particular land owners, rather than the national interest.

We were also active in taking forward the issue relating to the Planning Authority's insistence that properties covered by CTB concessions still require regularisation. The *Kamra* had submitted a complaint to the Ombudsman in 2018 on this matter, who concurred with the *Kamra's* position and ordered the PA to withdraw its Circular in this regard, stating that such Circular was "*unfair, irregular and against the principles of natural justice.*" To date this has not happened, and the Ombudsman has, at least according to our latest communications, committed to take this matter up with the Minister, which I can confirm he has. From our end, we have discussed our position with Minister Ian Borg, who is currently considering our submissions. Should this process not reach the desired withdrawal of the Circular, the Ombudsman is committed to escalate the matter with the Prime Minister and the House of Representatives.

Mr Johann Buttigieg recently resigned from his post as Executive Chairman of the Authority – despite our many differences, there were also times when we worked well together and received his support on certain matters. We now look forward to having a positive relationship with the incoming Chairman, Mr Martin Saliba, with whom we have already communicated to plan an initial meeting.

Our second Focus Area this year was the **PRACTICE FOCUS**. Here we worked on the following aspects:

1. **Professional Conduct** – The most important function of the *Kamra tal-Periti* is its disciplinary role. It is also the most sensitive and time-consuming element of the Council's work over the year.

During 2019, we received a record number of complaints from the general public as well as from *periti* themselves – 27 in total. This, not to mention the vast number of queries that the

Council receives on a weekly basis from members of the public seeking guidance on whether the *periti* engaged by them is behaving appropriately or not, especially with regard to the charging of fees. On this latter point I must stress and remind all *periti* that it is their obligation to inform their clients beforehand of the fees that will be charged, and that this is to be done in writing. The Council will no longer tolerate blatant non-compliance with this requirement.

Of the 27 formal complaints received, 6 were deemed to constitute a *prima facie* breach of professional conduct. 4 of these cases are currently being investigated, while 2 were concluded. In one of these cases, the Council recommended the suspension of the concerned *periti's* warrant for a period of 10 weeks. This recommendation was endorsed by the Minister and brought into effect by the Warranting Board.

The remaining complaints were mostly handled, or are still being handled, by mediation between the parties concerned.

We also regularly publish Case Studies on our website to serve as guidance to *periti* on specific situations they may come across during their daily practice.

2. **Practice Guidance and Directives** – Our target was to issue two sets of Guidance Notes, one related to advertising of services, which will be presented during the AGM 2019, and one related to GDPR, which we did not manage to conclude. On the other hand, this year was characterised by the publication of an unprecedented number of Directives and Circulars, 16 in total, of which 13 were directly or indirectly related to the LN 136 / 2019 saga, while the remaining three dealt with advertising, the Marsamxett Balcony Grant Scheme, and the CTB issue outlined earlier. All of these are readily available on the KTP website.
3. **Forms of Contract** – It was also our intention to publish a set of standard forms of contract for various services provided by *periti*. These had to be put on hold due to lack of time, however we will be publishing the first standard agreement for the services of Site Technical Officer. An online portal has been created, where *periti* will be prompted to enter the necessary details, following which an agreement will be generated for signing by the parties. We look forward to being able to launch this by the beginning of January, and hope to receive positive feedback from *periti* since this will serve also as a base test for the other forms of contract we are currently drafting.
4. **Professional Indemnity and CPD** – These two aspects are intimately tied to the amendments of the Periti Act. We have held one meeting with the Malta Insurance Association in relation to the LN 136/2019 issues, and two meetings with one particular insurance provider underwritten by Lloyds of London – I must say that I believe we managed to avert a bigger crisis by convincing the latter not to pull out of Malta in summer. Meanwhile, we have passed on the draft of the Periti Act to the Association and are planning another meeting with them in January.

We are aware that some *periti* are finding it difficult to obtain cover for their work. In some cases it is due to the nature of the work itself, in others due to the size of the project, and in others due to the lack of proper building regulations that ensure at least a minimum level of certainty to the insurer that works are being carried out in a proper manner. This is going to be one of the prime challenges we will be facing next year, and I invite *periti* who have experienced difficulties to contact the *Kamra* so that we can raise these with the Association.

With regard to Continuous Professional Development, a Working Group composed of Periti Andre Pizzuto, Amber Wismayer, Jeanette Abela and myself has done some initial research,

and next year we will be working on a CPD framework which we hope to conclude by next December, and which will tie in with the coming into force of the Periti Act.

Our third Focus Area was related to **QUALITY**. Here we worked on the following aspects:

1. **Design Review Panels** – Our efforts were primarily focussed on the establishment of a Design Review System, and here I would like to thank the Working Group which, apart from myself and Perit Andre Pizzuto, included Periti David Felice, Patrick Calleja, Sarah Scheiber, Danica Mifsud and Alberto Miceli Farrugia.

We worked hard to launch the proposed mechanism this year, and had in fact targeted this week for carrying out a series of mock reviews. These were going to be held as part of a week of events as a runup to this General Meeting, which included an exhibition, evening lectures, a children's workshop and a debate focusing on the making of place, rather than just space. These events, and the Design Review Panels, were cancelled due to the current political situation. It is our intention to relaunch this process in the first or second quarter of 2020 and we hope that *periti* will participate actively in order to ensure its success.

It is our intention ensure that the outcome of the Design Review process would have a material bearing on planning decisions, and we hope that it will also serve to foster a better sense of dialogue and critical thinking with respect to the design of our built environment.

2. **Architecture Policy** – Another of our targets for this year was the drafting of an Architecture Policy, however once again time restrictions did not permit us to progress much in this regard. Nevertheless, we were active in terms of the Davos Declaration on a High Quality Baukultur, which was endorsed by Malta in January 2018. I represented the *Kamra* at a conference organised by the Swiss Embassy and the Cultural Directorate in October, and I am also proud to announce that the *Kamra tal-Periti* is the only Maltese organisation that is an official partner of the Davos Declaration Community and signatory of the Declaration. We will be placing this Declaration at the centre of our efforts in the formulation of an Architecture Policy.

The fourth Focus Area concerned our **PUBLIC PROFILE**, that is our relations with the profession, the media, other organisations, and the general public. We had initially established a plan for a series of meetings to set over the year. As one can well imagine, the events of the year meant that we had to focus intensely on this aspect in order to get our messages across.

We participated in various TV and radio programs throughout the year, primarily on TVM, Net TV and RTK. I was also interviewed on Times Talk and In Depth, which are streamed online. These opportunities were important because they gave us significant exposure to put forward our positions and proposals in a clear and objective manner, and our interventions were generally well-received.

We were also very active in the written media sector, with articles and interviews carried on The Times of Malta, the Malta Independent, Lovin Malta, The Commercial Courier, Taste and Flair, The Malta Business Observer, The Sunday Circle and Money Magazine. We believe that this remains an important means of communication and hope to keep up the momentum over the coming year.

We also issued a record number of 34 Press Releases, thus ensuring that our message was focussed, consistent and easily accessible to our partners and the general public.

Our social media pages are our main means of communication on a daily basis, with our Facebook page now having 3,800 followers, and our Instagram page having 725 followers. We are still weak on Twitter with only 31 followers, however our posts regularly get retweeted by others, so there is a good reach on this platform too. I encourage *periti* to follow our pages if they have not already done so, and to engage with our posts as much as possible. These pages are generally managed by Andre and myself, with input from Amber and Lara.

On Facebook, apart from the main *Kamra tal-Periti* page, we also manage the Periti Discussion Group, the page of *The Architect*, and a group aimed at Students, Graduates and Periti.

Our public interface also involved our participation in various conferences and fora including the Malta Architecture and Spatial Planning Conference organised by the Planning Authority held in October, the Sustainable Built Environment International Conference held in November, and an information session organised by the Malta Developers Association in July. This year we also took the important step of signing a Collaboration Agreement with the Malta Chamber of Commerce, and we hope to be able to update our members shortly on the benefits that they can accede to as a result of this Agreement. Here I would like to thank Perit David Xuereb, President of the Malta Chamber, for his enthusiasm and dedication in pushing for this Agreement to be signed.

This year we were particularly active on an international level too, and we have managed to maintain very good relations with the organisations we are affiliated with. The UIA, UMAR and the Association of Greek Architects, in particular, were very supportive of our position following the coming into force of LN 136/2019, and had issued letters of support on this matter.

Perit Andre Pizzuto attended the Conference on Design Competitions organised by the Architects' Council of Europe (ACE) and the Union Internationale des Architectes (UIA), as well as the ACE working group meeting on Public Procurement and Architectural Design Competitions, which were both held in Paris in October. He also attended the ACE General Assembly in Innsbruck in April.

A couple of weeks ago, Periti Andre Pizzuto, David Felice and myself attended another General Assembly of ACE held in Barcelona. This time round the Council nominated Perit David Felice for election onto the ACE Board, but unfortunately we did not lobby hard enough and his nomination was not successful.

This year we also hosted two meetings of the ACE, namely that of their Internationalisation & Business Models Task Force held last September, and their Professional Qualifications Working Group Meeting held last October.

Our relations with our international partners remains crucial since it ensures that we maintain the highest level of standards as a Kamra and as a profession, and also allows us to draw on the experience and resources of other countries who are way ahead us on certain matters.

I must here thank Perit David Pace who represents us on the UIA platform, Perit Tony Fenech Vella who represents us on UMAR, Perit Joe Galea who is current the Senior Vice President Europe on the Commonwealth Association of Architects (CAA), and Perit Jeanette Abela who represents us on the European Council of Civil Engineers (ECCE) and on FEANI. Thanks are also due to Perit Vincent Cassar, currently serving as Past President and Treasurer of the CAA, who has always endeavoured to raise the profile of the profession within this, and other fora.

My biggest regret in terms of this Focus Area is the fact that the previous Council had decided to terminate the publication of "*the Architect*" in order to launch a new journal this year that would better represent the multidisciplinary of our profession, however we did not manage to progress in

a significant way, also because the print media industry is losing in popularity and it is hence difficult to make this a profitable endeavour. We have some thoughts in this regard, which include partnering the journal with an online blog, and here I would like to invite any of *periti* who are interested in contributing to come forward after this meeting.

The fifth Focus Area concerned the **CENTENARY EVENTS**. Last July we celebrated 100 years from the coming into force of the Architects' Ordinance in 1919, and next June we will celebrate the 100<sup>th</sup> Anniversary of the establishment of the *Camera degli Architetti e Ingegneri Civili*, the precursor of the *Kamra tal-Periti*.

Our main celebration activity consisted of the second edition of the *Premju Emanuele Luigi Galizia* which this year also included an open-air exhibition that provided an important opportunity for the profession to showcase its work to the general public. This year's Awards took place at the height of tensions in the building industry, and I would like to thank all those who participated for their dedication despite the difficult circumstances. Special thanks to the organising committee, composed of Periti Andre Pizzuto, Lara Brincat, Alberto Miceli Farrugia, Amber Wismayer, Sandro Cini, Gaston Camilleri, Jeanette Munoz Abela and Ilynn Grixti.

This year we also had the immense pleasure and satisfaction to launch our first design competition in collaboration with the Housing Authority and the Parliamentary Secretariat for Social Accommodation. The projects concerned the rehabilitation of two dilapidated properties in Birgu and Bormla which will provide sheltered accommodation for two vulnerable groups in our society: single mothers with mental health problems and their children, and prisoners who are serving their last few months and require rehabilitation prior to re-establishing themselves in the community. Congratulations to the winners, Openworkstudio and Local Office, and thanks to Andre and Elyse Tonna for helping me pull this through. Thanks are also due to our representatives on the competition jury, Periti Jacques Borg Barthet and Edward Said. The whole endeavour was a huge success, and we have in fact been approached to start working on a second edition of this competition for next year.

We would have liked to organise more events during this year, however we hope to make up for this in 2020.

Last but not least, our sixth Focus Area was the day to day **ADMINISTRATION** of the *Kamra*. Here I must thank our Administrative Secretary Tony Cassar who is our main interface with *periti* and the public, patiently answering phone calls and emails, and taking care of general admin duties. Thanks are also due to Dr Marie Therese Cuschieri who was employed as our Office Administrator this year and who was instrumental in bringing our accounts up to date, in creating an inventory of our office resources, and in ensuring compliance with various aspects relating to VAT, taxation and employment. She will be leaving us in the coming days, but her contribution during her short term with us was invaluable.

Allow me to also thank Perit Saviour Borg who lends a hand in maintaining our website and co-ordinating with our IT consultants whenever required.

A very big and heartfelt thank you to Elyse Tonna, our Events Manager – without her dedication and energy, we would not have been able to pull off any of the events I mentioned earlier. We have an ambitious program for 2020, and I am sure that she will deliver this equally exceptionally.

Apart from all this, we also managed to:

- Have 20 formal Council Meetings and at least 10 informal ones, some over Skype at unearthly hours of the morning;
- Present our feedback on the draft Noise Action Plan being prepared by ERA;
- Participate in meetings of an ad hoc Committee established by the Climate Action Board to come up with proposals on how the building industry can combat climate change;
- Participate in the Climate Action Strike in September;
- Collaborate with the Parliamentary Secretariat for Social Accommodation on the new Residential Leases Act – this involved a number of meetings and we will soon be announcing an exciting initiative as a result of such discussions;
- Co-ordinate a small private meeting with Lord Norman Foster who was in Malta last October for a flying visit, and who promised us a return visit in 2020;
- Host a meeting of ENACA in Malta in October;
- Attend a closed meeting with European Parliament representatives who were on a fact finding mission during November as part of the European Semester Country Report process and who requested a specific meeting with Andre and myself;
- Organise today's AGM and two EGMs in June and July;
- And, through our various representatives, participate in various meetings of the BICC Working Groups and Advisory Board, the PA Users' Committee, the Building Regulation Board and the Warranting Board. Thank you to all our reps – you know who you are.

Notwithstanding all of this, some of us also managed to go to work, keep up with our various other life commitments such as getting a doctoral degree (that's Amber) and getting married (that's Gaston), and even managing some hours of sleep!

Indeed, it's been an extraordinary year.

## **B. The Industry**

To top it all, this year was made even more extraordinary by the tragic incidents that befell the industry and the aftermath of the hasty introduction of legislation which completely upset our profession and the industry at large.

It all began with the collapse of two buildings in April, one in Swieqi and the other in Gwardamangia. This was not the first time that similar incidents had occurred but the proximity of their occurrence began to raise alarm bells. The *Kamra* was quick to note that the rate of construction accidents in Malta, whether resulting in damage to neighbouring properties, injury or even death, is unacceptable. The ever-increasing complexity of today's buildings, compounded by the current frenzy of the industry to turn around projects as quickly as possible, urgently requires an immediate and major overhaul of the country's building and construction regulatory processes.



On the 8<sup>th</sup> June we woke up to news of another catastrophe, this time in Mellieha. We immediately issued a press release, and referred to the situation as a crisis. I wrote to the Prime Minister requesting an urgent meeting. He replied within six minutes, promising a meeting the following week.

A meeting was called for the 13<sup>th</sup> June with all the industry stakeholders. Here the Prime Minister announced a complete ban on excavation and demolition works, and informed those present that new regulations would be drafted. This was a Thursday. The new regulations were to be published for consultation on Monday.

The rest is history, and I will not bore you with the details since most *periti* lived through the weeks that ensued with us and know exactly what the Council went through on behalf of the profession. Our discussions and progress are amply documented in the various Circulars, Directives and Press Releases issued this year.

I must, however, stress the importance of our media campaign which kept both the profession and the general public informed on what was going on. We had three clear messages:

- Public safety first;
- Clear responsibilities and clear delineation of roles between the perit, the contractor and the legislator and administrator; and
- The importance of a clear and modern set of building and construction regulations.

Our focus on these three points meant that after 8 long weeks of negotiations, meetings, press releases, media appearances, circulars, directives and emails, not to mention the two largest EGMs in the *Kamra's* history, we managed to achieve an important milestone, literally a couple of hours before the opening of the Premju Emanuele Luigi Galizia exhibition.

It was in fact at the opening itself that the Minister announced that agreement had been reached, and a week later this was crystallised in a Letter of Commitment presented to the *Kamra*.

In a nutshell, Government committed:

1. To present to Parliament new legislation to establish the Building and Construction Authority by the end of October, which legislation would consolidate a number of dispersed entities and suites of legislation under one cap;
2. To create a clear distinction between the designer (perit / engineer) who will be responsible for compliance with the building regulations, and the contractor who will be responsible for compliance with the construction regulations;
3. To bring liability periods in line with other models adopted within the EU;
4. To separate the planning and building regulation process and keep them distinct;
5. To undertake the registration, licencing and classification of contractors and skilled labourers as soon as the afore mentioned legislation comes into force;
6. To present the amendments to the Periti Act to Parliament immediately after the summer recess;
7. To ensure that the *Kamra* retains its important disciplinary functions in the interest of the profession and society at large;
8. To bring about an overhaul of the industry and integrate LN 136/2019 within a more comprehensive legal framework; and

9. To amend certain wording of the Legal Notice and the accompanying forms to reflect the discussions held with the Kamra.

Although the timelines have not been met, I am pleased to note that progress on all of these points has been made, and that Government is actively working on achieving all of these commitments in the shortest time possible. We have participated actively in this process too, with regular meetings and discussions, and we are also taking a leading role in this.

As I stated earlier, we plan to organise an EGM in the first quarter of 2020 to present more detailed information on these matters. The presence and support of all members of the profession will be essential in ensuring that we achieve the targets and level of quality that we set out to establish together.

### **C. Concluding Remarks**

I cannot conclude this report without looking to the future.

The Council is fully aware that the events of last summer left many *periti* with a feeling of dejection and helplessness. Some are contemplating closing their offices. Some are fed up of being treated as paper pushers, rubber stampers and box tickers, and not being allowed to do what they do best: excelling in architecture and civil engineering, and creating the future built heritage of our islands.

This mood is justified. We feel it too. None of us want to shirk our responsibilities, and this will remain a primary focus for us as a *Kamra*. However we also want to carry out our work with joy and pride.

The current political situation and the serious challenges which our industry will be facing in the coming months have thrown an even heavier shadow over us as individuals, as a profession and as an industry.

It is not going to be easy.

Yet, just as we came together as a profession over the summer, and pulled through by standing our ground and placing at the forefront the interests of the common good, so too will we tackle head on the challenges that we will face in the coming months.

The Council recognises this challenge and is committed to ensure that it is overcome. But to do this we need the support of the profession as a whole.

The Council is merely the enabler to deliver our collective vision. Ultimately, **all periti** form the *Kamra tal-Periti* and the input of each and every *perit* is essential in reaching our goals and objectives, to achieve higher levels of service, and to pull this industry out of the throes of the mediocrity and greed which have engulfed it.

**Perit Simone Vella Lenicker**

**06.12.2019**