

## **Kamra tal-Periit Annual General Meeting**

Held on 6th December 2019

### **Agenda**

Welcome Address

Reading and Approval of Minutes of AGM 2018

Reading and Approval of Minutes of June EGM 2019 and July EGM 2019

President's Address

Matters Arising

Reading and Approval of Delegates' Reports

Presentation and Approval of Accounts

Presentation and Approval of Motions

Elections

Concluding Remarks

### **Welcome Address**

The meeting commenced at 18:00hrs. Perit Amber Wismayer (AW) opened the proceedings of the Annual General Meeting. She welcomed those present, thanked members for their support over the past, particularly difficult year, and proceeded to read through the Agenda.

### **Reading and Approval of Minutes**

AW presented a motion for the minutes of the KTP AGM 2018, which had been circulated to members, to be taken as read and approved. The motion was seconded by Perit Simone Vella Lenicker (SVL). The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

AW presented a motion for the minutes of the KTP June EGM, held on the 21st June 2019, which had been circulated to members, to be taken as read and approved. The motion was seconded by Perit Lara Brincat (LB). The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

AW presented a motion for the minutes of the KTP July EGM, held on the 5th July 2019, which had been circulated to members, to be taken as read and approved. The motion was seconded by SVL. The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

## **President's Speech**

SVL presented a synopsis of the pertinent matters dealt with by the Council over the last year. The speech is attached to these minutes as Annex A.

## **Matters Arising**

Following the conclusion of the President's Address, AW opened the floor and asked the AGM whether there were any comments on the presentation or matters arising for discussion.

Perit Joe Galea (JG) thanked SVL and the Council for their work over the last year.

### *- Legal Notice 136 of 2019*

Perit Karys Schembri (KS) commented that the legislation introduced this year (LN136/19) is relevant to bigger projects but is being imposed on small projects with the consequence of exorbitant expenses and onerous requirements.

SVL explained that the legislation was based on two misconceptions:

- Periti do not want to carry responsibility.
- Contractors are not competent.

She confirmed that none of the accidents of the last year occurred in major projects and noted with disappointment that there has been a lack of foresight on and understanding of the impact of these regulations when then came in to force. She informed the AGM that the Council has had discussions with Building and Construction Agency (BCA), which has been established to set up the Building and Construction Authority. The BCA has been responsive and conscious of the concerns outlined by the Kamra. KTP has been assured that the regulations will eventually be amended and the Legal Notice will be absorbed within the BCA legislation once this is finalised and approved by Parliament.

Perit Rebecca Zammit noted the lack of standards as an issue and asked whether timelines have been established to address this matter.

SVL replied that LN136/19 is not the ultimate solution to this issue; rather proper building regulations, as well as licensing and registration of contractors are important aspects to address the current situation. Whereas timelines have been shifted, the Council is working on this matter continuously.

Perit Matthew Mercieca (MM) highlighted specific consequences of LN136/19, namely that it limits the potential of development. SVL noted that most periti are facing similar issues and emphasised the importance of establishing a distinction between planning policy and building regulations. SVL also noted that the Council has been considering whether it is opportune to amend the regulations in relation to excavation between developed sites.

LB suggested that an EGM is held next year, specifically targeting the Periti Act, in order to encourage Government for the finalisation of this legislation. She proposed that the Minister is invited to attend the meeting such that those present may avail themselves of the opportunity to air any grievances they might have.

AP highlighted that matter that the AGM is facing today are the result of an accumulation of complacency over the years, and that we have as yet failed to address fundamental issues in our profession. He encouraged periti to contribute and become more involved with the workings of the Kamra, and emphasised the importance of membership payments in strengthening the KTP's lobby.

A motion was put forward by Alex Torpiano (AT ) to thank the President for her work.

AT presented a motion of thanks to the President for her work. The motion was seconded by AW. The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

#### *- Robert Matthew Award 2019 – Commonwealth Association of Architects*

SVL informed the AGM that Perit Richard England (RE), present in the room, was nominated by the Kamra Tal-Periti for the Robert Matthew Award 2019 – Commonwealth Association of Architects, and selected by the CAA jury amongst five nominees. Perit Vincent Cassar (VC), President of CAA, also present in the room, accepted the award during the ceremony on RE's behalf.

VC gave an overview the Organisation: The CAA was established following a proposal by Perit Roger DeGiorgio, during a meeting in London, to set up an organisation with the scope of bringing together architects from Commonwealth countries. The first meeting was held in Malta. The Robert Matthew Award was established in 1982. Sir Robert Matthew was an architect of the modernist movement and President of the CAA between 1962 and 1964.

VC presented RC with the Award, a citation and a commemorative medal.

During his acceptance speech, RE expressed his appreciation for receiving the award and thanked the Kamra tal-Periti for the nomination. He commented on the excellent work carried out by SVL and the distinguished way in which she has faced the challenges of the past year. He thanked VC for his work as outgoing CAA President. He also thanked his family, particularly his wife Miriam, for their support during his career. He noted with encouragement the work of young architects.

#### **Reading and Approval of Delegates' Reports**

SVL explained that all KTP delegates have submitted a report outlining their work over the last year. All reports were made available through the KTP website. She noted that all delegates represented the KTP effectively over the last year, and thanked them for their contribution to the Kamra.

AP noted that during the last BICC WG meeting, the registration of contractors was shot down by the MDA: it was stated that the MDA had an agreement with Government to handle registration of contractors themselves.

SVL noted that the Users Committee has not met for some time; the Chair had resigned and a new Chair was recently appointed.

SVL presented a motion for the Delegates' Reports to be taken as read and approved. The motion was seconded by AW. The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

## **Presentation and Approval of Accounts**

AP presented an overview of the accounts for the last financial year. Referring to the proposals made during the 2018 AGM, he highlighted the Kamra's efforts to increase revenue streams. He noted that there has been an increase in memberships, sponsorships and donations, totalling Eur113,708, including over Eur10,000 in donations, and emphasised that this has enabled the Kamra to employ more staff with plans to develop this aspect further over the coming year. As a result of the employment, expenditure has also increased. However, there has been a profit of circa Eur25,000, increasing the Kamra's assets to circa Eur96,000. AP informed the AGM of the KTP's plan to organise four primary events in 2020, one each quarter, all of which will generate additional funds.

Mr Antonio Grech, the KTP's accountant, presented the financial statement and confirmed the accounts, which have been endorsed by the auditor, Mr Silvio Muscat. The Accounts are attached to the minutes as Annex B.

There were no questions or comments from the AGM.

AP presented a motion for the approval of the accounts. The motion was seconded by SVL. The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

Perit Brendon Muscat presented a motion to re-appoint Mr Silvio Muscat as the auditor for the next financial year. The motion was seconded by LB. The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

AP elaborated on how the KTP was planning to increase administrative income during 2020:

- Mandatory certificate of practice which would be mandatory;
- Obligatory CPD;
- Chapter Membership, categorised by area of practice, with Codes of Practice for each Chapter;
- Fees for complaints on Professional Conduct, particularly to avoid frivolous requests;
- The Emmanuel Luigi Galizia Awards as a continued commercial income;
- Advertising and Commercial Events; and
- Design Competitions.

AP informed the AGM that an application by KTP for funding from the Civil Society Funds for participation of KTP representatives at European events was successful.

He proposed that the target income for next year to be Eur200,000.

The floor was opened for comments:

With regards to fees associated with Professional Conduct cases, JG suggested that at the guilty party is charged once the case is closed. AP noted that this may be considered.

## **Presentation and Approval of Motions**

SVL suggested a discussion on two specific topics.:

- a. Advertising;
- b. Change of Perit Procedure.

### *- Advertising*

The KTP Advertising Regulations Working Group presented a draft to the AGM.

The floor was opened to comments:

Perit Tano Zammit (TZ) noted that it will be difficult to enforce, particularly in relation to honesty in marketing material. SVL replied that honesty will be determined by what can be evidenced e.g. an office of 2 vs an office of 20 employees. She also noted, however, that this particular aspect must be tested and developed.

SVL noted that comments put forward will be taken on by the KTP WG, and closed the discussion.

### *- Change of Architect Procedure*

SVL presented an overview of the current Change of Perit procedure, including the context within which it was drafted and approved. The directive was set up at a time when it was necessary to protect the client/developer from situations wherein periti would refuse to give up the project. Particularly since Tariff K is no longer in force, it is opportune to amend this procedure. In this regard, SVL highlighted the importance of distinguishing between those periti who have written agreements with their clients, including a termination clause, and those who do not. The Council has considered providing a mediation service, against a fee, through the Kamra.

The revision is still in flux. Council welcomes feedback from members and aims to finalise a proposal to be presented during the upcoming GM. The Kamra will aim to present a proposal during the next GM. The floor was opened for comments:

Perit David Pace (DP) proposed that, if the directive is to be repealed, in the case of disputes related to professional fees, the outgoing perit requests an assessment of the fee structure for services rendered from the Kamra.

AT highlighted his misgivings towards DP's proposal, and emphasised that the perit/client agreement ought to be the only determinant in fee disputes. He noted that since there is no official tariff, there is no established criteria for evaluation. DP agreed.

Perit Catherine Galea (CG) proposed an information campaign, run by the KTP, to increase education and awareness of the need to request/provide a quotation for professional services before embarking on a commission. SVL agreed on the benefits of such a campaign but availed herself of the opportunity to remind periti of their obligation at law to agree upon fees with their clients before providing professional services. She noted that the Kamra will be assisting members by providing standard forms of agreement which could be adapted, through an annex, to the conditions of specific projects. JG noted that, given this legal obligation, those periti who do not have such an agreement may be subject to misconduct proceedings. SVL confirmed that this is correct and noted that the Council has issued warnings in such cases.

AT clarified that the law specifies that a fee is not enforceable in the absence of an agreement, but that the absence of an agreement is not a crime in itself. He emphasised that it is in the perit's interest to ensure that there exists an agreement between the perit and client. AT noted his disagreement with fining periti for not having an agreement.

Perit Chris Mintoff noted the difficulty of issuing a quotation for professional services when the nature of works are not clear, and highlighted that before providing a draft agreement to the client, it is often necessary to inspect the site in order to obtain a better understanding of what will be required. SVL agreed but clarified that a quotation should be issued immediately thereafter. She added that an estimate may be possible if the calculation of the costs were based on standard criteria.

MM agreed with CG's comments regarding a lack of awareness, and suggested that the Kamra propose means of improving the public's knowledge base in this regard. He also confirmed his agreement with amending the Change of Perit procedure.

AT noted the dangers in stopping works in order to resolve a fee dispute: he noted that if the perit's claim is unfounded, then the perit may be liable for damages.

KS queried whether the Change of Perit procedure is only related to fees. SVL clarified that the Change of Perit form is a planning procedure, and that this form is not essential to outline responsibility but, rather, has been imposed on periti through the Planning Authority. AP clarified further that the directive issued last summer (re supplanting) enabled periti to refuse to sign the Change of Perit form in cases when there is a risk to public safety.

TZ noted his disagreement with any procedure that obstructs the changing of a perit. He added that fee disputes are generally resolvable through a proper agreement.

KS proposed that periti found guilty of supplanting and/or not adhering to a KTP Directive should be publicly named. JG added that this should be considered professional misconduct and that the Code of Ethics should be updated accordingly.

SVL assured the AGM that Council will take note of the comments received.

SVL presented a motion for the Council to be entrusted with the task of drafting a proposal for the revised Change of Perit Procedure, which would be presented during the next GM. The motion was seconded by AW. The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

## **Elections**

At the end of AW's term as Honorary Secretary, there was one nomination for the post. Perit Amber Wismayer was proposed for the post by Perit Lara Brincat, seconded by Prof Alex Torpiano. SVL proposed a motion to endorse AW's appointment as the KTP Hon. Secretary. The motion was seconded by AP. The motion was unanimously approved by show of hands, with no votes against, no abstentions and all others in favour.

At the end of the term of the outgoing Council, four posts became vacant. Four nominations were received, all of which were for members of the outgoing Council whose terms had just come to an end. The nominations were for:

- Perit Lara Brincat: proposed by Prof Alex Torpiano and seconded by Perit Damian Vella Lenicker
- Perit Sandro Cini: proposed by Perit Damian Vella Lenicker and seconded by Perit Gaston Camilleri
- Perit Ivynne Grixti: proposed by Perit Amber Wismayer and seconded by Perit Gaston Camilleri
- Perit Damian Vella Lenicker: proposed by Perit Gaston Camilleri and seconded by Prof Alex Torpiano.

Since there were four nominations for four vacant positions, no election was held. SVL proposed a motion to endorse all four members, seconded by AT, which was unanimously approved by show of hands.

All nominations are attached to the minutes as Annex C.

### **Concluding Remarks**

AW adjourned the AGM 22:00hrs.