

## Review of certain C14 Rates in modern awards (C2019/5259)

### Submissions by APESMA in relation to the Architects Award 2020

1. The Full Bench in the current *Review of certain C14 rates in modern awards* invited interested parties to provide our submissions on certain matters set out in the 22 September 2023 *Statement* [2023] FWCFB 168 (the Statement). Having considered the matters raised in the Statement, The Association of Professional Engineers, Scientists and Managers, Australia t/as Professionals Australia (APESMA) would like to make the following submissions with respect to the Architects Award 2020.

#### **A. Submissions in respect of the *provisional view* set out in the Statement at paragraph [8].**

2. APESMA supports the propositions set out in (1), (2) and (3) in paragraph [8] of the Statement which comprise the *provisional view*.
3. The propositions are in line with the conclusions reached by the Expert Panel set out at paragraph [6] of the Statement that the C14 rate was intended to be a transitional entry rate only and 'does not constitute a proper minimum wage safety net for award/agreement free employees in ongoing employment'.
4. It follows that pay rates which are less than the C13 rate also fail to provide a proper minimum wage safety net for employees who are employed in ongoing employment under a modern award.
5. It is also relevant to note that the C13 rate is found in the Manufacturing and Associated Industries and Occupations Award 2020 as part of the C1-C14 skills-based classification structure that it contains. It is set at 82% of the qualified tradesperson's rate of pay. The descriptor for the C13 pay rate is that it applies to employees undergoing 'in house training'.<sup>1</sup>

#### **B. Submissions with respect to the accuracy of the table at Attachment D of the Statement**

5. Our review of the entries set out for the Architects Award 2020 (MA000079) in the Table finds them to be accurate as follows:
  - i. there are two classifications which provide rates below the C13 rate of pay:
    - a) Students of Architecture (21 years of age and over): Less than 3 years of experience; and

---

<sup>1</sup> Refer to the table in Schedule A of the Manufacturing and Associated Industries and Occupations Award 2020.

- b) Students of Architecture (21 years of age and over); 3<sup>rd</sup> year of experience; and
    - ii. the rate of pay which is set out for each classification.
- 6. However, the characterisation of the classification of Student of Architecture (21 years of age and over): Less than 3 years of experience as a ‘transitional entry’ classification would appear to be applying a much broader definition of a ‘transitional entry’ classification than otherwise applies in modern awards. This is discussed further below.
- 7. The classification of Student of Architecture (21 years and over): 3<sup>rd</sup> year of experience is described in the Table as being ‘(v) the classification level is not transitional’ but has a rate of pay that is between the C13 and C14 rates of pay. We note that this is also an accurate description.
- 8. The Table does not mention the third category of the classification of Student of Architecture for those employees who hold a Bachelor degree which provide a pathway to the Masters of Architecture.<sup>2</sup> It is not suggested that this amounts to an omission from the Table - the pay rate which applies to this category within the classification is above the C13 rate.

**C. Draft determinations or proposals for any specific award variations that might be necessary**

- 8. However, it is our view that the existing categories which come within the classification of Student of Architecture need to be reviewed when the nature of the work performed under this Award along with the level of experience and qualifications held by the employees performing it are considered.
- 9. The Architects Award 2020 defines a Student of Architecture in clause 2 as follows:

***Student of Architecture*** is an employee who is normally enrolled in a Bachelor’s Degree with a pathway to a Master of Architecture and who is employed to gain experience in the practice of architecture.
- 10. This definition of Student of Architecture is deficient in that it fails to recognise that a person may have attained a Bachelor’s degree and be working. This becomes apparent only when the category referred to in paragraph [8] above is taken into account.
- 11. The witness statement made by Melissa Cadwell (“the Witness Statement”) annexes a copy of the Accredited Architecture Qualifications which make clear that for the purposes of approved qualifications, a person must hold an approved Masters in Architecture qualification. It is also apparent from this document that previously an approved Bachelor’s degree sufficed.
- 12. It is evident from the Witness Statement that the Student of Architecture classification level is not solely for the purposes of work experience required to be undertaken as part of a university course or undertaken over the university vacation period as might otherwise be surmised from the classification’s name. It is a classification level used to extensively employ employees to perform drafting and other work.<sup>3</sup>

---

<sup>2</sup> Refer clause 13.5(c) of the Architects Award 2020

<sup>3</sup> Paras [6] and [7] of the Witness Statement refers

13. We propose that the re-setting of the pay rates for the two Student of Architecture classification categories which are below the C13 rate cannot be properly set without a review of the third category which applies to those who hold a Bachelor's Degree (which provide a pathway to the Masters of Architecture) as well. This third category provides pay rates as follows:
- 1<sup>st</sup> year – 85% of the first year Graduate Architect rate
  - 2<sup>nd</sup> year – 90% of the first year Graduate Architect rate
  - 3<sup>rd</sup> year – 95% of the first year Graduate Architect rate<sup>4</sup>

The first year Graduate Architect rate is currently \$30.58 per hour or \$1162.10 weekly.<sup>5</sup> Our calculations are that the hourly rate for the 1<sup>st</sup> year is \$25.99; 2<sup>nd</sup> year is \$27.52; and 3<sup>rd</sup> year is \$29.05.

14. Based on our calculations an employee working under this classification who holds a Bachelor degree (which provides a pathway to a Masters in Architecture) earns:
- the equivalent of between the C10 and C11 rates in their first year;<sup>6</sup> this is less than the newly qualified Level 1 tradesperson earns under the Manufacturing and Associated Industries and Occupations Award;
  - the equivalent of between the C9 and C8 rates in their 2<sup>nd</sup> year;<sup>7</sup> this is marginally above what the Level 1 tradesperson engaged in draughting work earns in their first year (C9)
  - the equivalent of between the C7 and C6 rates in their 3<sup>rd</sup> year;<sup>8</sup> this is marginally above what the technical officer engaged in more detailed draughting work earns.

On this preliminary desk top analysis, the pay rates of those working under the classification of Student of Architecture who hold a relevant Bachelor's degree appear to be under-valued.

15. It is recognised that a more detailed analysis of the work undertaken by those employed in the different categories of the Student of Architecture is required for a proper work value assessment to be undertaken. We are pointing out these issues at this time because the current pay settings for this third category (which does not have pay rates below the C13 rate) nonetheless restricts the extent to which the current review can address properly the pay rates which should apply to the two categories within the Student of Architecture classification that currently have pay rates that are below the C13 rate.
16. It is our view that the classification of Student of Architecture needs more detail and possibly needs to include more categories to recognise the range of experience, knowledge and skills that it can cover.
17. It is also our view that the pay rates currently provided seemed to be based on a perception that employees working under this classification are primarily employed so they might gain experience as distinct from our experience that staff are

---

<sup>4</sup> Refer to table in clause 13.5(c) of the Architects Award

<sup>5</sup> Refer to table in clause 13.1 of the Architects Award

<sup>6</sup> Refer to the table in clause 20.1 of the Manufacturing and Associated Industries and Occupations Award

<sup>7</sup> *ibid*

<sup>8</sup> *ibid*

extensively employed under this classification and provide skills, knowledge and experience of significant value to the architecture firms and when considered against classifications under other Awards.

18. In summary, APESMA proposes that it is appropriate to take immediate steps to lift the pay rates which apply to the two categories in question. To this end, we propose that:
- the C13 rate is the applicable 'transitional' rate for the first 3 months when it is seen in context as the rate for 'in-house training under the Manufacturing and Allied Industries and Occupations Award;
  - there is an interim determination made for the pay rates to apply to the 'Under 3 years' experience' and the '3<sup>rd</sup> year experience' categories of the classification pending a work value determination and review of the Student of Architecture classification.

The Association of Professional Engineers, Scientists and Managers, Australia t/as  
Professionals Australia

3 November 2023



**Review of certain C14 Rates in modern awards (C2019/5259)**

**Architects Award 2020 (M000079)**

**WITNESS STATEMENT OF MELISSA CADWELL**

I, Melissa Cadwell, of 152 Miller Street, West Melbourne in the State of Victoria state the following:

1. I make the statement from my own knowledge unless stated otherwise. Where I refer to matters within the statement on the basis of information and belief, I identify the source of that information and believe those matters to be true.
2. I am employed as a Senior Organiser in Victoria for The Association of Professional Engineers, Scientists and Managers, Australia trading as Professionals Australia (“the Union”). In this role, there are two parts to my responsibilities. One part relates to my organising responsibilities in various workplaces which includes the bargaining and negotiation of enterprise agreements. The other part which is relevant to making this statement is that I am the Executive Officer of the union’s Architects Divisional Committee.
3. The Architects Division is established under the rules of the union. The Architects Divisional Committee (“Committee”) is comprised of the offices of President, Vice-President, Secretary, Treasurer and six other committee members who are elected by the members of the Architects Division every 2 years. The practice of the Committee is to meet monthly and is usually open to all Architects Division members to attend.
4. My role as Executive Officer is to be the conduit between the Committee which sets the strategic direction and priorities for progressing the industrial interests of the architect members and the operational side of the union which seeks to implement these. I have been performing these duties since February 2022.
5. The Architects Award 2020 (“the Award”) is often the subject of discussion by the Committee and by members. Discussions will be about the provisions of the Award and also how it is applied by employers (architecture firms). The Award is of major significance to our members because to my knowledge there are no enterprise agreements which apply to architecture firms.
6. From my discussions with the committee and members, the classification of the Student of Architecture is one in which those studying towards becoming an architect are

engaged under by architecture firms to undertake drafting and other architectural duties. However, I have been informed on numerous occasions by members that they are not doing this as a course requirement for their university degrees. It is no more than the classification on which they are employed to work within an architecture firm.

7. I have also been advised that:
  - a. Our members employed in the classification of Student of Architecture are usually employed at the minimum award rate of pay;
  - b. They may be employed on either a casual, fixed term or an ongoing basis;
  - c. Their level of experience in performing the duties they are allocated will vary from when they are inexperienced first year students to experienced, ongoing employees. There are many experienced employees working in this capacity undertaking drafting and other architectural duties on a full time and regular part time basis;
  - d. They may be paid on the basis of an annual salary;
  - e. For the majority of those working towards becoming an Architect, it has become the practice to take at least a year off and work in an architecture firm. This is seen as necessary in order to obtain future employment as an Architect;
8. A person who is employed as a Student of Architecture remains in this classification while working for an architecture firm until they have attained a Masters in Architecture. This involves a minimum of 5 years full time tertiary level study. Annexed hereto and marked "A" is a copy of the Accredited Architecture Qualifications which sets out that a Masters level of qualifications are the approved level of qualifications required for undertaking the examination to become a Registered Architect.
9. For the reasons I have outlined briefly above, I have heard many stories from members who really struggle to make ends meet while working at the Student of Architecture classification level.

MELISSA CADWELL

3 November 2023

## TAS

University of Tasmania M Arch D7C B Arch; (Grad Dip Arch); (Dip Arch)

## VIC

Royal Melbourne Institute of Technology M Arch MC163 B Arch; (assoc & Fellowship Dips in Arch)

Deakin University M Arch S700 M Arch (DM) S711 (2018-2020)

M Arch (DM) S701

University of Melbourne MC-ARCH A05-DA or MC-ARCH2Y; M Arch A05-DB or MC-ARCH3Y

M Arch – Option C (052)\*; B Arch. (\*Students who have completed the 150 M Arch are advised to contact the Faculty of Architecture, Building & Planning to ascertain whether they meet the requirements for Option C)

Monash University MC-ARCHENG (from Nov 2021) M Arch F6001 (from 2016) M Arch 3120 (until 2015)

Swinburne University of Technology MA-ARC (from Jun 2021) MA-ARCHUD (from Jun 2021)

## WA

University of Western Australia M Arch 25520

Curtin University M Arch MC-ARCH MC-ARCH 310460 B-ARCH; (assoc in Arch)

Curtin University delivered online through Open Universities Australia M Arch OM-ARCH (from Nov 2018)

University of Notre Dame, Australia M Arch 5152 (from Nov 2020) (Fremantle Campus)

## Currently Accredited International Qualifications

There are also a number of international academic qualifications in architecture or Board examinations from countries with which AACA has a mutual recognition agreement that allow entry to the Architectural Practice Examination. They are listed in the table below.

Tertiary Education Provider	Currently Accredited Qualification and Course Code	Previously Accredited Qualification and Course Code
<b>New Zealand</b>		
Auckland University of Technology	M Arch (Prof) AK1338	N/A
UNITECH Institute of Technology	M Arch (Prof) MARCP	B Arch
University of Auckland (University of New Zealand)	M Arch(Prof)** M Arch(Prof)HerCons * M Arch(Prof)UrbDes * M Arch(Prof)UrbPlan * M Arch(Prof)HousSt ** * from Sep 2016 ** discontinued from Jan 2024	B Arch; (Dip Arch)
Victoria University of Wellington	M Arch (Prof)	B Arch
Join NZIA/AERB Special Examination	Certificate	



## Hong Kong

University of Hong Kong	M Arch (Dec 2010-2027)
	M Arch (Design) (2022-2024)
Chinese University Hong Kong	M Arch (Dec 2010-2025)
Chu Hai College of Higher Education Hong Kong Chu Hai College (from 2022)	M Arch (2017-2027)

## Singapore

National University of Singapore	M Arch (Design) (from July 1999 – May 2028)
Singapore University of Technology and Design	M Arch (2023-March 2028)

## Alternative Pathways to the Architectural Practice Exam

In addition to the accredited architecture qualifications listed in the earlier tables, there are a number of alternative pathways to the Architectural Practice Examination described below.

---

<u>Overseas Qualifications Assessment</u>	For practitioners who have completed an architectural qualification outside Australia
<u>National Program of Assessment</u>	A practical examination for experienced practitioners with relevant industry experience but no architectural qualification
<u>NSW Portfolio Program of Assessment</u> (from 2020)	Offered by the NSW Architect Registration Board, this is a competency based “assessment by portfolio” process that provides a pathway to the Architectural Practice Examination for those who have exemplary skills and substantial ‘Executive’ level industry experience in the architectural services profession, but no approved architectural qualification.
<u>NSW Built Work Program of Assessment</u> (until 2020)	
<u>UK Qualifications Recognition</u>	An accredited qualification from the United Kingdom that has been assessed by the AACA through the UK Qualifications Recognition.

The Architecture Program Accreditation Procedure in Australia and New Zealand sets out the peer review process through which all architecture programs in Australia are assessed against the accreditation standard over five years or ten semester equivalence of learning cycle. This assessment is made by an independent Accreditation Review Panel, composed of practicing architects and academics, which then makes a recommendation on whether and for how long a program should be accredited.

The Procedure is administered by the Architects Accreditation Council of Australia (AACAA) on behalf of the State and Territory architect registration boards who are responsible for the regulation of architects via the State and Territory Architects Acts. The New Zealand Architects Registration Board licences the Accreditation Procedure from the AACAA for the purpose of accrediting architecture programs in New Zealand.

The eight state and territory architect registration boards have statutory responsibility for the accreditation of architectural programs of study within their jurisdictions. Accredited programs are recognised in all other states and territories (and New Zealand and Hong Kong). By agreement, architect registration boards are guided by the recommendations of the Accreditation Review Panel, however they are not bound to accept those recommendations.

All Australian qualifications accredited for the purpose of entry to the Architectural Practice Examination are listed in the table below, and continued on page 2.

## Currently Accredited Australian Qualifications

Tertiary Education Provider	Currently Accredited Qualification and Course Code	Previously Accredited Qualification and Course Code
<b>ACT</b>		
University of Canberra	<b>M Arch</b> 913AA	B Arch
<b>NSW</b>		
University of Sydney	<b>M Arch</b> MAARCHIT-02	B Arch, MAARCHIT2000
University of New South Wales	<b>M Arch</b> 8143	B Arch
University of Technology, Sydney	<b>M Arch</b> C04235	B Arch; Advanced Dip in Arch (NSWIT)
University of Newcastle	<b>M Arch</b> 12060	B Arch
Western Sydney University	<b>M Arch</b> 3761 (from Nov 2021)	
<b>QLD</b>		
Bond University	<b>M Arch</b> SD-93017 <b>M Arch</b> (Prof) SD-93045 (from June 2022)	
The University of Queensland	<b>M Arch</b> 5429	B Arch (M Arch Studies, General Practice Stream – 1997)
Queensland University of Technology	<b>M Arch</b> DE80 <b>M Arch</b> DE83 (from Mar 2023)	M Arch AR49; B Arch; (Grad Dip Arch): Dip Arch)
Griffith University	<b>M Arch</b> 5558	
<b>SA</b>		
University of Adelaide	<b>M Arch</b> SATAC 3CM015 <b>M Arch M Land Arch</b> SATAC 3CM021 (from Nov 2022)	B Arch; (Dipi Tech [Arch])
University of South Australia	<b>M Arch</b> DMAE	B Arch; (Dipi Tech [Arch])