

5th April 2019

AM2014/257 Architects Award 2010 Exposure Draft Comments

Justice Ross
President
Fair Work Commission
PO Box 1994
Melbourne 3001

Dear Justice Ross

RE: AM2014/257 Architects Award 2010 and the statement AM2014/1 dated 13th February 2019 regarding exposure draft comments.

We write on behalf of the Association of Consulting Architects Australia a registered organisation of employers under the *Fair Work Act 2009 (cth)* and make the following comments in regards to the Architects Award 2010.

At [7] of the statement:

A small number of award specific technical and drafting issues remain outstanding in some exposure drafts. These outstanding issues are dealt with later in this Statement. Specific clauses in exposure drafts that relate to any outstanding issues (including those that are the subject of substantive claims) will be quarantined and a note inserted into the relevant clause of the exposure drafts during the publication process in 2019. Any outstanding substantive claims that have not been determined when the exposure drafts become new modern awards will be incorporated by way of a subsequent variation determination.

Our substantive claims in regards to outstanding issues were not mentioned in the statement. We are aware the Fair Work Commission does have the matter listed for a full bench hearing commencing 13th May 2019 at 2pm.

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As the Fair Work Commission has invited parties to comment on the exposure draft we would like to provide the following:

At Clause 2 Definitions subject to the Full bench hearing commencing 13th May 2019:

Clause 2 Definitions

A Completed Bachelor Degree with a pathway to a Master of Architecture, means an employee who holds a design based Bachelor Degree which would allow them to apply for enrolment in an approved Master of Architecture program qualifying them for admission to the Architectural Practice Examination (APE) for registration as an Architect under Australian legislation.

At Clause 13.2 Time off instead of payment for overtime subject to the Full bench hearing commencing 13th May 2019:

13.2 Time off instead of payment for overtime

13.2 (b) The period of time off that an employee is entitled to take is equivalent to time for time. That is 2 hours of overtime worked an employee is entitled to 2 hours' time off in lieu.

At clause 14.1 Minimum wages subject to the full bench hearing commencing 13th May 2019.

Completed Bachelor Degree with a pathway to a Master of Architecture

| Years of Experience | Annual Rate | Weekly Rate | Minimum hourly rate |
|---------------------|-----------------|-----------------|---------------------|
| 0 (77%) | \$39 286 | \$753.10 | \$19.82 |
| 1 (85%) | \$43 367 | \$831.30 | \$21.87 |
| 2 (96%) | \$48 979 | \$938.90 | \$24.71 |
| 3 (100%) | \$51 020 | \$978.00 | \$25.74 |

At clause 15.4 Equipment and special clothing allowance subject to the full bench hearing commencing 13th May 2019.

15.4 Equipment and special clothing

15.4 (a) Where the employer requires an employee to provide relevant technical equipment or special clothing, the employer must reimburse the employee for the costs of purchasing such equipment.

(b) On occasion when required for on-site use, the employer must pay an allowance equivalent to the cost of necessary protective clothing.

(c) The provisions of clause 15.4(a) and (b) do not apply where the employer supplies such equipment and special clothing without cost to the employee.

At Clause 16.4 Superannuation subject to the full bench hearing commencing 13th May 2019.

16.4 Superannuation fund

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 16.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 16.2 and pay the amount authorised under clauses 16.3(a) or (b) to one of the following superannuation funds or its successor:

- a) Construction and Building Industry Super (Cbus)
- b) Prime Super;
- c) Tasplan;
- d) Statewide Superannuation Pty Ltd;
- e) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008, provided the superannuation fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector scheme; or
- f) a superannuation fund or scheme which the employee is a defined benefit member of.

At Clause 25 Termination of employment subject to the full bench hearing commencing 13th May 2019.

At Clause 25 Termination of employment we would seek the following amended clause:

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25.1 Notice of termination is provided for in the NES.

Instead of s.117(3) of the Act, in order to terminate the employment of an employee the employer must give the employee one month's notice except where the NES provides a longer period of notice.

Provided that the period of notice to be given to or by an employee with up to 6 months continuous service (or 12 months continuous service if the employer is a small business employer as defined in s.23 of the Act) with a particular employer shall not be less than 1 week or the amount of payment to be made by either party shall be an amount equal to 1 weeks salary.

Comments on the Exposure Draft not subject to a full bench hearing:

At Schedule B Summary of Hourly Rates of Pay we would like the following tables inserted

B.3 Students of Architecture

Students of Architecture shall be paid the following percentage of the first year Graduate of Architecture rate of payment:

% of Level 1 – first year rate

For Employees over 21

| | Ordinary Hours | Overtime |
|---------------------------------|-----------------------|-----------------|
| | 100% | 150% |
| Less than 3 years of experience | \$18.93 | \$28.40 |
| 3rd year of experience 75% | \$19.30 | \$28.95 |
| 4th year of experience 85% | \$21.88 | \$32.82 |
| 5th year of experience 90% | \$23.16 | \$35.40 |
| 6th year of experience 95% | \$24.45 | \$36.68 |

***For Employees under 21**

| | Ordinary Hours | Overtime |
|--------------------|-----------------------|-----------------|
| | 100% | 150% |
| First 13 weeks 35% | \$9.01 | \$13.52 |
| Next 13 weeks 50% | \$12.87 | \$19.31 |

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| | | |
|----------------------------|---------|---------|
| Next 26 weeks 65% | \$16.73 | \$25.10 |
| 2nd year of experience 70% | \$18.02 | \$27.03 |
| 3rd year of experience 75% | \$19.30 | \$28.95 |
| 4th year of experience 85% | \$21.88 | \$32.82 |
| 5th year of experience 90% | \$23.16 | \$35.40 |
| 6th year of experience 95% | \$24.45 | \$36.68 |

B.4 Casual Employees

For Employees over 21

| | Casual rate |
|---------------------------------|--------------------|
| | 125% |
| Less than 3 years of experience | \$23.66 |
| 3rd year of experience 75% | \$24.13 |
| 4th year of experience 85% | \$27.35 |
| 5th year of experience 90% | \$28.95 |
| 6th year of experience 95% | \$30.56 |

*For Employees under 21

| | Casual rate |
|----------------------------|--------------------|
| | 125% |
| First 13 weeks 35% | \$11.26 |
| Next 13 weeks 50% | \$16.09 |
| Next 26 weeks 65% | \$20.91 |
| 2nd year of experience 70% | \$22.53 |
| 3rd year of experience 75% | \$24.13 |
| 4th year of experience 85% | \$27.35 |
| 5th year of experience 90% | \$28.95 |
| 6th year of experience 95% | \$30.56 |

Pay scale we would like to see inserted should we be successful in adding the additional classification of Completed Bachelor Degree with a pathway to a Master of Architecture

B.5 Completed Bachelor Degree with a pathway to a Master of Architecture

| Years of Experience | Ordinary Hours | Overtime |
|----------------------------|-----------------------|-----------------|
| | 100% | 150% |
| 0 (77%) | \$19.82 | \$29.73 |

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| | | |
|-----------------|----------------|----------------|
| 1 (85%) | \$21.87 | \$32.81 |
| 2 (96%) | \$24.71 | \$37.08 |
| 3 (100%) | \$25.74 | \$38.61 |

B.6 Casual Employees

| Years of Experience | Ordinary Hours |
|---------------------|----------------|
| | 125% |
| 0 (77%) | \$24.78 |
| 1 (85%) | \$27.34 |
| 2 (96%) | \$30.89 |
| 3 (100%) | \$32.18 |

Should you require any further information please do not hesitate to contact Michael Corrigan on Michael@platinumer.com.au or 0400 553 644.

Yours faithfully



MICHAEL CORRIGAN
General Manager
Human Resources and Industrial Relations