

30<sup>th</sup> June 2016

## AM2014/257 Architects Award 2010 13 May 2016 Exposure Draft

Justice Ross  
President  
Fair Work Commission  
PO Box 1994  
Melbourne 3001

Dear Justice Ross

RE: AM2014/257 Architects Award 2010 Exposure Draft.

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 submissions in regards to the exposure draft.

**At Clause 16.3 we would seek to insert the following amended clause**

### **16.3 Equipment and special clothing allowance**

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

**(b)** The provisions of clause [16.3\(a\)](#) must not apply where the employer supplies such equipment and special clothing without cost to the employee.

**At Clause 16.4 we would seek to insert the following amended clause:**

**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;
- (a) Tasplan;
- (b) Statewide Superannuation Pty Ltd;
- (c) 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
- (d) a superannuation fund or scheme which the employee is a defined benefit member of.

Submission as to why this being sought:

Construction and Building Industry Super (Cbus) is being inserted due to the relevance of the fund in regards to the construction industry and Architects are at the start of the construction industry in the design phase and we have found a lot of our member's have employees belonging to the fund. Please see the attached form F46 application to vary award.

**At Clause 25.1 we would seek the following amended clause:**

25.1 Notice of termination is provided for in the NES.

We seek to delete:

***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.***

Submission as to why this being sought:

The award modernisation process is set to bring a standardised set of terms and conditions across the workplace and the Notice Period differs significantly from the National Employment Standards.

Most Architectural Practices are multi disciplinary in which they employ, besides Architects, Draughting Persons (Manufacturing and Associated Industries and Occupations Award), Clerical Employees (Clerks Private Sector Award) both these awards have the notice period as a standard and that being the NES termination provisions. There are large practices that employ from the Graphic Arts Award and Miscellaneous Award along with the awards listed in the previous sentence.

There is significant cost on a small business in regards to termination of an Architect as in theory a person could be appointed on a Monday as a full time employee and be terminated the following week, month or 3 months and the significant cost is 1 month's wages, which prior to 01 July 2016 increase is \$3883.50. The NES provision impact would only be \$893.38.

The Exposure Draft Document contained various questions in various clauses and we would provide those responses below:

Clause 10.3 we would seek by the week be changed to "as a full time or part time employee"

Clause 13 we would seek be changed to "in excess of the normal hours or outside the spread of ordinary hours".

Clause 13.1 (a) time off in lieu has always been at hour for hour. We would seek clause 13.1(a) to read granting time off instead of payment at hour for hour or by making payment for such excess time within six months of it accruing. Payment for such excess time must be in accordance with clause 13.1(b).

Clause 14 We support the inclusion of weekly rates.

We are also aware of provisions that may be affected by decisions of the Fair Work Commission which include:

Clause 9 Part time employment AM2014/196



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Clause 10 Casual employment AM2014/197

Clause 13 Overtime AM2014/300

Clause 17 Annual leave AM2014/47

Schedule D Part day public holidays AM2014/301

Should you require any further information please do not hesitate to contact Michael Corrigan on [Michael@platinumer.com.au](mailto:Michael@platinumer.com.au) or 0400553644.

Yours faithfully

A handwritten signature in black ink, appearing to read "Michael Corrigan", is placed over a light grey rectangular background.

MICHAEL CORRIGAN  
General Manager  
Human Resources and Industrial Relations

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## Form F46 Application to vary a modern award

Fair Work Act 2009, ss.157–160

FAIR WORK COMMISSION

Commission use only

Commission Matter No.:

### Applicant

<b>Name:</b>	Association of Consulting Architects Australia		
<b>Address:</b>	Box 17 Flinders Lane Post Office		
<b>Suburb:</b>	Melbourne	<b>State:</b> Vic	<b>Postcode:</b> 8009
If the Applicant is a company or organisation:			
<b>Contact person:</b>	Michelle Eades	<b>ABN:</b>	
Contact details for the Applicant or contact person (if one is specified):			
<b>Telephone:</b>	1 300 653 026	<b>Mobile:</b>	
<b>Fax:</b>		<b>Email:</b>	nat@aca.org.au

### Applicant's representative (if any)

<b>Name:</b>	Platinum ER Pty Ltd		
		<b>ABN:</b> [If applicable]	
<b>Address:</b>	PO Box 814		
<b>Suburb:</b>	Broadbeach	<b>State:</b> QLD	<b>Postcode:</b> 4218
<b>Contact person:</b>	Michael Corrigan		
<b>Telephone:</b>	1 300 571 090	<b>Mobile:</b>	0400 553 644
<b>Fax:</b>	1 300 766 520	<b>Email:</b>	michael@platinumer.com.au

1. **What is the name of the modern award to which the application relates?**  
Architects Award 2010 MA 000079

2. **What is the industry of the employer?**  
Architecture

3. **Variation(s) sought:**

Vary clause 16.4 to include Cbus superannuation fund

**At Clause 16.4 we would seek to insert the following amended clause:**

#### 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:

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- (d) a superannuation fund or scheme which the employee is a defined benefit member of.

**4. Grounds:**

1. United Super Pty Ltd is registered Super Fund under My Super and has an ABN 75 493 363 262.
2. United Super Fund is known as Construction & Building Unions Superannuation and is a Public Offer Super fund.
3. The My Super fund name is Growth (Cbus MySuper) and its unique identifier code is 75 493 363 262 473.
4. The business of Architecture is covered by the Construction Industry.
5. Construction and Building Industry Super (Cbus) is being inserted due to the relevance of the fund in regards to the construction industry and Architects are at the start of the construction industry in the design phase and we have found a lot of our member's have employees belonging to the fund

<b>Date:</b>	30 <sup>th</sup> June 2016
<b>Signature:</b>	
<b>Name:</b>	Michael Corrigan
<b>Capacity/Position:</b>	Applicants Respondent

**Service requirements**

The Applicant must seek directions from the Commission as to service of this application.