

## **4 Yearly Review of Modern Awards**

**Matter Number: AM2014/257**

**Architects Award 2010**

### **OUTLINE OF SUBMISSIONS IN RELATION TO SUBSTANTIVE CLAIMS**

#### **ASSOCIATION OF PROFESSIONAL ENGINEERS, SCIENTISTS AND MANAGERS, AUSTRALIA ("APESMA")**

##### **INTRODUCTION**

1. This submission by the Association of Professional Engineers, Scientists and Managers, Australia (APESMA) is made in response to the Statement and Directions issued by Justice Ross on 26 August 2016<sup>1</sup> in respect of Group 4 Awards. Interested parties are to file by 4pm on Friday 30 September 2016 a short submission confirming the substantive claims which are being pursued and to raise any additional matters.

##### **Graduate of Architecture**

2. The current award defines a Graduate of Architecture as an employee "*who holds an Approved Qualification under the eligibility requirements for admission to the Architectural Practice Examination (APE) for registration as an Architect under Australian legislation.*" Previously a Bachelor degree was sufficient for an employee to fall within the coverage of this classification. However, it is now necessary for a person to have completed a Master's Degree. Accordingly, those employees who possess Bachelor degree have no pay rate under the award. It is understood that the Modern Manufacturing and Associated Industries and Occupations Modern Award has been applied by some Architectural Practices. However, there is ambiguity as to the applicability of any modern award.
3. To rectify the anomaly which exists the Association seeks to vary the Architects Award as follows;
  - (a) Insert in Clause 2 – Definitions the following;

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<sup>1</sup> [2016]

*“Graduate of Architecture (Part 1) means an employee who holds a Bachelor Degree which would entitle them to enrol in an Approved Qualification under the eligibility requirements for admission to the Architectural Practice Examination (APE) for registration as an Architect under Australian legislation.*

*Graduate of Architecture (Part 11) means an employee who holds an Approved Qualification under the eligibility requirements for admission to the Architectural Practice Examination (APE) for registration as an Architect legislation.”*

- (b) Insert in Clause 14.1 – Minimum Wages a rate of pay for Graduate of Architecture (Part 1) of \$46,402 per annum.

In support of the proposed variation the Association will lead witness evidence in respect of the work undertaken by the proposed Graduate of Architecture (Part 1) and make general submissions.

#### **Progression from Graduate of Architecture to Registered Architect**

4. Clause 14.3 governs progression from a Graduate of Architecture to Registered Architect. The progression is linked to obtaining experience based on Prescribed Competencies contained in the National Competency Standards in Architecture adopted by the Architects Accreditation Council of Australia. In Sub-clause 14.3(d) several the Elements of Competency are specified. Due to changes in the National Standards of Competency for Architects, most recently in 2016, these references are now redundant. Taking account of the provisions of Sub-clauses 14.3(a), (b), and (c) it is arguable whether sub-clause 14.3(d) is necessary for the operation of this clause and accordingly the Association proposes that sub-clause (d) be deleted. It is the Association's submission that the deletion of 14.3(d) takes nothing away from the requirement that progression is based on the acquisition of competencies and therefore would not affect the operation of this clause.

#### **Additional Matters**

5. Several issues have been identified by the Association of Consulting Architects in the submission submitted on their behalf by Platinum Employee Relations in response to the Architects Award exposure draft. A number of proposed variations include a new 16.3 – Equipment and special clothing allowance; 16.4 – Superannuation fund; and 25.1 – Notice of Termination as it affects probationary employees. APESMA has indicated its agreement with the proposed variation to 16.4 – Superannuation fund. In respect of the proposed variations to 16.3 and 25.1 the Association has met with Platinum Employee Relations and is giving their proposals active consideration.

**MICHAEL BUTLER**

**Director Industrial Relations**

29<sup>th</sup> September 2016