

FAIR WORK COMMISSION

**4 Yearly Review of Modern Awards**

**Matter No.: AM2018/16  
ARCHITECTS AWARD  
("the Award")**

**OUTLINE OF SUBMISSIONS**



**Association of Professional Engineers, Scientists and Managers,  
Australia ("APESMA")**

DATE: 3<sup>rd</sup> MAY 2019

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## INTRODUCTION

1. These Outline of Submissions are filed by the Association of Professional Engineers, Scientists and Managers, Australia (**APESMA**) in accordance with the Amended Directions issued by Deputy President Gostencnik on 1<sup>st</sup> April 2019.
2. The submissions will address the substantive claims which have been advanced by the Association of Consulting Architects Australia (ACAA) as represented by Platinum Employee Relations and those which are prosecuted by APESMA. The substantive claims advanced by APESMA are outlined in Attachment "A".

## LEGISLATIVE FRAMEWORK

3. The proposed variations are sought as part of the Four Yearly Review of modern awards arising from s. 156 of the FW Act. APESMA is seeking the variations pursuant to s 156(2) of the FW Act and the discretion available to the Commission under those and various other provisions of the FW Act to make variations to modern awards.
4. Section 156 (1) of the FW Act provides that the Commission must conduct a Four Yearly review of modern awards.
5. In conducting the Four Yearly review of modern awards, the task of the Commission is to conduct this review in accordance with the provisions of s 156 (2) of the FW Act which sets out the requirement to conduct the review.
6. Section 156(2) deals with what must be done and what the Commission may do when conducting the review:

*(2) In a four yearly review of modern awards, the FWC:*

*(a) must review all modern awards; and*

*(b) may make:*

*(i) one or more determinations varying modern awards; and*

*(ii) one or more modern awards; and*

*(iii) one or more determinations revoking modern awards.*

(c) *must not review, or make a determination to vary, a default fund term of a modern award.*

7. In *Re Four Yearly Review of Modern Awards – Preliminary Jurisdictional Issues*<sup>1</sup> (*Preliminary Jurisdictional Issues Decision*), the Full Bench indicated that in the provision of a fair and relevant safety net that the extent of the argument required to be put would differ depending on whether a significant change is sought.<sup>2</sup> In addition, that in conducting a 4 yearly review the Commission will also have regard to the historical context applicable to each modern award<sup>3</sup>, and previous decisions relevant to any contested issue. Further, the Full Bench adopted the view that it is implicit that awards made as a result of the award modernisation process are deemed to be modern awards for the purposes of the Fair Work Act 2009 and accepted as being consistent with the modern awards objective<sup>4</sup>. Also, they also indicated that previous Full Bench decisions should generally be followed, in the absence of cogent reasons for not doing so<sup>5</sup>.
8. In addition, the Full Bench in the *Preliminary Jurisdictional Issues Decision*, identified that a range of other provisions in the FW Act are relevant to the review. Those provisions included the objects of the Act (s 3), the interaction with the NES (s 55) and those provisions providing for the performance of functions and exercise of powers by the Commission (ss 577 and 578).
9. In the *Preliminary Jurisdictional Issues Decision*, the Full Bench confirmed that they are required to ensure that modern awards, together with the NES, provide a fair and relevant minimum safety net of terms and conditions, taking into account the modern awards objective<sup>6</sup>.
10. The modern awards objective is detailed at s 134 (1) of the FW Act:

(1) *The FWC must ensure that modern awards, together with the National Employment Standards, provide a fair and relevant minimum safety net of terms and conditions, taking into account:*

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<sup>1</sup> [2014] FWCFB 1788.

<sup>2</sup> *Ibid* [23]

<sup>3</sup> *Ibid* [24].

<sup>4</sup> *Ibid* [24]

<sup>5</sup> *Ibid* [27].

<sup>6</sup> *Ibid* [23].

- (a) relative living standards and the needs of the low paid; and*
- (b) the need to encourage collective bargaining; and*
- (c) the need to promote social inclusion through increased workforce participation; and*
- (d) the need to promote flexible modern work practices and the efficient and productive performance of work; and*
- (da) the need to provide additional remuneration for:
  - (i) employees working overtime; or*
  - (ii) employees working unsocial, irregular or unpredictable hours; or*
  - (iii) employees working on weekends or public holidays; or*
  - (iv) employees working shifts; and**
- (e) the principle of equal remuneration for work of equal or comparable value; and*
- (f) the likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden; and*
- (g) the need to ensure a simple, easy to understand, stable and sustainable modern award system for Australia that avoids unnecessary overlap of modern awards; and*

- (h) *the likely impact of any exercise of modern award powers on employment growth, inflation and the sustainability, performance and competitiveness of the national economy.*

*This is the modern awards objective.*

11. When considering the relevance of s 134 the Full Bench in the Preliminary Jurisdictional Issues Decision stated that:

*'No particular primacy is attached to any of the s.134 considerations and not all of the matters identified will necessarily be relevant in the context of a particular proposal to vary a modern award'<sup>7</sup>.*

12. Further they went on to indicate that:

*'the Commission's task is to balance the various considerations and ensure that modern awards, together with the NES, provide a fair and relevant minimum safety net of terms and conditions.'<sup>8</sup>*

13. In performing functions or exercising powers, the Commission must take into account the objects of the FW Act including, *"ensuring a guaranteed safety net of fair, relevant and enforceable minimum terms and conditions"* including through modern awards<sup>9</sup>.

14. Section 134 of the FW Act provides for modern awards, together with the National Employment Standards, to provide a fair and relevant minimum safety net of terms and conditions but this is tempered by s 138 which indicates that modern awards may only include terms that are required to achieve the modern awards objective. It is expressed as follows:

*A modern award may include terms that it is permitted to include, and must include terms that it is required to include, only to the extent necessary to achieve the modern awards objective and (to the extent applicable) the minimum wages objective.*

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<sup>7</sup> [2014] FWCFB 1788 [32].

<sup>8</sup> Ibid [33].

<sup>9</sup> Explanatory Memorandum, Fair Work Bill 2008, r 105.

15. Tracey J<sup>10</sup> in *Shop Distributive and Allied Employees Association v National Retail Association No.2*) when considering s 138 of the FW Act observed that:

*“.. a distinction must be drawn between what is necessary and that which is desirable. That which is necessary must be done. That which is desirable does not carry the same imperative for action.”*

16. Various Decisions of the Commission have subsequently applied and agreed with this observation of Tracey J. For example, in their Decision on the scope of the 2012 modern awards review the Full Bench<sup>11</sup> said:

*[33] We are satisfied that s.138 is relevant to the Review. The section deals with the content of modern awards and for the reasons given at paragraph [25] of our decision it is a factor to be considered in any variation to a modern award arising from the Review. We also accept that the observations of Tracey J in SDAEA v NRA (No.2), as to the distinction between that which is “necessary” and that which is merely desirable, albeit in a different context, are apposite to any consideration of s.138.*

17. Section 134 of the FW Act provides for modern awards, together with the National Employment Standards, to provide a fair and relevant minimum safety net of terms and conditions but this is tempered by Section 138 which indicates that modern awards may only include terms that are required to achieve the modern awards objective. It is expressed as follows:

*A modern award may include terms that it is permitted to include, and must include terms that it is required to include, only to the extent necessary to achieve the modern awards objective and (to the extent applicable) the minimum wages objective.*

18. The Full Bench, in the Preliminary Jurisdictional Issues Decision make it clear that if a party seeks a significant change to a provision in a modern award that it must be supported by a submission which addresses the relevant legislative provisions and be accompanied by probative evidence properly directed to demonstrating the facts supporting the proposed variation<sup>12</sup>.

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<sup>10</sup> [2012] FCA 480.

<sup>11</sup> [2012] FWAFB 5600.

<sup>12</sup> Ibid [23].

19. In accordance with *CFMEU v Anglo American Metallurgical Coal Pty Ltd*<sup>13</sup> the Federal Court of Australia identified that the Commission's task in a modern award review is to review the modern award as a "whole"<sup>14</sup>. Additionally, when considering proposed variations to the Architects Award, the Commission is not to:

*... address a jurisdictional fact about the need for change, but to review the award and evaluate whether the posited terms with a variation met the objective*<sup>15</sup>.

20. As a part of the Four Yearly review of modern awards both the ACAA and APESMA are seeking variations to the Architects Award.

## SUBSTANTIVE VARIATIONS

### APESMA SUBSTANTIVE VARIATIONS

The substantive claims advanced by APESMA are set out in Attachment "A".

#### A. GRADUATE OF ARCHITECTURE

##### BACKGROUND

21. The current award in Clause 2 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.*" In order for an employee to fall within the coverage of this classification it is necessary for them to have completed a Masters' Degree. During their period of study architectural students will, at various times, and dependent on their course structure, be employed and are paid the appropriate Student of Architecture rate as set out in Clause 14.4 of the Award. A Student of Architecture is defined in Clause 2 of the Award as follows;

*"Student of Architecture is an employee who is normally enrolled (emphasis added) full-time in a course of architecture and who is employed to gain experience in the practice of architecture.*

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<sup>13</sup> [2017] FCAFC 123.

<sup>14</sup> Ibid, at [28].

<sup>15</sup> Ibid at [46].

22. Historically the possession of a Bachelor-Degree was sufficient in order to satisfy the entry requirements for admission to the Architectural Practice Examination and hence be classified as a Graduate Architect for the purposes of the Award. However, in recent times the qualifications for admission to the Architectural practice Examination have altered with a Master of Architecture now as the pre-requisite. In this regard the body responsible for the accreditation of architectural courses and the setting of competency standards etc. is the Architects Accreditation Council of Australia (AACA).
23. The current list of currently accredited Australian Qualifications is set out in Attachment "B". Typically, Architectural programs of study are usually comprised of a three- year degree followed by a two- year Master of Architecture. The three year degree is referred to by the AACA in a document titled "*Architectural Program Accreditation Procedure in Australia and New Zealand*" (Attachment "C") on page 8 as "*Pre-professional degrees (e.g. bachelor degrees) or other preparatory programs that may serve as a pre-requisite for admission to a professional degree program*". The issue becomes relevant to this exercise when a person ceases study, either temporarily or permanently, and may no longer fall within the classification of Student of Architecture as someone "*normally enrolled*", however that phrase is interpreted. As a consequence of this, employees in this category potentially lose coverage under the Award. In practice it is understood that in lieu of the Architects Award level C5 of the Modern Manufacturing and Associated Industries and Occupations Modern Award has been applied by some Architectural Practices on the basis that the pay rates at this level are similar and best aligns to the work value of the work performed. In the submission of APESMA this is done as a matter of convenience, may not be legally binding, and accordingly should be clarified.
24. Both APESMA and ACAA have proposed variations to the Award to rectify the existing ambiguity. The proposed definitions are reasonably similar and APESMA is prepared to adopt the proposed definition submitted by the ACAA as outlined in its submission of 5<sup>th</sup> April 2019 which is titled "*AM2014/257 Architects Award 2010 Exposure Draft Comments*". As for relevant minimum pay rates APESMA proposes that the rates be those for Students of Architecture as set out in Clause 14.5 of the Award. This is on the basis that such an approach will be consistent with the past operation of the Award in terms of the recognition of years of service within the Student of Architecture classification structure which would have previously applied.



25. Further, the preparatory design based Bachelor Degrees are of three years duration and are degrees that are part of a “*course of Architecture*” as contained in the Student of Architecture definition as outlined above. In this regard the commencement rate for a person who holds a **Completed Bachelor Degree with a pathway to a Master of Architecture** would be the equivalent of the 4<sup>th</sup> year Student of Architecture with subsequent rates for years of experience.
26. On the basis of the foregoing APESMA submits that the proposed variation is not one of significance and is essentially a “tidying up” exercise restoring past practice. In this regard reference is made to paragraph 23 of the *Preliminary Jurisdictional Issues Decision (2014) FWCFB 1788* where the bench made the following observation;

*“The need for a “stable” modern award system suggests that a party seeking to vary a modern award in the context of the Review must advance a merit argument in support of the proposed variation. We agree with ABI’s submission that some proposed changes may be self evident and can be determined with little formality”.*

APESMA submits that this particular matter falls into this category. In addition, it is submitted that s.156(3) considerations would not apply in this circumstance.

## **B. PROGRESSION FROM GRADUATE OF ARCHITECTURE TO REGISTERED ARCHITECT**

27. APESMA has proposed a variation to Clause 14.3 in order to delete sub-clause 14.3(d). Clause 14.3 (a) provides for an annual review process whereby the Graduate is assisted to obtain the mandatory experience based on the Prescribed Competencies for registration. As part of the review process progress for the previous 12 months is reviewed and objectives for the next 12 months should be mutually agreed and set out in writing. If the employee has successfully met the objectives for the year they then progress to the next pay point within the Level 1 salary range. The Prescribed Competencies are defined in Clause 14.3(d). These Prescribed Competencies have been superseded and the original proposed variation from APESMA was to delete sub-clause (d) and rely on the generic references to “Prescribed Competencies” in sub-clause 14.3(a), which may change from time to time but would not affect the operation of the clause.

28. APESMA notes and has considered the submission filed with the Commission on 9<sup>th</sup> April 2019 from the Architects Accreditation Council (AACA). The AACA has the responsibility for establishing the standard for assessment of architectural education and professional competency prior to registration as an Architect in Australia and determines the Prescribed Competencies. In its submission the AACA has proposed its own variation to replace the existing Prescribed Competencies with the updated Prescribed Competencies. Upon reflection APESMA agrees with the proposed variation which maintains the status quo and it adopts as its own.

The amended Clause 14.3 submitted by APESMA is set out Attachment "A".

#### **VARIATIONS PROPOSED BY THE ACAA**

The ACAA has proposed four additional variations.

##### **A. TERMINATION OF EMPLOYMENT**

29. The current provision is as follows governing Termination of Employment is as follows;

*"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."*

30. The ACAA is proposing to add an additional sentence to Clause 25.1 in the following terms;

*"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."*

31. The Association strongly opposes the proposed variation on the basis that one months' notice is a common feature of awards covering professional employees and that the issue of the appropriate

Notice of Termination of Employment for the Architects Award and other modern awards covering professional employees has been previously determined by a Full Bench of the Commission.

## BACKGROUND

32. A Notice of Termination of Employment of one month's notice is a common feature of awards covering technology - based professionals employed in the private sector in which APESMA has an interest. For instance, the main predecessors to the Professional Employees Award which has the largest coverage of any Award covering professionals employed in the non-government sector included awards covering Professional Engineers and Scientists. The *Professional Scientists Award 1981 (P26 V-M Print E8377)* included a provision at Clause 11 which provided for one month's notice of termination by both the employer and employee. Similarly, the *Professional Engineers (General Industries) Award 1982 (P067 A S Print F1735)* (included such a provision at Clause 13 – Termination of Employment. These awards had application to several thousand employers covering a diverse range of industries. Awards covering Professional Engineers and Scientists were subsequently followed by awards covering the Information Technology Industry, Telecommunications, and Quality Auditing Industries. These awards were rationalised during the Award Modernisation process which resulted in the creation of the Professional Employees Award.

## ARCHITECTS AWARDS

33. The first federal award regulating the terms and conditions of Architects employed in the private sector was the *Architects (Interim) Award – Victoria – 1994 (A1144 A V Print L6816)*. This was followed by *Technical Services – Architects – Award 2000 (AP801194CAV)* which at Clause 15.1.1 stated;

*“Employment shall be terminated by one month's notice by either party, or by the payment by either party of an amount equal to a month's salary, as the case may be. Provided that the period of notice to be given to or by an employee with up to 6 months continuous service with a particular employer shall not be less than 2 weeks or the amount of payment to be made by either party shall be an amount equal to 2 weeks salary.”*

A similar provision was contained in the Tasmanian Architects (Private Industry) Award (AN170003) at Clause 3 – Contract of Employment.

#### **AWARD MODERNISATION**

34. The issue of the appropriate provision for the termination of employment was agitated during the Award Modernisation process in accordance with s.576E of the Workplace Relations Act 1996 (AM2008/57). APESMA in accordance with its general approach sought to retain the provision of 1 months' notice. The ACAA in a submission addressed to Justice Giudice President of the Australian Industrial Relations Commission of 7<sup>th</sup> April 2009 (Attachment "D") proposed that the Notice of Termination provisions be as provided in the NES. In its Decision [2009] AIRCFB 826 The Full Bench at paragraph 251 stated;

*"In relation to termination of employment, APESMA sought the notice period for termination to be one month on either side. We will include such a provision as it is a feature of this area of employment and contained in awards superseded by this modern award".*

35. As mentioned earlier in this submission and as outlined in paragraph 24 of the *Preliminary Jurisdictional Issues Decision [2014]FWCFB 1788* the Association submits that it is implicit that awards made as a result of the award modernisation process are deemed to be modern awards for the purposes of the Fair Work Act 2009 and accepted as being consistent with the modern awards objective. Further and again in accordance with this Decision, APESMA submits that as the variation as proposed would result in a significant reduction in employees' entitlements the onus is on the ACAA to address the relevant legislative provisions accompanied by probative evidence. In particular, APESMA submits that the ACCA needs to demonstrate what significant changes have occurred since the Architects Award came into operation on 1<sup>st</sup> January 2010.

#### **B. TIME OF INSTEAD OF PAYMENT FOR OVERTIME**

36. The claim from the ACAA is to vary Clause 13.2(b) in the following terms;

*"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."*

APESMA opposes this claim.

37. This matter as it affects this modern award first came to the attention of the parties at the time of the release of the Exposure Draft for the Architects Award on 13<sup>th</sup> May 2016. At that time Clause 19.2 stated as follows;

*"19.2 Overtime*

*An employer must compensate an employee for all time worked in excess of normal hours of duty by:*

*(a) Granting time off instead or by payment for such excess time within six months of it accruing. Payment for such excess time must be in accordance with clause 19.2(b);*

*(b) Payment for such excess hours at the rate of time and a half; or*

*(c) by such other arrangements as may be agreed so long as the arrangement is not entered into for the purpose of avoiding award obligations, does not result in unfairness to the employee and is recorded in accordance with 19.3."*

38. APESMA's view is that the correct interpretation of the above clause is that time off instead of payment for all time worked in excess of normal hours of duty should be applied at the penalty rate of 150%. In another words two hours excess time equals three hours of time off.

## **BACKGROUND**

39. Clause 19.2 as outlined above was first inserted in substantially similar terms in the first federal award for Architects namely the Architects (Interim) Award - Victoria – 1994 (A1144 A V Print L6816) as Clause 13 – Overtime. As with the Termination of Employment issue this matter was raised during the Award Modernisation process conducted in accordance with s.576E of the

Workplace Relations Act 1996. The ACAA in a draft award attached to its submission addressed to Justice Giudice President of the Australian Industrial Relations Commission and dated 7<sup>th</sup> April 2009 made a claim in similar terms to its proposed variation to Clause 13.2. In the context of any alleged ambiguity in respect of the current operation of the existing award clause it should be noted that the ACCA draft at 20.1 was expressed in the following terms;

*“20.1 An employer shall compensate an employee for all authorised time worked in excess of normal hours of duty by:*

*(a) granting time off in lieu (to be taken at a time agreed between the employer and the employee subject to reasonable consideration by both parties of the workflow needs of the employer and the personal needs of the employee) **which is time for time e.g. 4 hours over time worked 4 hours granted for time off or by payment for such excess time within six months of it accruing (emphasis added).** Payment for such excess time shall be in accord with 20.1(b);”*

40. The wording proposed by the ACAA was not adopted by the Full Bench in that matter. It is the view of APESMA as stated above that the correct interpretation of the existing award provision is that the application of time off instead of payment for overtime was intended to incur the relevant penalty of time and a half.

#### **COMMON ISSUE – AWARD FLEXIBILITY**

41. The overall issue of time off instead of payment for overtime was dealt with extensively during proceedings in respect of AM2014/300 which will be referred to as the “Award Flexibility Case”. In its Decision of 16<sup>th</sup> July 2015 [2015] FWCFB 4466 and a subsequent Decision [2016] FWCFB 7737 the Full Bench was unequivocal in its view as to the method of calculation to be applied to taking time off instead of payment for overtime. For instance, at paragraph 3 of Decision [2016] FWCFB 7737 the Full Bench stated as follows;

*“In the decision of 6 October 2015, the Full Bench determined that employees who are covered by awards that provide TOIL at ordinary rates should be afforded additional safeguards to*

*protect them from any pressures arising from the “financial incentive” that employers may have to encourage an employee to take TOIL rather than for overtime worked.”.*

42. In the same decision the Full Bench listed the Architects Award in Attachment A to the decision which listed the existing modern awards with TOIL provisions at overtime rates. The Architects Award was subsequent varied on 14<sup>th</sup> December 2016 [PR585791]to reflect the Full Bench Decision.

43. Accordingly, APESMA submits that notwithstanding issues of interpretation that the Full Bench of the Commission has settled this issue and that accordingly the AACA carry a heavy onus to show why employees employed in accordance with the Architects Award should be treated differently.

#### **C. EQUIPMENT AND SPECIAL CLOTHING**

44. The ACAA has proposed a variation to Clause 15.4 specifically in respect of 15.4(a) and 15.4(c). In respect of Clause 15.4(a) APESMA considers that the proposed variation is not a significant change and has the effect of updating the existing provision to more reflect contemporary architectural practice in particular the use of information technology.

#### **D. SUPERANNUATION FUND**

45. The ACAA has proposed a variation to Clause 16.4 to add Construction and Building Industry Super (CBUS) to the list of nominated funds. Due to the nature of architectural work and its close relationship with the construction and building industry APESMA does not object to this proposal.



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**3<sup>rd</sup> MAY 2019**

## ATTACHMENT "A" – APESMA PROPOSED VARIATIONS

### GRADUATE OF ARCHITECTURE

#### Clause 2 Definitions

Insert the following;

**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.

#### Clause 14 – Minimum Wages and Related Matters

Insert the following and at Clause 14.7 and re-number other sub-clauses.

Clause 14.7 The minimum rates payable for Employees who possess a Completed Bachelor Degree with a pathway to a Master of Architecture must be:

Service	Minimum rate or % of Level 1 – Entry Rate of \$978.00 per week		
	Per Annum	Per Week	Per Hour
	\$	\$	\$
1 <sup>st</sup> year of experience	85% 43,227.60	831.30	22.10
2 <sup>nd</sup> year of experience	90% 45,770.40	880.20	23.20
3 <sup>rd</sup> year of experience	95% 48,313.20	929.10	24.50

#### 14.3.1 PROGRESSION FROM GRADUATE OF ARCHITECTURE TO REGISTERED ARCHITECT

(a) There must be an annual review process to assist the Graduate of Architectures' progress towards the obtaining of the mandatory experience based on the Prescribed Competencies for registration. The Prescribed Competencies are derived from the National Standard of Competency for Architects.

(b) As a part of this review process, progress for the previous 12 months must be reviewed and objectives for the next 12 month period should be mutually agreed, and set out in writing. This will also include any necessary training which the



employee will be expected to undertake in order to fulfil the requirements of their position. The cost of such approved training will be borne by the employer.

(c) If the employee has reasonably met the objectives arising out of the annual review this must be confirmed in writing by the employer to the employee and the employee must progress to the next pay point within the Level 1 wage range.

(d) The Prescribed Competencies against which the experience is to be documented are as follows:

~~(i) Element 2.2.2—Prepare architectural drawings with regard to the location, extent of building elements, components, finishes, fittings and systems.~~

~~(ii) Element 2.2.4—Co-ordinate the documentation of the project.~~

~~(iii) Element 3.1.2—Establish site conditions, site-related requirements and limitations and existing facilities.~~

~~(iv) Element 3.1.4—Assess applicable codes, regulations and legislation.~~

~~(v) Element 3.2.3—Prepare preliminary project evaluations, programs and feasibility studies.~~

~~(vi) Element 3.2.5—Establish and co-ordinate specialist consultants, contractors and suppliers.~~

~~(vii) Element 3.3.1—Administer the project contract.~~

(i) Design: Project Briefing

- Establishment, analysis and evaluation of client project requirements and objectives.
- Identification of factors that may impact on client project requirements and objectives.

(ii) Design: Pre-Design

- Identification, analysis and integration of information relevant to siting of project.
- Application of principles controlling planning, development

and design for the project site.

**(iii) Design: Conceptual Design**

- Design response incorporates assessment of relevant legislation, codes and industry standards.
- Application of principles controlling planning, development and design for the project site.

**(iv) Design: Conceptual Design**

- Design response incorporates assessment of relevant legislation, codes and industry standards.

**(v) Documentation: Detailed Design**

- Evaluation and integration of regulatory requirements.

**(vi) Documentation: Documentation**

- Identification and adoption of a strategy, program and process of documentation integrated through all project stages to enable project delivery.
- Continuing coordination and integration of information and project material from relevant consultants, specialists and suppliers.
- Incorporation of the project requirements and objectives in accordance with Project Brief and approved Detailed Design.
- Timely completion and communication of accurate and comprehensible documents that will include, as required,
- drawings, models, specifications, schedules and other relevant modes of information.
- Project documentation is in accordance with, and appropriate to, the project contract and project procurement procedure.

**(vii) Project Delivery: Procurement**

- Identification of available procurement methods and assessment of relevance and application to the project

**(viii) Project Delivery: Construction Stage**

- Identification and application of the process and administration systems needed to fulfil all obligations under project contract
- Construction progress and quality is systematically reviewed and monitored as required under the contract provisions.
- Identification and application of all relevant processes required for certification of monetary claims, project variations, and extensions of time, project instructions or other administrative responsibilities under the contract provisions.



Attachment "B"

## Accredited Architecture Qualifications

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, Hong Kong and Singapore). 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 the Australian qualifications accredited for the purpose of entry to the Architectural Practice Examination are listed in the table below.

### Currently Accredited Australian Qualifications

Tertiary Education Provider	Qualification and Course Code	Previously Accredited Qualification
<b>ACT</b>		
University of Canberra	M Arch 913AA	B Arch
<b>NSW</b>		
University of Sydney	M Arch MAARCHIT-02	B Arch, MAARCHIT2000
University of New South Wales	M Arch 8143	B Arch
University of Technology, Sydney	M Arch C04235	B Arch; Advanced Dip in Arch (NSWIT)
University of Newcastle	M Arch 12060	B Arch
<b>QLD</b>		
Bond University	M Arch SD-93017or SD-94007	
The University of Queensland	M Arch 5429	B Arch (M Arch Studies, General Practice Stream – 1997)
Queensland University of Technology	M Arch DE80	M Arch AR49; B Arch; (Grad Dip Arch): Dip Arch)
Griffith University	M Arch 5558	
<b>SA</b>		
University of Adelaide	M Arch 3CM015	B Arch; (Dipi Tech [Arch])
University of South Australia	M Arch DMAE	B Arch; (Dipi Tech [Arch])
<b>TAS</b>		
University of Tasmania	M Arch D7C	B Arch; (Grad Dip Arch); (Dip Arch)
<b>VIC</b>		
Royal Melbourne Institute of Technology	M Arch MC163	B Arch; (assoc & Fellowship Dips in Arch)
Deakin University	M Arch S700	

VIC continued

<b>University of Melbourne</b>	<b>M Arch MC-ARCH</b>	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 OptionC)
<b>Monash University</b>	<b>F6001 (from 2016)</b>	M Arch 3120 (until 2015)
<b>WA</b>		
<b>University of Western Australia</b>	<b>M Arch 25520</b>	
<b>Curtin University</b>	<b>M Arch MC-ARCH</b>	MC-ARCH 310460 B-ARCH; (assoc in Arch)
<b>Curtin University delivered online through Open Universities Australia</b>	<b>M-Arch OM-ARCH (from Nov 2018)</b>	

## Currently Accredited International Qualifications

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

Tertiary Education Provider	Qualification and Course Code	Previously Accredited Qualification
<b>New Zealand</b>		
<b>University of Auckland (University of New Zealand)</b>	<b>M Arch (Prof)</b>	B Arch; (Dip Arch)
<b>Victoria University of Wellington</b>	<b>M Arch (Prof)</b>	B Arch
<b>UNITECH Institute of Technology</b>	<b>M Arch (Prof)</b>	B Arch
<b>Join NZIA/AERB Special Examination</b>	<b>Certificate</b>	
<b>Singapore</b>		
<b>National University of Singapore</b>	<b>M Arch (Design) (from July 1999)</b>	
<b>Hong Kong</b>		
<b>University of Hong Kong</b>	<b>M Arch (from December 2010)</b>	
<b>Chinese University Hong Kong</b>	<b>M Arch (from December 2010)</b>	

## 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>	Individual desktop assessment of overseas architectural qualifications
<u>National Program of Assessment</u>	A practical examination for experienced practitioners with relevant industry experience but no architectural qualification
<u>Built Work Program of Assessment</u> Offered by the NSW Architect Registration Board (NSW ARB)	A submission-based assessment for practitioners without an architectural qualification, but holding extensive industry experience and who have authored the conceptual and schematic design of a complex architectural project in Australia.

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ARCHITECTURE  
PROGRAM  
ACCREDITATION  
PROCEDURE...

IN AUSTRALIA AND  
NEW ZEALAND

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Appendix "C"



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This document is designed to be used as an online reference and includes embedded links to separate reference and guidance documents that are an integral part of the Procedure.

All images are from National Visiting Panels (equivalent to Accreditation Review Panels) conducted in 2017.

The New Zealand Registered Architects Board licenses the Procedure from the Architects Accreditation Council of Australia for the purpose of accrediting architecture programs in New Zealand.

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## PURPOSE...

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The Architecture Program Accreditation Procedure provides a robust system of evaluation of architecture programs at the Master of Architecture level.

This Procedure complements institution-level government regulation as detailed in the Higher Education Standards Framework. Due to the importance of professional education on the pathway to registration as an architect, accredited architecture programs must be designed to enable a graduate to achieve the required 37 performance criteria of the National Standard of Competency for Architects.





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 <b><u>Code of Conduct</u></b>	 <b><u>Guidance: Planning Timeframes for Accreditation Review Panels</u></b>
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 <b><u>Guidance: Provider Annual Reporting</u></b>	 <b><u>Guidance: Administrative Support During an Accreditation Review Panel Visit</u></b>
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 <b><u>Guidance: Exhibition of Student Work</u></b>	



## INTRODUCTION . . .

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The Architecture Program Accreditation Procedure in Australia and New Zealand is the process by which architecture programs in Australia and New Zealand are assessed, leading to an accreditation decision by the relevant Architect Registration Board. The Procedure is administered by the [Architects Accreditation Council of Australia](#) on behalf of the State and Territory [Architect Registration Boards](#) which are responsible for the regulation of architects via the State and Territory Architects Acts. The New Zealand Architects Registration Board licences the Procedure from the Architects Accreditation Council of Australia for the purpose of accrediting architecture programs in New Zealand.

The context for architectural education has changed in recent years with the introduction of new regulations for Australian higher education, specifically the introduction of the Higher Education Standards Framework and an independent body to monitor the quality of higher education on behalf of the Commonwealth, the [Tertiary Education Quality and Standards Agency](#). Of particular interest to regulated professions is the requirement that all qualifications where graduates must be licensed to practice must maintain professional accreditation with the relevant accrediting body.

The Architecture Program Accreditation Procedure contains important changes to previous accreditation procedures. These include: the introduction of the Accreditation Management Committee comprised of representatives of the five stakeholders with responsibility for policy advice and overall quality assurance of the Procedure; benchmarking of Accreditation Reports to ensure quality and consistency; introduction of Annual Reporting; and a new financial model that divides the costs of the Procedure equitably across the regulators and the providers of accredited programs in architecture. The accreditation process itself has also been adapted in light of significant changes in higher education practice, including more strictly focusing on threshold

architecture program outcomes as the basis for accreditation.

The guiding principles underpinning the Procedure are:

- transparency in operations and governance
- consistency in its assessment of programs seeking accreditation
- efficiency in its operations
- alignment with world's best practice in the accreditation of architectural professional programs of study.

The Architecture Program Accreditation Procedure has been developed following consultation with the profession, industry and higher education including extensive consultation with stakeholders: the [Australian State and Territory Architect Registration Boards](#), the [Association of Architecture Schools of Australasia](#), the [Australian Institute of Architects](#), the [Australian Deans of the Built Environment and Design](#), the [New Zealand Registered Architects Board](#), and the [New Zealand Institute of Architects](#).

The Procedure has also taken note of the Principles of Professional Accreditation, as prepared by [Professions Australia](#) and [Universities Australia](#).

**This Accreditation Procedure takes effect from 1st January 2018.**

## STAKEHOLDERS

Each state and territory of Australia has its own architect registration board established under legislation to register architects, conduct disciplinary investigations, pursue unregistered use of the term architect, accredit programs of study and educate the public on architectural issues. The Boards have a responsibility to the public, users of architectural services, the built environment industry, and Architects who employ graduates.

The eight Boards (and their respective establishing laws) are:

- [NSW Architects Registration Board](#) – Architects Act 2003 (NSW)
- [Architects Registration Board of Victoria](#) – Architects Act 1991 (Vic)
- [Board of Architects of Queensland](#) – Architects Act 2002 (Qld)
- [The Architectural Practice Board of South Australia](#) – Architectural Practice ACT 2009 (SA)
- [Architects Board of Western Australia](#) – Architects Act 2004 (WA)
- [Australian Capital Territory Architects Board](#) – Architects Act 2004 (ACT)
- [Board of Architects of Tasmania](#) – Architects Act 1929 (Tas)
- [Northern Territory Architects Board](#) – Architects Act (NT)

The members of architect registration boards will generally have a mix of expertise, and may include architects in private practice, government practice and academia, as well as government and community nominees. Members may be directly appointed, or there may be a mix of appointed and elected. The eight architect registration boards are collectively the owners of the national standard setting body, the Architects Accreditation Council of Australia.

The [Architects Accreditation Council of Australia](#) is a not-for-profit company owned by the Architect Registration Boards in Australia. It is responsible for advocating, coordinating and facilitating the National Standard of Competency for Architects which provides the benchmark for all assessment on the path to registration as an architect in Australia.

The [Australian Institute of Architects](#) (the Institute) has been instrumental in the development and delivery of the accreditation procedure for architectural programs since the inception of professional accreditation in Australia. It has also been active in the international benchmarking and validation of the Australian architectural education and accreditation systems.

The Institute represents architectural practitioners, academics and students and has a strong interest in professional education at a tertiary, post graduate and professional level. Knowledge across its stakeholder groups enables the Institute to provide professional advice to providers regarding the development and improvement of programs. The Institute advocates for

and supports best practice, based on comprehensive architectural education.

The [Association of Architecture Schools of Australasia](#) has provided leadership and advocacy for architectural education in the Australasian region since 1999. Its membership consists of the Heads of Schools at all Australian and New Zealand universities with accredited architecture programs. The Association identifies, develops and supports quality professional undergraduate and graduate education of architects and related professions; research, scholarship and creative work in relation to architecture and the designed environment; and policy, community service and professional activities in relation to architectural education.

The [Australian Deans of Built Environment and Design](#) is the peak body in the tertiary education sector in the fields of architecture, design and the built environment. Its membership consists of the Deans and/or their equivalent at all Australian universities with a school, department or faculty in these disciplines.

As both a representative and advocacy body, the Australian Deans of Built Environment and Design seeks to protect and elevate research, teaching and practice of these three spheres and promote understanding of the role these activities play in the development of world's best professional practice.

Architectural students, as the recipients of architectural accreditation, are represented in the accreditation procedure through the Accreditation Site Visit and their opportunity to meet with the Accreditation Review Panel.





# CONTEXT FOR THE ACCREDITATION OF ARCHITECTURE PROGRAMS ...

## PROGRAMS OF STUDY IN AUSTRALIA AND NEW ZEALAND

Architectural programs of study in Australia and New Zealand require ten semesters of study or equivalent, typically comprising two academic qualifications, a three year (or six semester) bachelor degree followed by an accredited two year (four semester) Master of Architecture. In general, the minimum timeframe required for a student (without advanced standing or credit for previous studies) to complete 10 equivalent semesters of study is a five year full time program of study. Some universities may allow for completion of ten semesters in less than five years.

The Master of Architecture is the program accredited for the purpose of registration by the architect registration boards in Australia and New Zealand. Pre-professional degrees (e.g. bachelor degrees) or other preparatory programs that may serve as a pre-requisite for admission to a professional degree program are not accredited. Students with a successful performance in a relevant pathway bachelor degree are generally guaranteed admission to the accredited Master's program, while students with other suitable initial degrees are admitted on a case-by-case basis in accordance with an individual provider's policies and procedures.

As tertiary study has undergone innovation and change, other models of study are emerging that need to be considered in the context of accreditation. These include three year programs at the Masters level for eligible students without an architecture-related pathway degree, blended academic delivery models (as opposed to the face-to-face model traditionally used in architectural education) and entirely online degrees.

Regardless of the delivery mode, all programs must meet the required performance criteria in the National Standard of Competency for Architects, and meet the outcomes required at [Australian Higher Education Qualifications Framework Level 9](#).

## REGULATION OF ARCHITECTURAL PRACTICE

Under Australia's federal system of government, most licensing and registration activities occur at the state and territory level, often with some form of mutual recognition between jurisdictions.

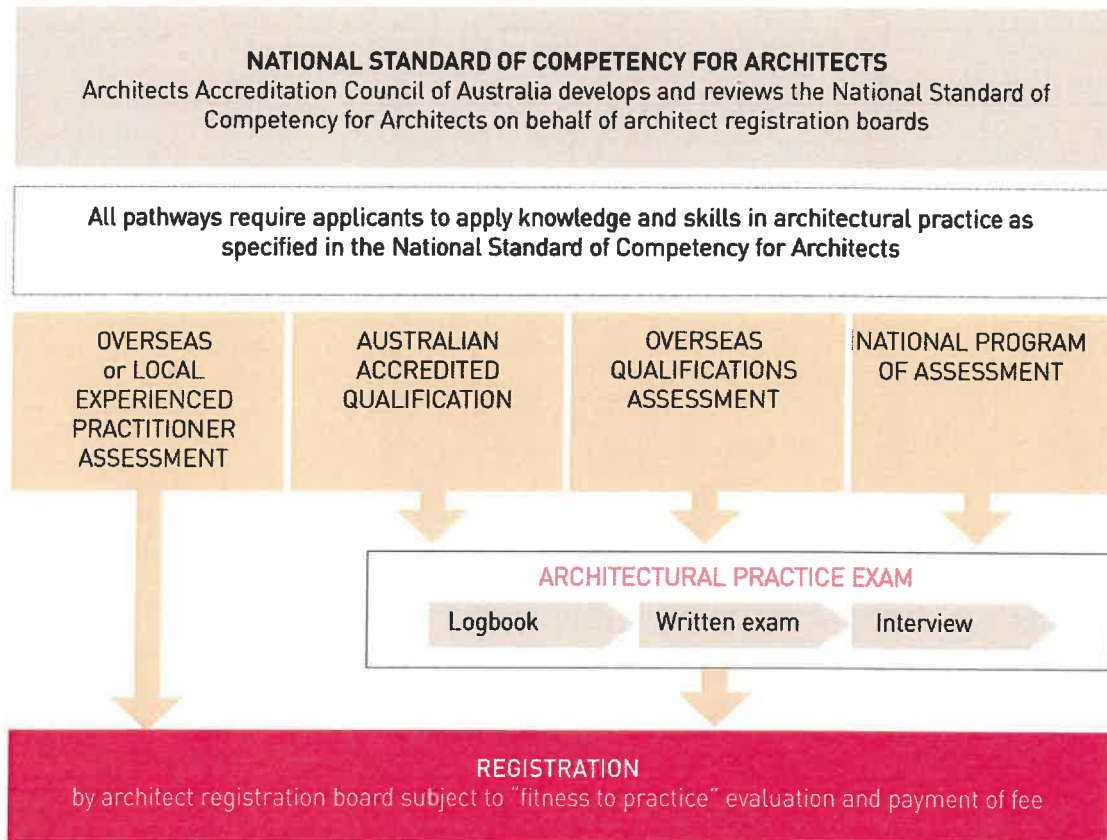
Anyone using the title "architect" in Australia must be registered by the architect registration board in each state or territory in which he or she operates. In practice, eligibility for registration is assessed only once, with mutual recognition offered across Australian jurisdictions, and (through the Trans-Tasman Mutual Recognition Agreement) between Australia and New Zealand.

The three cornerstones of registration as an architect in Australia are qualification, experience and examination. This requires:

- holding a qualification accredited by an Architect Registration Board in Australia or New Zealand or from a country where a mutual recognition arrangement is in place, or where appropriate standing has been granted through an alternative pathway
- obtaining two years relevant professional experience
- successfully completing the three-part Architectural Practice Examination.

The [pathways to registration as an architect in Australia](#), and reference to the underpinning nature of the National Standard of Competency for Architects, are represented in Diagram 1.

**Diagram 1: Pathways to registration as an architect in Australia**



## THE REGULATORY CONTEXT IN HIGHER EDUCATION

Universities have been on a new path of quality assurance and compliance since the Australian Government's *Review of Australian Higher Education* (December 2008), also known as the Bradley Review. The Bradley Review resulted in, amongst other things, the establishment of a new order of accreditation for universities with strengthened focus on quality assurance, evaluation of standards, and use of outcomes measures. The *Tertiary Education Quality and Standards Agency (TEQSA)* was established in 2011 to independently oversee and assess compliance against the new *Higher Education Standards Framework* – comprising Provider Standards and Qualification Standards.

The Tertiary Education Quality and Standards Agency does not accredit individual university programs of

study. Programs of study must meet the university's internal accreditation benchmarks (consistent with the Tertiary Education Quality and Standards Agency standards) and any professional accreditation requirements such as under the Architecture Program Accreditation Procedure. The Architecture Program Accreditation Procedure, in turn, is focused on program-level accreditation, and utilises information and data collected by the Tertiary Education Quality and Standards Agency in Program Provider Annual Reporting.

## THE AUSTRALIAN QUALIFICATIONS FRAMEWORK

The *Australian Qualifications Framework* provides general information about the volume of learning undertaken and the knowledge, skills and ability to apply knowledge and skills expected at the end of

a program of study, for qualifications defined at ten different levels.

The Architecture Program Accreditation Procedure provides a process for the evaluation of the Master of Architecture [at Australian Qualifications Framework Level 9] offered by Australian higher education providers, benchmarked against the required performance criteria in the National Standard of Competency for Architects.

Summary of Australian Qualifications Framework Level 9 Criteria:

*Graduates will have specialised knowledge and skills for research, and/or professional practice and/or further learning.*

**Knowledge**

*Graduates at this level will have advanced and integrated understanding of a complex body of knowledge in one or more disciplines or areas of practice.*

**Skills**

*Graduates at this level will have expert, specialised cognitive and technical skills in a body of knowledge or practice to independently:*

- *analyse critically, reflect on and synthesise complex information, problems, concepts and theories*
- *research and apply established theories to a body of knowledge or practice*
- *interpret and transmit knowledge, skills and ideas to specialist and non-specialist audiences.*

**Application of knowledge and skills**

*Graduates at this level will apply knowledge and skills to demonstrate autonomy, expert judgement, adaptability and responsibility as a practitioner or learner.*



## THE ACCREDITATION DECISION . . .

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Each Architect Registration Board makes the decision to accredit, to not accredit, or to withdraw accreditation of architectural programs of study based within its jurisdiction. Accredited programs of study are then recognised by the other architect registration boards in Australia for the purposes of architectural registration, as are accredited programs from New Zealand, Hong Kong and Singapore. While the architect registration board bases its consideration on the findings of the Accreditation Review Panel (including any Action Items), the final accreditation decision rests with the architect registration board alone.

When a decision is made to accredit a program, the decision must include specification of the period of accreditation, the official title and code of the qualification.

The default period of accreditation is five years or 10 semesters equivalent volume of learning. If the Program Provider uses a trimester approach to achieve the equivalent volume of learning to 10 semesters in less than five years, the default period of accreditation is the Program Provider's equivalent completion period.

Architect registration boards are the only authority able to deny or revoke accreditation of a program. Any such decision by an architect registration board would be taken after formal communication with the Provider and written advice from the Board on the grounds for its decision.





# THE ACCREDITATION STANDARD . . .

## THE NATIONAL STANDARD OF COMPETENCY FOR ARCHITECTS

The Accreditation Procedure tests the ability of university architecture programs to produce graduates that have met the specified 37 (of 70 total) performance criteria in the National Standard of Competency for Architects, regardless of the learning pathway they have followed to complete the accredited Masters program. The Accreditation Procedure makes the assessment based on a cross-section of student work.

The [National Standard of Competency for Architects](#), a comprehensive statement of the threshold competency expected of a practising architect, underpins the accreditation of architectural programs and competency assessments on the path to registration.

The National Standard of Competency for Architects is divided into four broad Units of Competency, being Design, Documentation, Project Delivery and Practice Management. The four units are further divided into nine Elements to better organise the performance criteria associated with them. Within these Elements is a matrix structure of 70 performance criteria that must be met across up to five Knowledge Domains. The five Knowledge Domains are the five core areas of understanding that underpin architectural practice: Regulatory, Social and Ethical, Sustainable Environment, Disciplinary and Communication. Each Knowledge Domain may be deemed either Necessary or Critical for a given performance criterion.

Each performance criterion at a given point of an architect's development (e.g. in the case of accreditation, graduation from a professional program of study) must be met at one of three levels as per the definitions provided in the [Australian Architectural Education and Competency Framework](#)<sup>1</sup> in increasing order of competency: knowledge acquisition (K), skills acquisition (S) or the application of knowledge and skills in architectural practice (A).

### Knowledge (K)

*Knowledge is the ability to retrieve, recognise and recall relevant information and to grasp the meaning of material through interpreting, summarising, and explaining.*

**Evidence:** Evidence of the breadth of disciplinary knowledge in each program subject area will be articulated in unit outlines, lecture materials and assessment criteria and tested through formal assessment or examination.

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### Skills (S)

*Skills are the ability to perform discrete activities and make judgements in new and concrete situations informed by disciplinary knowledge including the use of methods, techniques and technologies, concepts, principles, laws and theories.*

**Evidence:** Evidence of disciplinary skills in each program subject area will be articulated in discrete assignment tasks including examination papers, essays, reports, drawings, models and other multi-media presentations.

---

### Application of Knowledge and Skills (A)

*Application is the ability to demonstrate autonomy and expert judgement through the creative synthesis of knowledge and application of skills to unique and complex situations.*

**Evidence:** Evidence of the application and synthesis of disciplinary knowledge and skills across program subject areas will be articulated in substantial project-based student work.

---

<sup>1</sup> Australian Architectural Education and Competency Framework Final Report – March 2016, maps the National Standard of Competency Performance Criteria required for program accreditation against other regulatory frameworks which the Provider must observe.

## PERFORMANCE CRITERIA IN THE NATIONAL STANDARD OF COMPETENCY FOR ARCHITECTS RELEVANT TO ACCREDITATION OF ARCHITECTURE PROGRAMS

The 37 performance criteria that must be demonstrated by a graduate of an architecture program of study come from all four Units of Competency, but are particularly focused in the Design Unit.

Where Application of Knowledge and Skills (A) level competency is required to be demonstrated during the completion of university study, this should occur through authentic project-based tasks that provide a practice-oriented experience in the educational environment.

### EVIDENCE THAT THE STANDARD HAS BEEN MET

Evidence considered by the Accreditation Review Panel to make their recommendation as to whether the program meets the Accreditation Standard includes:

- student work mapped to the relevant performance criteria of the National Standard of Competency for Architects
- unit/subject materials that define the unit/subject coverage, learning outcomes, and assessment methods and criteria.

# GOVERNANCE, MANAGEMENT AND ADMINISTRATION...

## GOVERNANCE

The Board of the Architects Accreditation Council of Australia, on behalf of the architect registration boards, is responsible for the governance of the Procedure and the Secretariat, with referral of matters back to the relevant State or Territory Architect Registration Board as required. Certain governance functions are separately delegated to the Accreditation Management Committee.

## ACCREDITATION MANAGEMENT COMMITTEE

The Accreditation Management Committee is responsible for overseeing the implementation of the Procedure and providing advice to the Architects Accreditation Council of Australia Board in order to implement a transparent, fair and effective Procedure. The Committee does not accredit programs. Architect registration boards are the accrediting bodies for programs in their respective jurisdictions.

The Committee provides the key point of input to the Procedure by the five stakeholders, being the Architects Accreditation Council of Australia, architect registration boards, the Australian Institute of Architects, the Association of Architecture Schools of Australasia, and the Australian Deans of the Built Environment and Design.

The membership includes one nominee from each stakeholder group and draws upon expertise across the architecture profession, accredited schools of architecture and regulatory bodies who have in common a commitment to, and responsibility for, accreditation and architectural education. The representative membership structure and balance of particular expertise across the Committee as a whole maximises the provision of strategic, high quality advice to the Architects Accreditation Council of Australia.

All members of the Accreditation Management Committee are required to abide by the Code of Conduct.



[Accreditation Management Committee Terms of Reference](#)



[Code of Conduct](#)

## THE SECRETARIAT

The Secretariat function is delivered by Architects Accreditation Council of Australia staff, and includes the following functions:

- provision of all administrative support for the effective operation of the Accreditation Management Committee, Accreditation Standing Panel, Accreditation Review Panels and other approved accreditation activities
- all necessary document and data management inclusive of the preparation of formal correspondence and reports, and recording of all correspondence and reports received
- management of the Accreditation finances, inclusive of all income and expenditure, record keeping and accounting requirements, and the preparation of financial accounts and reporting
- answering or referring on inquiries about procedural matters.

# THE ACCREDITATION PROCEDURE . . .

## CRITICAL ACCREDITATION ACTIVITIES

The critical activities that comprise the accreditation procedure are the Accreditation Review Panel and annual monitoring via the Provider Annual Report.

### The Accreditation Review Panel

Assessment for accreditation occurs through the conduct of an Accreditation Review Panel.

The Accreditation Review Panel provides an independent peer review mechanism that ensures the accreditation decision maker (the relevant architect registration board) exercises its power on the basis of the best and most up-to-date advice. An Accreditation Review Panel must be formed and complete its assessment of an accredited program before the end of the program's current period of accreditation. Providers should anticipate the scheduling of an Accreditation Review Panel and associated Accreditation Site Visit in the last teaching term of their accreditation period.



**Guidance: [Operation of the Accreditation Review Panel](#)**

### Annual monitoring via the Provider Annual Report

All accredited programs are required to submit an Annual Report to the Secretariat. Submission of the Provider Annual Report represents an important ongoing component of accreditation obligations by the Provider, and an opportunity for monitoring of Provider actions (related to both Action Items and reported program changes) by the relevant architect registration board.



**Guidance: [Provider Annual Reporting](#)**

On occasion, the Accreditation Review Panel may recommend that changes reported by the Provider against an action item require on-site review and verification. Any such out-of-session on-site review (which may be subject to an additional fee) will be limited to one full day or less, and will generally be completed by local members of the Accreditation Standing Panel.

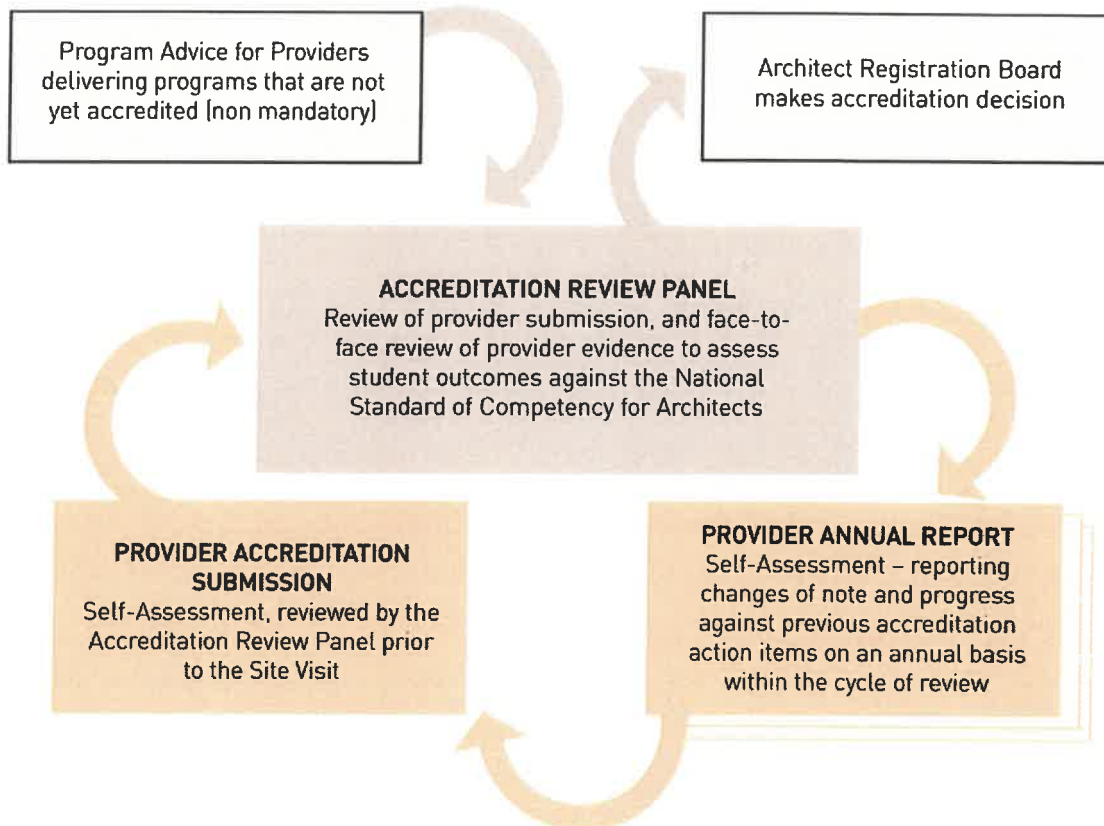
## CYCLE OF REVIEW FOR ACCREDITED PROGRAMS

The process of review for accredited programs includes two key components:

- external review (via the Accreditation Site Visit of the Accreditation Review Panel)
- self-assessment (via Provider Annual Reporting and the Provider Accreditation Submission as part of the Accreditation Review Panel).



**Diagram 2: Cycle of review for accredited programs**



### PROVIDERS SEEKING FIRST TIME ACCREDITATION OF A PROGRAM

A Provider wishing to have their program accredited for the first time should liaise with the Secretariat regarding the scheduling of an Accreditation Review Panel.

The earliest that an Accreditation Review Panel can be scheduled is the final teaching semester of the first graduating cohort of the Masters qualification for which accreditation is sought.

From initial contact with the Secretariat it will take a minimum of 16 weeks to form an appropriately experienced Accreditation Review Panel and schedule mutually agreeable dates for the conduct of the Accreditation Site Visit. Preferably, contact between

the Provider and the Secretariat should take place a minimum of 12 months before the first cohort is due to graduate.

The fee associated with the conduct of an Accreditation Review Panel must be paid in full 12 weeks prior to the agreed start date of the Accreditation Site Visit. Payment of the fee and completion of the Accreditation Review Panel is no guarantee of a recommendation for accreditation.

If, upon consideration of a recommendation for accreditation of the program, the program is accredited by the Architect Registration Board, the Provider then enters the cycle of review of accredited architecture programs and commences payment of the annual fee for accredited providers.

## ADVICE FOR NEW PROGRAMS

Providers wishing to establish an accredited architecture program should establish relevant internal development mechanisms and seek external industry advice in any manner they see fit to ensure that any programs established have the potential to meet the accreditation requirements as outlined in this document.

Providers may also seek advice from the Secretariat on a fee for service basis. Program Advice for new programs is a desk-based review of a program's overall suitability to be assessed by a Program Advice Panel and does not include a site visit. The Provider will receive a Program Advice Report at the completion of the activity. It is not mandatory to go through the Program Advice process prior to requesting a visit by an Accreditation Review Panel, nor is it mandatory to follow the advice.

The Program Advice process may take up to four months from the initial contact with the Secretariat and payment of the required fee.



[Guidance: New Programs](#)

All members of the Accreditation Standing Panel are required to abide by the Code of Conduct.



[Guidance: Operation of the Accreditation Standing Panel](#)



[Code of Conduct](#)

## THE ACCREDITATION STANDING PANEL

The Accreditation Standing Panel comprises independent experts who have the necessary expertise and capacity to serve on Accreditation Review Panels, and to undertake other tasks, such as the provision of Program Advice for new providers.

The composition of the Accreditation Standing Panel provides a representative balance of experience in architectural practice and education; Accreditation Review Panel experience; and ethnicity, gender, and geography.

The Secretariat will administer the nomination process, and maintain an Accreditation Standing Panel database. The database will include relevant contact and eligibility details, a record of Accreditation Review Panels undertaken, and a record of conflicts of interest declared. The Accreditation Management Committee will assess nominations against the Accreditation Standing Panel selection criteria, and will formally approve all new appointments and re-appointments.

# THE ACCREDITATION REVIEW PANEL . . .

## PLANNING TIMEFRAMES

The Secretariat will commence communication with the Provider a minimum of nine months prior to the anticipated timing of the Accreditation Site Visit as part of the Accreditation Review Panel.



[Guidance: Planning Timeframes for Accreditation Review Panel](#)

interest raised will be reviewed by the Accreditation Management Committee.

Roles and responsibilities of the Accreditation Review Panel and the Panel Chair can be found in the Guidance.



[Guidance: Operation of the Accreditation Review Panel](#)

## FORMATION OF THE ACCREDITATION REVIEW PANEL

Each Accreditation Review Panel comprises six members appointed by the Accreditation Management Committee from the Accreditation Standing Panel.

Accreditation Review Panels are composed so that:

- a majority of the membership has had prior experience on an Accreditation Review Panel
- there are generally three academic and three practitioner members, including two members from the relevant jurisdiction
- membership as far as possible reflects the diversity of the Australian population
- two Panel members are selected by the Accreditation Management Committee to serve as the Panel Chair and Deputy Chair (the Panel Chair will usually have participated in at least three Accreditation Review Panels)
- ideally the Panel will include at least one member that participated in the previous Panel and Accreditation Site Visit for that provider.

As part of the scheduling of the Accreditation Review Panel, the program provider under review and the relevant Architect Registration Board will be issued with a list of nominated panel members and may object to one or more members based upon a defined potential or actual conflict of interest. Any conflict of

## PROVIDER ACCREDITATION SUBMISSION

In advance of the Accreditation Site Visit, the Provider is required to prepare a comprehensive submission referred to as the Provider Accreditation Submission (the 'Submission'). The Submission represents a thorough self-assessment prepared by the Provider against the accreditation requirements. The information and evidence contained in the Provider Accreditation Submission are integral to the assessment process.

The Submission will be reviewed extensively by the Accreditation Review Panel in advance of the Accreditation Site Visit and represents a critical step towards achieving initial or maintaining accreditation.

A Provider may be requested to prepare a Supplementary Report should there be gaps or issues identified in their Submission.

A detailed description of the requirements, structure and submission format of the Provider Accreditation Submission, inclusive of the Digital Evidence Portfolio, is described in the Guidance.



[Guidance: Provider Accreditation Submission](#)

## ACCREDITATION SITE VISIT

The standard length of time for an Accreditation Site Visit as part of the Accreditation Review Panel is three days. Additional days for the Accreditation Site Visit may be required if assessment of multiple locations or multiple programs is required (e.g. campuses in different cities, states or countries). The alternative to additional days is an expanded Panel. In such cases, this will need to be negotiated with the program provider and the Accreditation Management Committee when communication first commences to arrange the Accreditation Review Panel. Additional fees will apply in these circumstances.

The Program Provider is required to provide the staff support, facilities, resources and access for the Accreditation Review Panel as described in the Guidance document



### **Guidance: Administrative support during an Accreditation Review Panel Visit**

The Accreditation Review Panel is supported off-site by the Secretariat for the duration of the visit. Secretariat staff will also be available to support the compilation/ editing of the Accreditation Review Panel Report.

A standard agenda is provided to assist in planning for the conduct of the Accreditation Site Visit.



### **Guidance: Standard Agenda for the Accreditation Site Visit**

Provision of a focussed exhibition of student work is a mandatory part of the Accreditation Site Visit.

The primary purpose of the Exhibition is for the Provider to exhibit the threshold level student work that demonstrates student achievement of the required competencies in nominated subjects / units.

Further guidance on the Exhibition of student work can be found in the Guidance.



### **Guidance: Exhibition of Student Work**

## ACCREDITATION REVIEW PANEL REPORT

The primary purpose of the Accreditation Review Panel Report is to provide a documented assessment of the evidence that the graduates of the program have, on balance, met the required performance criteria of the National Standard of Competency for Architects.

The Accreditation Review Panel Report is the means by which the Panel record their findings. In addition to standard provider and program information and a contextual overview, the key components of the Report are the:

- specification of the official title and code of the assessed qualification
- recommendation or otherwise for accreditation of the program
- recommended period of accreditation, including the end date for the recommended period linked to the Provider's semester or trimester system, such that accreditation is specified for students that graduate from the accredited program up to the end of the specified semester or trimester of the accredited period
- action items (if any) detailing a failure to demonstrate that a specific Performance Criterion has been met
- Program Development Advice.

Where the evidence provided for any performance criteria (either in the Digital Portfolio, Student Exhibition or through the discussion sessions during the visit) is insufficient to demonstrate the attainment of the threshold standard, that performance criterion will be the subject of an Action Item.

Further guidance on the operation of the Accreditation Review Panel, including the formulation of Action Items can be found in the Guidance.



### **Guidance: Operation of the Accreditation Review Panel**



## ACCEPTANCE OF THE ACCREDITATION REVIEW PANEL REPORT

The Provider has the opportunity to provide verbal feedback towards the end of the Accreditation Panel Visit, before the draft Report is finalised. At the completion of the visit, the Chair will present a verbal overview of the recommendation of the Panel and coverage of any matters described in Action Items.

The Secretariat will coordinate the electronic distribution of the final draft Accreditation Review Report to the Program Leader/Head of School within five working days of the completion of the Visit.

Once the final draft Accreditation Review Report has been issued to the Program Leader/Head of School, they have five working days to:

- note any potential factual errors, which shall be referred to the Panel Chair for clarification
- provide a written response to the recommendations of the Panel. This response is optional and is limited to 300 words. It will form part of the final Accreditation Review Panel Report sent to the relevant architect registration board
- sign the Report.

Accreditation Review Panel Reports are confidential and – other than the relevant architect registration board – distribution is limited to the Program Leader (to distribute internally at his/her discretion), the Accreditation Management Committee, and the Architects Accreditation Council of Australia. Any requests to share Accreditation Review Reports with other individuals or organisations must have the express permission of the Provider. Once finalised, the Provider may share their Accreditation Review Panel Report as they see fit.

The Accreditation Review Report is complemented by a template based report from the Chair to the Secretariat capturing feedback on the process, e.g. relating to Panel composition, operation and performance, and administration issues.

Further details on finalising the Accreditation Review Panel Report are described in the Guidance.



**Guidance: Planning Timeframe for Accreditation Review Panels**

## ACCREDITATION DECISION FOLLOWING THE ACCREDITATION REVIEW PANEL

The Architect Registration Board considers the Accreditation Review Panel Report and communicates its accreditation decision to the Provider within six weeks of the receipt of the report.

The Board also advises the Architects Accreditation Council of Australia of their decision, who then updates the [list of accredited programs](#). The Secretariat keeps records of architects registration board decisions in order to maintain records relating to approved periods of accreditation, and associated invoicing to Providers.

The architects registration board is not bound to accept the Panel's recommendation. Where necessary, the board may go back to the Secretariat seeking clarification and/or further information before making its decision.

In cases where the program has not been accredited, or program accreditation is to be withdrawn, the Program Provider shall be provided with reasons in writing by the architect registration board as well as information about appeal rights to the relevant Administrative Appeals Tribunal under the respective state/territory's administrative laws.

# PROVIDER ANNUAL REPORTING ...

The Provider Annual Reporting activity represents an important monitoring and quality assurance activity within the accreditation procedure. Provider Annual Reports should be prepared for the preceding calendar year (January to December) and be supported by student enrolment data as at the relevant Semester One Census Date for the year that the report is submitted.

Reports are to be submitted to the Secretariat electronically using the specified template by no later than 15th April annually.

The Provider Annual Report requires information be provided on these key areas:

- Provider general data, such as staff and student numbers, mechanisms for engagement with the profession and industry
- Description of progress to address Action Items detailed in the last Accreditation Review Panel Report (or equivalent) and supporting evidence, including evidence that demonstrates the effectiveness of any actions taken
- Description of substantive changes to the program, including changes implemented during the reporting period and changes proposed for implementation over the proceeding two years. Substantive changes can be considered as any change that could impact on achievement of student outcomes.

Substantive changes are considered to be any changes to the program inclusive of but not limited to changes to program content, organisation, delivery mechanisms and support arrangements, whether actual or proposed, that may impact on the program meeting relevant performance criteria in student outcomes.

Provider Annual Reports are reviewed as per below:

1. The Secretariat reviews the general details, using the collated de-identified data to inform an Annual Report on Accreditation of Architecture Programs in Australia and New Zealand

2. The Accreditation Management Committee reviews details to make an assessment of progress against Action Items (including potential closure of Action Items) and review reported changes. When necessary, the Provider Annual Report may be referred to a member of the Accreditation Standing Panel (such as the Chair or other member of the previous review panel) for additional review. Provider Annual Report Review Proformas are prepared on each Program
3. The Secretariat sends the completed Provider Annual Report Review Proformas to the relevant architect registration board for noting, with a copy of the Provider Annual Report
4. A copy of the completed Provider Annual Report Review Proforma is sent to the Provider
5. Should a report be found to be lacking information, the Secretariat may return the Provider Annual Report to the Provider in order to seek the required information / evidence.

Key statistics and trends from Annual Reports (aggregated) will be included in the Annual Report on Accreditation of Architecture Programs in Australia and New Zealand, to be published by the Architects Accreditation Council of Australia.



## Guidance: Provider Annual Reporting



## GRIEVANCES . . .

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If a Provider is unhappy about the conduct of an Accreditation Review Panel, then the Provider may lodge a written grievance. The Grievance should outline the actions that led to the Grievance; outline the Provider's view of the implications of the actions on the recommendations contained in the Accreditation Review Panel Report (if any), provide relevant supporting evidence, and note the outcome sought.

Grievances should be lodged in writing to the Secretariat within 14 days of the occurrence. The Secretariat will provide an acknowledgement response within five working days of receipt of the Grievance. Grievances will be referred to the Accreditation Management Committee. The Secretariat will ensure regular communication with the party that submits a Grievance until the matter is concluded.



## FINANCIAL MODEL AND FEE ARRANGEMENTS ...

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The Architects Accreditation Council of Australia, as the host of the Secretariat, is responsible for all aspects of the financial management of the Accreditation Procedure.

The Accreditation Procedure is funded equally by:

- The Architects Accreditation Council of Australia on behalf of the architect registration boards
- The Providers of accredited architecture programs.

The Accreditation Procedure is administered on a cost recovery basis and incorporates transparent financial accounting and reporting on an annual basis. Cost recovery from identified stakeholders will incorporate all direct Accreditation Procedure costs, inclusive of the costs incurred in running the Secretariat, operation of required management systems, maintenance of the website and other resources, and training of Accreditation Standing Panel Members.

The costing model will be reviewed on an annual basis, with the Fee Schedule reviewed annually and adjusted as necessary. Where a fee needs to be increased<sup>2</sup>, appropriate notice to stakeholders will be given. Where a fee needs to be lowered, this should be applied immediately.

A Fee Schedule is published annually.

Fees for additional accreditation activities such as an initial Accreditation Review Panel, Program Advice and any other ad-hoc activity are charged on a cost recovery basis.

An Annual Financial Report is prepared and published for the information of all stakeholders.

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<sup>2</sup> Fee increases could be required due to a review of the underpinning costs of program delivery, inflation or increases in the Consumer Price Index.





## EXPLANATION OF KEY TERMS . . .

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**Accreditation**, meaning recognition by the relevant architect registration board that a nominated program – being the academic qualification in architecture awarded at completion of the program – has been found to meet the required standard as defined for this Accreditation Procedure.

**Accreditation Authority**, meaning the New Zealand Registered Architects Board or the Australian state and territory architect registration boards that, empowered by relevant legislation, have the authority to approve minimum professional education requirements for architects.

**Accreditation Management Committee**, meaning the Committee of representatives from specified Australian-based stakeholder organisations formed to manage and oversee implementation management of the Accreditation Procedure in Australia through the Secretariat on behalf of the Architects Accreditation Council of Australia, operating in accordance with their approved Terms of Reference.

**Accreditation Procedure**, meaning the system and all supporting policies and procedures that provide governance, implementation and management guidance for the accreditation of Australian and New Zealand academic qualifications in architecture leading to registration as an architect.

**Accreditation Review Panel**, meaning the members of the Accreditation Standing Panel appointed to form a panel of experts to conduct the Accreditation Site Visit. The key tasks of the Accreditation Review Panel are initial analysis of the Provider Accreditation Submission, conduct of the Accreditation Site Visit, and writing of the Accreditation Review Panel Report.

**Accreditation Review Panel Report**, meaning the report prepared by the Accreditation Review Panel as a result of the Accreditation Site Visit. The Report summarises the assessment of the evidence that a Provider meets all components of the required standard, lists any deficiencies in the Provider's achievement of the standard and notes

accompanying actions to address the deficiencies, and a recommendation or otherwise for accreditation that is then considered by the Accrediting Authority.

**Accreditation Site Visit**, meaning the physical visit to the Provider by an Accreditation Review Panel appointed to assess the initial or continuing accreditation status of an academic qualification.

**Accreditation Standing Panel**, meaning the list of assessors managed by the Secretariat with membership approved by the Accreditation Management Committee and assigned to Accreditation Review Panels for the conduct of Accreditation Visits.

**Accredited Qualification**, meaning the qualification demonstrating achievement of the Standard relevant to a specific academic qualification in architecture, as per the decision of the relevant architect registration board.

**Architect**, meaning a person approved by the relevant architect registration board and listed on its register in either Australia or New Zealand.

**Digital Evidence Portfolio**, meaning the digital collection of student work included in the Provider Accreditation Submission that is to demonstrate the necessary evidence of fulfilment of the relevant performance criteria in the Standard.

**National Standard of Competency for Architects**, meaning the standard for architectural education and assessment of professional competency required to be achieved in order to register as an Architect in Australia, as owned and maintained by Architects Accreditation Council of Australia.

**Program**, meaning a structured sequence of study leading to an academic qualification, delivered by a Provider that is the basis for assessment against the required standard for accreditation. Note, such an academic qualification is required to be a Masters (Australian Qualifications Framework Level 9) coursework qualification.<sup>34</sup>

**Provider**, meaning the institution approved by the Tertiary Education Quality and Standards Agency<sup>5</sup> to deliver academic qualifications.

**Provider Accreditation Submission**, meaning the submission prepared by a Provider on the academic qualification for which they are seeking accreditation, using the template provided and submitted to the Secretariat at a nominated time in advance of the Accreditation Site Visit.

**Provider Annual Report**, meaning the report prepared by a Provider on their accredited program, using the template provided and submitted to the Secretariat at a nominated time on an annual basis.

**Register of accredited qualifications**, meaning the current listing of accredited architecture qualifications, inclusive of issuing institution's name and the unique institutional code assigned to each accredited qualification, maintained and published by the Architects Accreditation Council of Australia.

**Repealed Procedure**, meaning the 2013 Australian and New Zealand Architecture Program Accreditation Procedure (ANZ APAP) document, now withdrawn and replaced by the Architecture Program Accreditation Procedure in Australia and New Zealand.

**Secretariat**, meaning the body that provides administrative support to all aspects of the Accreditation Procedure, excluding program implementation in New Zealand<sup>6</sup>.

**Standard**, meaning the specified performance criteria from the National Standard of Competency for Architects.

**Threshold Level**, meaning the standard necessary to achieve competency. The threshold is either 'met' or 'not met'. In many programs and for some competencies this will be a base pass level, but it is not exclusively so. It is the responsibility of each Provider to determine the threshold level of work in relation to each performance criteria in the National Standard of Competency for Architects.

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<sup>3</sup> Or New Zealand equivalent.

<sup>4</sup> Whilst an Australian Qualifications Framework Level 9 Masters degree may be 'Research', 'Coursework' or 'Extended', the requirement for the architecture program to be by Coursework is a professional requirement for architectural education as agreed by the profession rather than part of the Australian Qualifications Framework.

<sup>5</sup> Or New Zealand equivalent, as specified by the New Zealand Registered Architects Board.

<sup>6</sup> Program implementation in New Zealand is conducted by the New Zealand Registered Architects Board.



Attachment "D"

MAKING HUMAN RESOURCES AND  
INDUSTRIAL RELATIONS WORK FOR YOUR BUSINESS

07 April 2009

President Giudice  
President  
Australian Industrial Relations Commission  
C/- Industrial Registrar  
Level 4  
11 Exhibition Street  
MELBOURNE VIC 3000

Via email to: amod@air.gov.au

Dear President Justice Giudice

RE: Award Modernisation – Technical Services (AM 2008/57)

I refer to the Award Modernisation process that is being undertaken by the Australian Industrial Relations Commission in respect to the Technical Services under Stage 3.

After the hearing on the 26<sup>th</sup> March 2009 Commissioner Smith had asked for further submissions in regards to reasons for a single award for Architects.

The Association of Consulting Architects Australia is in agreement with APESMA over the making of a new Modern Award for the coverage of Architects.

We would submit the following document to the Australian Industrial Relations Commission and highlight the differences between ACAA and APESMA.

Clause 3.1 Graduate of Architecture: ACAA has added a stronger meaning to ensure clarity of a Graduate of Architecture. The meaning defines that a Graduate is a person who has completed the equivalent of a 5 year degree.

Clause 12.2 Notice of termination by an Employee: ACAA has simply inserted the NES provisions.

Clause 15.3 Registered Architect: ACAA has used the words entry level in regards to the starting point for moving through the increment phase as level 2 (b) makes reference to entry level.

Clause 15.4 Students of Architecture: ACAA have added an additional table and renamed them the first table is for students under 21 and the second table is for students over 21. The introduction of Work Choices created confusion in this area and we believe these changes can move the confusion and simplify the matter.

Clause 15.5 Students or graduates Study leave: ACAA rewrote the clause to remove ambiguity of when study leave was available and how it is to be taken. The intent still remains the same.

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Clause 17 Accident make up: ACAA has used provisional wording obtained from other modern awards in regards to the phasing out of Accident Make up Pay.

Clause 18.4 Superannuation fund: ACAA has added Tas Plan as per APESMA and the transcript of 26<sup>th</sup> March 2009.

Clause 20.1(a) Overtime and penalty rates: ACAA has explained how the TOIL provisions work to make it easier to interpret.

Clause 24.2, 24.3, 24.4 Public Holiday substitution was an omission from the first draft.

Should you require any further information please do not hesitate to call Michael Corrigan General Manager on 1 300 766 396 or email [michael@platinumer.com.au](mailto:michael@platinumer.com.au).

Yours faithfully



MICHAEL CORRIGAN  
General Manager  
Human Resources and Industrial Relations