



DECISION

Fair Work Act 2009

s.158—Application to vary or revoke a modern award

Association of Consulting Architects Australia

(AM2023/15)

ARCHITECTS AWARD 2020

[MA000079]

JUSTICE HATCHER, PRESIDENT

SYDNEY, 30 OCTOBER 2023

Application to vary the Architects Award 2020 – clause 13.3(d) – prescribed competencies.

[1] In my statement¹ of 10 October 2023, I expressed the provisional view that clause 13.3(d) of the *Architects Award 2020* (Architects Award) should be varied in the terms of a revised draft order filed by the Association of Consulting Architects Australia on 19 July 2023 because the variation was necessary to meet the modern awards objective in s 134(1) of the *Fair Work Act 2009* (Cth). Interested parties were invited to respond to my provisional view by 24 October 2023.

[2] No submissions were received in response to my provisional view. Accordingly, I confirm my provisional view. Clause 13.3(d) of the Architects Award will be varied with immediate effect to insert the following note just below the chapeau:

NOTE: On 1 January 2024, the Prescribed Competencies will be replaced. The Fair Work Commission has issued a determination varying clause 13.3(d) effective from that date. For information on these new competencies, see item A.2 of the determination [[PR767683](#)]. For Graduates of Architecture who will sit their Architectural Practice Examination after 1 January 2024, the new Prescribed Competencies may apply. Affected persons should consult with their state registration board about how their circumstances may be affected.

[3] Further, with effect from 1 January 2024, current clause 13.3(d) will be deleted in its entirety and replaced with the following:

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

(i) **Practice Management and Professional Conduct:**

- Demonstrate understanding of the regulatory requirements and obligations pertaining to practice as an architect, including legislation,

professional codes of conduct, and obligations for continuing professional development and professional indemnity insurance.

- Be able to identify practice resources and apply practice methods and quality assurance systems within an ethical practice management framework to comply with and facilitate efficient, consistent and timely delivery of architectural services.
- Apply and follow processes for clear and consistent communication with clients and relevant stakeholders throughout the project, including obtaining approvals from clients and stakeholders
- Be able to assess, recommend and/or select an appropriate procurement process, with consideration for its impact on all phases of a project – including design, documentation and project delivery – and provide advice to the client in terms of the level of scope of service for consultants.
- Provide independent, culturally responsive and objective advice in accordance with relevant building codes, standards, technical specifications and guidelines, and planning regulations, including climate change implications, across all aspects of architectural practice.
- Be able to identify and apply strategies, programming and processes for documentation through all project stages to facilitate project delivery, as appropriate to selected procurement processes.
- Be able to identify and apply construction services provisions and/or construction administration systems needed to fulfil all obligations appropriate to the procurement process in accordance with the terms of the agreement.
- Be able to apply risk management and mitigation strategies – including safety in design, project risk, requirement for resilience from the impacts of climate change and appropriate insurances – across architectural services.

(ii) Project Initiation and Conceptual Design

- Be able to identify, analyse and evaluate client project requirements and objectives using qualitative and quantitative methods and, where required by the terms of engagement, to assist cost estimators in determining project feasibility/viability.
- Be able to assess project budget and timeframe against project requirements and objectives, relevant legislation, statutory planning requirements, building codes and standards.

- Be able to apply project budgets, or work with quantity surveyor to establish project budgets, based upon understanding of cost planning, value management and factors influencing project cost relevant to the project type and scale.
- Be able to prepare a return brief for approval by the client and relevant stakeholders in response to a client brief and any areas of deviation or noncompliance.
- Be able to prepare and analyse project development options in response to a project brief – its objectives, budget, user intent and built purpose, risk and timeframes, including environmental sustainability considerations.
- Be able to investigate, coordinate and integrate sustainable environmental systems – including water, thermal, lighting and acoustics – in response to consultants’ advice.
- Be able to assess operational and embodied carbon implications of materials, components, construction systems and supply chains (including transport) to achieve net zero whole life carbon when developing design concepts. This includes integrating relevant consultant expertise and advising on the impact of chosen materials, components and systems on carbon outcomes.

(iii) Detailed Design and Construction Documentation

- Be able to produce timely, accurate, complete and comprehensible documentation of the design so that it can be constructed.
- Be able to work within budget and time constraints while maintaining the defined project design intent. This includes participating in value management processes where engaged to do so.
- Be able to integrate the material selection, structural and construction systems established in the conceptual design into the detailed design and documentation.
- Be able to coordinate and integrate input from specialists and consultants into the detailed design and documentation.
- Be able to prepare planning applications that comply with planning regulations.
- Maintain effective and clear communication in the coordination of relevant consultants, manufacturers and suppliers as required under the terms of engagement.

- Be able to nominate and integrate quality and performance standards with regard to selected materials, finishes, fittings, components and systems, considering the impact on Country and the environment, and the whole life carbon impact of the project. This includes integrating life cycle assessments and other expertise and advice from consultants.
- Be able to produce project documentation that meets the requirements of the contract and procurement process and complies with regulatory controls, building standards and codes.
- Be able to complete and communicate on-time, accurate documents for relevant stakeholders, including drawings, models, specifications, schedules and construction documentation.

(iv) Design Delivery and Construction Phase Services

- Be able to select and implement project administration systems, based upon an assessment of the selected procurement method and its implications on project delivery.
- Be able to implement project team structures necessary to deliver a full suite of professional services or partial services appropriate to the selected procurement process.
- Be able to provide advice to clients and lead (or contribute to) the process of selecting a qualified contractor in accordance with the agreed procurement method and construction contract.
- Be able to apply the principles and mechanisms implicit in the selected procurement method and associated construction contract(s), based on an understanding of the implications of differing contractual relationships.
- Be able to provide advice to clients on the impact of a selected procurement method on cost, time, life cycle implications and quality control during the construction phase.
- Be able to monitor construction progress and quality as required under the provisions of the construction contract, which may include site visits.
- Be able to apply appropriate and consistent systems for record keeping, document control and revision status during the construction phase.

- Be able to apply appropriate and consistent systems for identification of defects, rectifications and approval of substitutions.
- Be able to apply relevant processes required for certification of monetary progress claims, project variations, extensions of time, project instructions, and requests for information, practical completion or other administrative functions explicit in the selected procurement method and associated construction contract.
- Complete documentation – including specifications, drawings, schedules, reports, certification and approvals – and other project information for issue to the client and relevant authorities, as required under the construction contract and relevant building and planning codes.
- Understand and mitigate risks associated with preparing and recording documentation.

[4] A determination varying the Architects Award as set out above is published with this decision.



PRESIDENT

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<MA000079 PR767682>

¹ [\[2023\] FWC 2621](#).