



Association of Consulting Architects

Australia

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National Communique

April 2013

THE OUTLOOK FOR 2013

Welcome to the April Communique.

We wish we could report that at the end of the first quarter, it had been a more positive and confident start to the year, that the industry was buoyant, we had full employment, clients had stopped complaining about paying half decent fees, profits were at an all time high, everyone had just the right amount of work of the type they most like, stress levels were at an all time low and generally everything was rosy.

Sadly, that is not the case and we are currently in a climate where staff are being laid off across the country, firms are doing 'bread and butter' work they would prefer not to be doing, competition has gone from being healthy to cutthroat and no one quite knows when it will change.

Sure, some firms are doing well but our research across the country shows that generally the industry is doing it tough. Is this the 'new normal' or is it just another cycle?

Can we look forward to a new era of growth in the not too distant future or are we about to be annihilated by the burgeoning architectural industries offshore? Can we all find niches and client bases that will enable us to sustain a healthy industry?

They are all questions we wish the ACA had the answers. We don't. But we are working on finding out and providing the industry with the best chance of understanding what is happening and how to address the issues we face, now and in the future.

As most of you know, in 2012 the ACA undertook an extensive national survey of both its members and non members. The key message that came out of that survey was that there was a overwhelming desire across all sectors of the industry for a single 'business focused' organisation whose sole purpose was to inform, assist and advocate for the business interests of the architectural industry.

And, the message was that the ACA was the appropriate organisation to take on that role.

This is a fairly dramatic shift, from the ACA's previous role as the body representing employers in the industrial arena but one we see as important and necessary.

The ACA's strategic plan, which evolved out of the survey, identified three key areas where we can be of value.

- Information
- Research
- Representation

We have established an ambitious but targeted agenda to deliver the industry the best information, business environment and best support relevant to the conducting of the business of architecture.

Two key aspects of this strategy are that:

- The ACA will focus on delivering worthwhile outcomes on a limited number of key business issues
- The work will be shared across the various Branches, with each Branch taking on the management and implementation of key issues.

So, hopefully, whilst we cannot actually guarantee to deliver any significant changes in the economy and industry we can promise that the ACA's members will be well informed and well represented in terms of those issues.

Watch this space.

NOTE: The information contained in this communication is for general information and is not offered as legal or financial advice. You are advised to seek your own counsel and confirmation prior to acting on anything contained in this document.

NATIONAL TOPICS

2013 FEDERAL ELECTIONS

One of the advantages of the long election campaign is that it provides us all with an opportunity to raise and pursue key issues with the various political parties.

In February each of the ACA Branch Committees were asked to identify their key national issues. These were then discussed by the ACA NEC and the final list was then passed onto Peter Barda the Executive Officer of ACIF, The Australian Construction Industry Forum (on which the ACA has two seats) for him to use in trying to develop an industry wide list of priorities.

However, having now established its list the ACA will be taking them to each of the political parties as a starting point in raising the broader issues of the architectural industry. The 10 key national issues identified were:

1. The careful allocation of risk; acknowledging that as client the Government should not allocate risk unfairly
2. No uninsurable conditions in government contracts
3. Establishment of Nationally Consistent Procurement Standards
4. Recognition of the importance of the direct relationships between the designer and their client, and the role the Managing Architect played in the successful BER projects
5. Full implementation of the recommendations of the Orgill Report
6. Addressing processing delays in payment on Government projects; projects often experience significant delays in the processing and payment of consultant fees
7. The need to promote consistent use of new technologies
8. Appointment of a Federal Government Architect
9. Requiring that an Architect be assigned to all major infrastructure projects
10. Introduction of a single system for National Registration for Architects.

We will also be seeking to work with other key industry groups to provide a united and single voice for the industry during the elections.

BUSINESS ALERTS / BUSINESS NOTES

Last year the ACA introduced **Business Alerts** as a means of ensuring members are kept up to date on key business issues as they arise.

All the Alerts will be available on the ACA Website and will form the basis of a new set of **Business Notes** the ACA intend to develop to assist members in developing best practice in business

WHS

In December 2012 the ACA issued an **ACA Business Alert** (dated 12 December 2012) titled Safety Design Options, which addressed the regulations of the Model Work Health and Safety Act 2011.

Safe Work Australia explain their position as follows:

“The Australian Work Health and Safety Strategy 2012-2022 (the Australian Strategy) provides a 10 year framework to continue to drive improvements in workplace health and safety in Australia. The Australian Strategy promotes a collaborative approach between the Commonwealth, state and territory governments, industry and unions and other organisations to achieve the vision of healthy, safe and productive working lives. The Australian Strategy builds on the previous National Occupational Health and Safety Strategy 2002-2012 (National OHS Strategy).

The Vision for the Australian Strategy is derived from Article 23(1) of the Universal Declaration of Human Rights, which sets out that:

- “Everyone has the right to ... favourable conditions of work” and reflects the principles that:*
- *All workers have the right to a healthy and safe working environment*
 - *Well-designed, healthy and safe work leads to more productive working lives*

The Business Alert and Guide are available on the ACA Website

INTERNS

Given both the difficult economic times and the large number of students and graduates desperately looking for work, one of the issues facing many firms is the pressure to take on staff as unpaid interns.

Unpaid interns are permissible under certain circumstances but the law is very restrictive as to when, who and how. To clarify what we are legally allowed and not allowed to do as employers of architectural business the ACA has obtained advice from our legal advisers, Piper DLA.

This advice will be issued in an **ACA Business Alert** in the coming days.

The ACA consider this a very important issue as it raises many questions of both equity and commercial viability. The ACA are continuing to look at the issue to see if there is a way of achieving a system that allows for some process of work experience without undermining an individual's right to a fair day's pay for a fair day's work.

COMMUNIQUE – NEW EDITOR

The ACA are very pleased to announce that we have appointed a new Editor for the ACA Communique.

The new editor is Justine Clark. Justine takes up her new role in April.

Justine Clark is an architectural editor, writer, critic and researcher and will be well known to many of you as the editor of *Architecture Australia*, from 2003 until 2011.

She has a broad-ranging understanding of many issues around the built environment and architecture and has extensive networks within architectural practice, academia and the media. Some of her recent research and event proposals have looked at changing modes and models of architectural practice.

Justine has a particular interest in promoting discussion on the built environment and was awarded the National Bates Smart Award for Architecture in the Media in 2009 and 2011. She is regularly involved in public presentations and discussions on architectural issues, as well as participating in award and competition juries nationally and internationally.

Justine recently developed the website Parlour: women, equity, architecture, which she also edits. This is the public face of the research project Equity and Diversity in the Australian Architectural Profession: Women, work and leadership.

Justine is honorary Senior Fellow at the University of Melbourne, chair of the Professional Advisory Board of the School of Architecture at the University of Adelaide and a member of the Office of the Victorian Government Architect's Design Review Panel.

Following is part of Justine's proposal to the ACAA regarding the Editor role:

"The editor's role (offers) an exciting opportunity, and it is great that the ACA is interested in fostering the broad conversation about the business aspects of architecture.

As I understand it, the Communique will build on the existing strengths of the ACA, which are principally related to industrial relations, and will help to forge an expanded role for the ACA by promoting debate and discussion around other issues relevant to the business of architecture.

The Communique will have a number of functions. These include disseminating information to members, promoting a wider discussion of business-related issues, and helping to generate profile for the ACA.

The Communique will include a range of content, including material that directly represents the ACA, commissioned pieces from others on a range of business-related topics, news updates and links to relevant material elsewhere."

WEBSITE

The ACA are also in the final stages of commissioning a new website which will provide much greater responsiveness and interactivity with members, including being optimised for phone and tablet use.

The Website and Communique will form part of an integrated communication strategy for the ACA to be rolled out in 2013.

ACA PUBLIC HOLIDAYS 2013

The public holidays for 2013 are:

Public Holiday	QLD	NSW	ACT	VIC	TAS	NT	SA	WA	Day	Date
New Year's Day									Tuesday	1 January
Australia Day									Monday	28 January
Labour Day									Monday	4 March
Canberra Day / Labour Day (VIC) / Eight Hours Day (TAS) / Adelaide Cup Day									Monday	11 March
Good Friday									Friday	29 March
Easter Saturday									Saturday	30 March
Easter Sunday									Sunday	31 March
Easter Monday									Monday	1 April
Anzac Day									Thursday	25 April
May Day									Monday	6 May
Western Australia Day									Monday	3 June
Queen's Birthday									Monday	10 June
Picnic Day									Monday	5 August
Royal Qld Show **									Monday	14 August
Family and Community Day (ACT / Queen's Birthda (WA)									Monday	30 Sep
Labour Day									Monday	7 Oct
Recreation Day (northern Tas) / Melbourne Cup Day									Monday	4 Nov
Christmas Day									Wednesday	25 Dec
Boxing Day / Proclamation Day									Thursday	26 Dec
TOTAL	11	11*	12	11	12	11	11	10		

* excludes Bank Holiday (5 August)

** Brisbane Area Only

BRANCH NEWS

ACA SOUTH AUSTRALIAN NEWS

SAFE DESIGN – JOINT ACA/AIA SEMINAR

The first joint Association of Consulting Architects SA and AIA SA event was, quite literally, a sell-out! It shows the amount of interest (and fear) in the new Work Health and Safety legislation, which was introduced in January this year.

CS Wong, from Safe Work SA, defined Safe Design and the obligations of designers to the building owner, builder, users and facility managers. Cos Cirocco discussed the impact on Professional Indemnity Insurance, and Anna Piatkowska outlined the work done by ACA in Victoria on procedures and checklist which can be used through the design process.

The designer has a mandatory obligation under the legislation to discover the types of work, common hazards, and risk reduction techniques used by the owner. The designer also has a duty to identify risks in construction, - use and operation, maintenance, modification, demolition and dismantling, and document and pass on a register of residual risks to those building, using, maintaining or demolishing the building. It was interesting that many at the seminar did not have a working knowledge of Risk Management techniques – something that ACA might be able to help address.

ACA SA intend to do some further development of the WHS proformas to try and standardise as much as possible the approach to this legislation. A small working group is looking further at this issue.

NEXT SA ROUNDTABLE

We are planning a roundtable with Consulting Engineers at 4.30pm on Thursday May 2nd (venue to be advised). Our aim is to explore ways we can work together more effectively and efficiently, and we are inviting engineers from a range of practices to attend.

CASCADING APPOINTMENT OF CONSULTANTS

Simon Thomson is preparing a submission to DPTI to encourage the use of cascading appointment of secondary consultants. This would allow the appointment of the Lead PSC first, with subsequent appointment of secondary consultants with Lead PSC input and hopefully a better defined scope of works.

OUR 50th BIRTHDAY!

This July marks the 50th anniversary of the formation of the SA Practicing Architects Association, the precursor to the ACA in SA. David Hassell has taken the old minute books and has consented to write a brief article about the organization. More news to come!

KEITH NEIGHBOUR STUDY GROUP FOR GRADUATES UNDERTAKING REGISTRATION

A second study group has commenced with support from ACA SA. Comments from the first group were very positive:

“The inaugural KNSG has been a wonderful success! Not only in helping group members to get registered but by providing a network of other likeminded graduates to share the experience with! The group has definitely made the whole process of registering seem less daunting knowing others are going through the same process. We have been able to share knowledge, experience and information and some laughs in between.

A big thanks to the KNSG for assisting graduates of architecture in the registration process and a special mention to Adrian Reveruzzi who as a recently registered Architect helped to mentor us!”

ACA QUEENSLAND NEWS

QUT SCIENCE & ENGINEERING CENTRE SITE TOUR

New ways to learn, teach and research...

In February, ACA Members had a pre-opening tour of the new \$230m Science and Engineering Centre at Gardens Point campus 2013.

Gary Rasmussen, head of QUT Precincts and Facilities Management, shared his insights from schematic design stage to completion. A tour followed when attendees explored this high performance world-class facility which will act as a living laboratory, a model for sustainable building practices, a hub for innovative teaching and learning, mixed use retail/food outlets, a new 50m indoor swimming pool and 1000 square metre gymnasium creating an exciting hub.

EMPLOYMENT UPDATE ... KEEPING UP TO DATE!

More than 30 people attended a highly interactive session on Friday, 1 March in Brisbane when Michael Corrigan presented his Annual Employment Update. Questions were fast flowing the entire afternoon which proved highly valuable for attendees.

During Michael's presentation he clarified the following:

- Architects Award only covers people with a full qualification in Architecture or studying architecture. The Award covering the Draftsperson is the Manufacturing, Associated Industries and Occupations Award.
- If a student only completes and undergraduate and does proceed to post graduate in Architecture, they are covered under the Manufacturing, Associated Industries and Occupations Award.
- Qualifying periods for big business is six months - small business – 12 months.
- Casual staff entitlements.
- Employers are required to pay employees for the first 10 days of Jury Duty in Queensland.
- Termination of staff during the qualifying periods requires a notice period of 1 month, 1 week.
- For small business (<15 staff), no redundancy payments are required.
- Entitlements for Long Service Leave after 10 years service is 8.667 weeks.

GETTING CLOSER TO GOVERNMENT

The inaugural BEMPQ (Built Environment Meets Parliament Queensland) was held at Parliament House on Friday 22 March 2013.

Following a similar format to the successful national forum, the 1 day conference featured speakers from Government (state and local), the development community and a wide range of consultants.

New Assistant Minister for Planning Reform, Rob Molhoek MP, gave the keynote address outlining the achievements and key issues facing the Newman government after its first year in office. Other sessions featured the following topics:

- Projects Qld, PPP's and meeting the funding challenge
- The role of planning in the promotion of appropriate economic development
- Change in Government procurement policy – the Design Dividend
- Cities of the Future
- Places for People- measurable sustainability in a constrained economy

Of particular interest to architects was the presentation by Victorian government architect, Geoffrey London, on the release of the new Guidelines for building procurement processes in Victoria.

QUEENSLAND NEWS

DATE CLAIMER

**‘Client Risk Management’
Friday, 19 April 2013**

The ACA Queensland collectively enjoys a wealth of expertise and is offering knowledge, process, data and wisdom on client risk management that you will benefit from, without having to personally experience each and every situation yourself.

Caroline Treacy will moderate the discussion at our next event. She is an ACA Queensland Committee member and a self-confessed driver for doing what we do best once, efficiently and for the maximum benefit of all.

Guest speakers will include:

- **Mark Williams**, Managing Director of Mark Williams & Associates
- **Kevin Murphy**, Practice Director of BVN Donovan Hill
- **Malcolm Gay**, National Sales Manager of EC Credit Control

Invest time now to come along and enjoy the proactive collegiate banter.

Date: Friday, 19 April 2013
Time: 12.45pm for 1.00pm – 3.00pm (lunch forum)
Venue: United Services Club, 183 Wickham Terrace, Brisbane.
Cost: \$75.00 members / \$100.00 non-members
Dress: Modern Business Professional
Parking: On-site parking is available for \$10.00.
RSVP: 12.00noon on **Tue, 16 April**

VICTORIA / TASMANIA NEWS

ARCHITECTS REGISTRATION BOARD VICTORIA

ACA-Vic/Tas through President, Simon Hanger, has been involved in a number of meetings with the Institute of Architects Victorian Chapter (AIA) to determine an approach to the Victorian Government’s restructuring of the Building Commission and the ARBV.

The ACA-Vic/Tas subsequently assisted with the AIA’s submission to the Government regarding the proposed restructure.

OFFICE OF THE VICTORIAN GOVERNMENT ARCHITECT

ACA-Vic/Tas through President, Simon Hanger, provided input into the initiative of the Office of the Victorian Government Architect in producing a document on building procurement processes relating to government departments. This document can be viewed at <http://www.ovga.vic.gov.au/news.html> ‘Government as Smart Client’.

SAFE DESIGN DOCUMENTS

Members are directed to the current version of the Safe Design Documents at <http://aca.org.au/?p=1708>

Members should be aware that the Safe Design Documents will be updated from time to time to reflect industry use and consultation. User feedback is encouraged. Members should check the website for the most up to date version of the Safe Design Documents.

WESTERN AUSTRALIAN NEWS

MEMBERS LUNCHEON

A most enjoyable members' luncheon was held on Thursday 21 March at the Raah Restaurant in Beaufort St. This was an interesting departure from the usual Italian fare to the rich flavours of the middle east and the only complaints were that we had all eaten far too much by the time the lunch finished in the very late afternoon/early evening! There was a great spread of age groups from the early 70 year olds down to the late twenty year olds which led to interesting conversation and exchanges of experiences which is the very reason that these events are held. This one can definitely be put down as a roaring success and we are looking forward to our next one in August.

GOVERNMENT CONTRACTS

Through the Built Environment Design Professions (BEDP) the ACA –WA branch is actively involved in a working party engaging with the Building Management & Works over the conditions of engagement of the Architectural Services Panel 2012. The general dissatisfaction with the new conditions has caused considerable waves amongst the profession and we are fighting extremely hard to change some of the unfair amendments to AS4122-2010 with a particular emphasis on BMW contracting out of current legislation in regard to proportionate liability, limiting liability and the removing the requirements for Architects to engage sub-consultants.

NEW SOUTH WALES NEWS

GOVERNMENT CONTRACTS

The ACA / NSW has been working with the NSW Department of Finance and Services, in collaboration with Consult Australia and representatives of over a dozen major NSW Government departments and instrumentalities responsible for engaging architect's services, through the Government's Policy and Industry Advisory Committee (PIAC), in developing a new set of government standards for the conditions of contract for consultant services.

As with WA (see above) there has been considerable dissatisfaction with the existing system and as the NSW Government has also decided not to implement AS 4122 directly, there is a need to develop a new standardized and equitable set of Contract Conditions. The ACA has taken the position that it is better to be engaged in this process than not and has actively participated in the drafting of the new conditions, seeking to ensure that some of the significant problems faced by members (such as uninsurable conditions) are avoided. The aim of the process is to

- have a single document for use by all NSW Government bodies
- ensure that the new document provides an agreed set of fair, equitable and insurable conditions of contract
- get sign off on the document by all the key NSW Government Departments
- have the new conditions of contract adopted and implemented by both state and local government.
- reflect as closely as possible the conditions established in AS 4122

The ACA is represented on the committee by Adrian Pilton (JPW), David Slinn (DEM) & Steve Kennedy (KAA). Adrian is a member of the drafting group, with Robin Schuck from Consult Australia. The Committee is in the advanced stages of the drafting of the document

The first draft is scheduled for release mid year 2013.

ACA NSW CTTE MEETING

The next ACA / NSW Committee will be held on:

Date: Thursday 4 April
Time: 5pm
Venue: Offices of Kennedy Associates Architects,
 Level 3/ 1 Booth Street
 Annandale 2038