

# Architectural Competitions Policy

## 1. INTRODUCTION

### 1.1. Purpose

The purpose of this policy is to clearly articulate a set of principles and performance requirements that represent the Australian Institute of Architects' (the Institute) position on good practice in the conduct of architectural design competitions in Australia.

The policy is aimed at all key participants in architectural competitions – sponsors/clients, entrants, jurors and advisers.

### 1.2. Complex environment

The procurement of architectural services occurs within a progressively more dynamic environment, in which the roles and responsibilities of all key players are undergoing constant change. There is therefore a need for clarity, consistency and equity in the conduct of architectural competitions as part of the procurement process.

### 1.3. Value of design

There is growing recognition of the intrinsic, long-term value of design. An architectural competition, when conducted appropriately, can generate a broader range and higher level of innovation in design solutions. However, it is not universally appropriate and must be robustly evaluated against other methods of procuring the design team for any specific project.

### 1.4. Competition guidelines

This policy sets out high level, in-principle criteria only. It is not a 'how-to' guide. More detailed guidance for those proposing to run an architectural competition can be found in the companion document – *Guidelines for the Conduct of Architectural Competitions*, published by the Institute.

### 1.5. Jurisdiction

This policy applies to architectural competitions conducted within Australia, irrespective of the location of the project or site.

### 1.6. Definitions

For the purpose of this policy, the following definitions apply:

<i>Architectural competition</i>	the process by which an architect or architectural design team is selected for a project, based on the competitive submission of conceptual designs.
<i>Client</i>	the person or entity who will be the owner or operator of the completed project that is the subject of the competition (may or may not also be the <i>Sponsor</i> ).
<i>Competition brief</i>	detailed information provided to entrants, which sets out <i>Client</i> and project aspirations, site information, budget, functional requirements and any other parameters relevant to development of an effective design concept for the project.

<i>Competition conditions</i>	the documented set of requirements, principles and timelines that govern the conduct, judging and submission processes of an architectural competition.
<i>Endorsement</i>	formal prior recognition by the Australian Institute of Architects that the proposed conditions governing the conduct of an architectural competition are consistent with the relevant requirements of this policy.
<i>Probity Adviser</i>	an appropriately qualified and independent person, who advises the <i>Professional Adviser</i> , <i>Sponsor</i> or <i>Client</i> on, and validates, the probity, equity and integrity of the processes of an architectural competition, where the project is of high value, is highly complex, unusual or contentious, or is politically sensitive.
<i>Professional Adviser</i>	a registered architect, or other appropriately qualified person, who advises the project <i>Sponsor</i> or <i>Client</i> on the conduct of an architectural competition, and who prepares and coordinates the running of the competition on their behalf.
<i>Sponsor</i>	a person or organisation who initiates and funds an architectural competition in order to select an architect or architectural design team and a preferred design concept for a specific project (may or may not also be the <i>Client</i> ).

## 2. ARCHITECTURAL COMPETITIONS - CONTEXT

### 2.1. Advantages

Compared to other approaches, an architectural competition to select an architect, design team or concept for a project has the advantages that it may:

- generate a wider range of design ideas for a project
- identify a broader range of architects, including emerging architects, who may not otherwise be approached
- generate public interest in the project or its purpose
- provide a valuable opportunity for Sponsor and Client consensus on design direction and the design team
- expand public discussion about design generally or about the specific project
- increase exposure and credibility of the sponsor.

### 2.2. Disadvantages

An architectural competition may not always be the preferred way to select an architect, design team or concept because it may:

- offer limited exposure of the design team to the Client, key building users or stakeholders
- allow limited scope to value manage and control the budget
- require significant amounts of unpaid time to be spent by a substantial number of architects
- provide an unreasonably limited time frame in which to address very complex brief requirements.

### 2.3. Appropriate context

A competition is *appropriate* when the project:

- is of public significance
- will benefit from a wide degree of design investigation
- is on a significant or unusual site
- will generate and benefit from heightened public interest
- will promote a higher level of design excellence for the project type or location.

### 2.4. Inappropriate context

A Competition is *inappropriate* when:

- there is not adequate time to plan, organise, manage, and judge it
- there is insufficient time for entrants to undertake the necessary design work
- an appropriately qualified jury is not appointed
- there are insufficient funds to meet the cost of running the competition
- the project is speculative, funding is inadequate or uncertain, or the Client is not certain of proceeding with the project, and this is not clearly stated in the Competition conditions
- a sound and well-developed brief is not available
- the brief is substantially inconsistent with current development controls for the site
- the prizes and recognition offered for participants are inadequate
- a professional adviser is not to be appointed
- the competition conditions are not consistent with this policy.

## 3. ARCHITECTURAL COMPETITIONS - CONFIGURATION

### 3.1. Competition purpose

Competition configuration will vary, depending on the objective of the competition. Broadly, competitions either lead to a commission for the winner, or they don't.

#### 3.1.1 Project competition

A project competition leads directly to the construction of a specific project on a specific site or sites. The objective of such a competition is to select the design that best responds to a clearly defined project brief. The author of the winning design is subsequently engaged to develop the design and complete the project (subject to reasonable conditions).

#### 3.1.2 Ideas competition

An ideas competition does not lead directly to engagement of the winner to realise their winning design. It is used to explore major design issues or design opportunities, generally for a significant site.

An ideas competition is not appropriate where it:

- only promotes or advances a private or commercial interest, or
- does not benefit either the public or the profession, or
- is not explicit about its purpose.

### 3.2. Competition eligibility

The configuration of a competition will vary dependent on entrant eligibility. Generally competitions fall into one of the following four categories:

#### 3.2.1 *Open competition*

An open competition does not limit eligibility of entrants, or limits it only to a broad cohort (e.g. architects, design professionals, students, etc.). Entrants self-select provided they meet the broad eligibility criteria.

#### 3.2.2 *Limited (open) competition*

A limited (open) competition limits eligibility to a defined section of a specific cohort (e.g. architects in a particular geographic location, architects with particular experience, architects under 30, etc.). Entrants self-select provided they meet the specific eligibility criteria.

#### 3.2.3 *Limited (select) competition*

A limited (select) competition limits eligibility to a specific cohort but entrants are selected by the competition Sponsor, based on defined selection criteria. The selection criteria may be purely qualification-based, or may require an initial, broad conceptual design response to the brief.

#### 3.2.4 *Select competition*

A select competition limits eligibility to a small group of entrants selected directly by the competition Sponsor.

### 3.3. Competition staging

An architectural competition can assess entries through a single process, or through a number of stages, requiring a progressively more detailed response.

#### 3.3.1 *Single stage competitions*

In a single stage competition all entries are judged at the same time, and a winner or winners declared. Single stage competitions are most suited where only a very broad conceptual solution is sought, or where the brief is highly developed and clearly defined.

#### 3.3.2 *Multi-stage competitions*

Where detailed design concepts are required, a multi-stage process allows less suitable entries to be filtered out before their authors are required to expend unreasonable levels of time or cost in preparing their entry. It can also allow for relevant Client feedback and input before the final submission. Typical competition stages are:

- A. *Expression of Interest (EOI) Stage:* Entrants submit details of relevant qualifications, background and experience only. No design proposals or fee proposals are provided at this stage. From the submissions received the Sponsor selects a number of entrants to progress to the next stage.
- B. *Initial Concept Stage:* Entrants at this stage prepare an initial concept design, at a broad level, for assessment by the jury, which determines a short list for progression to the next stage. No fee proposals are provided at this stage.
- C. *Final Concept Stage:* Entrants at this stage prepare a final concept design for assessment by the jury, which determines the winning entry(ies). Entrants may also be requested to provide a fee proposal (refer 3.5) for subsequent engagement as the architect for the project.

A two-stage competition can comprise stages A and C, or stages B and C. A three-stage competition would include stages A, B and C.

The number of stages and the conditions applicable to each must be specified at the time of the initial competition announcement. (*refer 5.3*)

### **3.4. Competition deliverables**

For a competition to be fair and equitable, the competition brief must clearly define the material required to be submitted by entrants. Such material should be sufficient to allow jury evaluation of design intent, but should not require excessive detail that is unnecessary or excessively costly or time-consuming to produce. Requirements beyond a minimum level are only reasonable where entrants are appropriately compensated.

#### *3.4.1 Design concept*

For open competitions, ideas competitions and single-stage competitions, drawings and diagrams sufficient to explain the concept and a short written statement will generally be sufficient for the jury to determine the competition outcome.

#### *3.4.2 Concept plus detail (cost, time, compliance, visualizations, etc.)*

For select competitions and multi-stage competitions, a more developed design concept may be required, along with relevant supporting information such as a cost estimate, program, compliance statement or more sophisticated visualisations (fly-throughs, digital models, or physical models).

### **3.5. Fee proposals**

Where a fee proposal is required as part of the submission for the final stage of a competition, the Client, in collaboration with the Professional Adviser and where reasonably necessary, a suitably qualified Quantity Surveyor, must pre-determine a reasonable range within which the fee would be considered acceptable, and each entrant's fee proposal must be:

- submitted under separate cover
- opened only once the preferred design is determined
- accepted if it falls within the pre-determined range
- subject to negotiation with the author of the preferred design if it is not within the pre-determined range.

## **4. KEY PARTICIPANTS**

### **4.1. Entrants**

#### *4.1.1 Entrant eligibility*

At the closing date for entries in an architectural competition, entrants must meet the eligibility criteria stated in the competition conditions, and where applicable:

*Architects:* must be registered, or eligible for registration, in the Australian state or territory where the subject project is located. For an ideas competition, architect entrants must be registered, or eligible for registration, in Australia.

*Graduates:* must have successfully completed a university course that is recognised for the purpose of registration as an architect in Australia.

*Students:* must be currently enrolled in a university course that is recognised for the purpose of registration as an architect in Australia.

*Teams:* other collaborative participants such as engineers, cost consultants, builders, artists, graphic designers, etc. must meet all applicable Australian accreditation or registration requirements for their specific discipline. Where none exist, they should be a member of their relevant professional body.

#### 4.1.2 *Ineligible entrants*

The following are ineligible to enter an architectural competition:

- all jurors and reserve jurors
- the Client or Sponsor
- the Professional Adviser or Probity Adviser, and any person involved in the preparation or organisation of the competition
- an elected representative or officer of any relevant consent authority
- a family member, associate or employee of any of the above, except where the Probity Adviser or Professional Adviser formally documents that the entrant has declared the relationship substantiated, in writing, that the circumstances of the relationship do not give that entrant any actual or potential advantage over other entrants.

#### 4.1.3 *Entrant obligations*

All entrants in an architectural competition must:

- comply with the published competition conditions
- maintain anonymity and confidentiality, where these are competition requirements
- respect moral rights and copyright of others in relation to development of their entry
- promptly inform the Professional Adviser or Probity Adviser of any actual, potential or perceived conflict of interest
- make no attempt to unfairly or inappropriately influence the jury process or any member of the jury
- accept the decision of the jury as final.

## 4.2. **Sponsor**

#### 4.2.1 *Sponsor obligations*

The Sponsor of an architectural competition must:

- where not the Client, have the authority of the Client to conduct the architectural competition, to make all required decisions and determinations in relation to it, and to make all required payments to competition participants
- act in accordance with and ensure compliance with the competition conditions
- ensure anonymity and confidentiality, where these are conditions of the competition
- respect the moral rights and copyright of entrants
- promptly inform the Professional Adviser or Probity Adviser of any actual, potential or perceived conflict of interest
- ensure that all entrants, winners, advisers and jury members are paid all agreed prize money, honoraria or fees, or awarded any commission, in accordance with the competition conditions
- make no attempt to unfairly or inappropriately influence the jury process or any member of the jury
- accept the decision of the jury as final.

### 4.3. Client

#### 4.3.1 Client obligations

The Client for an architectural competition must:

- where not the Sponsor, authorise the Sponsor to conduct the architectural competition, to make all required decisions and determinations in relation to it, and to make all required payments to competition participants
- promptly inform the Professional Adviser or Probity Adviser of any actual, potential or perceived conflict of interest
- make no attempt to unfairly or inappropriately influence the jury process or any member of the jury
- accept the decision of the jury as final
- engage the winning entrant in a project competition as architect for the full scope of consultancy services specified in the competition conditions.

### 4.4. Professional Adviser

#### 4.4.1 Mandatory requirement for Professional Adviser

An architectural competition conducted in Australia must be coordinated by an appropriately qualified Professional Adviser.

#### 4.4.2 Professional Adviser qualifications

A Professional Adviser must be an architect, or an architectural academic, critic or commentator who has:

- formal education or training in architecture or design, and
- a thorough understanding of and commitment to comply with this Policy, and
- a high level of familiarity with the companion document to this Policy – *Guidelines for the Conduct of Architectural Competitions*, published by the Institute.

#### 4.4.3 Professional Adviser obligations

The Professional Adviser for an architectural competition must:

- have clearly defined authority from the Sponsor to prepare and coordinate the architectural competition and to make all necessary decisions and determinations in relation to it
- ensure that the Client, Sponsor, Jury, any specialist advisers or consultants and all entrants comply with the published competition conditions
- ensure anonymity and confidentiality, where these are conditions of the competition
- ensure that all entries comply in all respects with the competition conditions, and disqualify (in consultation with the Probity Adviser, where applicable) any entry that does not fully comply, except where the entrant can substantiate extenuating circumstances and that the breach does not give that entrant any advantage over other entrants
- ensure that entrants have the opportunity to ask questions and receive answers to all questions asked by entrants
- promptly respond and take appropriate action after advice of any actual, potential or perceived conflict of interest
- make no attempt to unfairly or inappropriately influence the jury process or any member of the jury
- accept the decision of the jury as final.

## 4.5. Probity Adviser

### 4.5.1 *Requirement for Probity Adviser*

A Probity Adviser will not be required for all competitions, as the Professional Adviser can ensure a competition is conducted fairly, equitably, with integrity and in line with any overriding process requirements of the Client or Sponsor.

However, a Probity Adviser should generally be appointed where the competition is subject to public accountability, where the Client or Sponsor is government-based, or where the project is:

- of exceptionally high value, or
- highly complex, unusual or contentious, or
- particularly politically sensitive.

## 4.6. The Jury

### 4.6.1 *Jury size and composition*

The jury shall be composed of the smallest reasonable number of members and should be an odd number not less than three and not exceeding seven. The majority of jurors should be architects, or other relevant design professionals, one of whom must be an architect. Jurors should be selected to maximise diversity in terms of gender, age, geographic location and professional expertise and experience. The jury may include a representative of the Client or Sponsor, but not as jury chair.

### 4.6.2 *Independence of jurors*

A majority of jurors must be completely independent of the Sponsor or Client.

### 4.6.3 *Payment of jurors*

All costs associated with performance of the jurors' duties in relation to the competition, including travel, accommodation and related costs, must be met by the Sponsor. In addition, a reasonable fee or honorarium should be paid to each juror to cover their commitment of time to the competition.

### 4.6.4 *Reserve jurors*

One or more reserve jurors may be appointed to cover the potential absence of a member of the jury, especially in high value or unusually significant architectural competitions. Reserve jurors must attend, but not vote at, all meetings of the jury. Once called upon to replace an absent jury member at a meeting of the jury, the reserve juror must remain on the jury and the replaced juror shall cease to be a member of the jury.

### 4.6.5 *Announcement of jurors*

The names and basic credentials of the jurors, jury chair and any reserve jurors must be included in the competition conditions and published before the competition is open for entries.

### 4.6.6 *Role of jury chair*

A chair of the jury shall be appointed by the Sponsor, in consultation with the Professional Adviser. The chair must be independent of the Sponsor or Client. The chair shall conduct meetings of the jury and, where the jury has an even number of members, shall have the casting vote.

### 4.6.7 *Consensus or majority vote*

The jury chair shall determine, in consultation with the Professional Adviser, whether decisions of the jury shall be by consensus or majority vote.



#### *4.6.8 Jurors in multi-stage competitions*

The members of the jury must remain the same, subject to the need for inclusion of any reserve juror, for all stages of a competition that require submission and evaluation of a design concept.

#### *4.6.9 Publication of jury report*

The rationale for the jury's decisions must be set out in a formal jury report to the Sponsor, signed by all jurors. The report must be available to the Sponsor prior to the public announcement of the winner(s). After such announcement, the jury report should be available to all entrants and, in the interests of transparency and accountability, made public.

#### *4.6.10 Obligation to make awards*

The jury must make awards. The awards shall be final and the names of winning entrants shall be made public by the date stated in the competition conditions.

The jury must give the number and total monetary value of awards stipulated in the competition conditions. However, in exceptional circumstances, it may distribute the awards differently to that proposed in the conditions, provided the total monetary value of prizes awarded is equal to the total amount originally stipulated.

In any architectural competition where entrants are selected by the Sponsor, and in an ideas competition, a first prize must be awarded.

#### *4.6.11 Publication of entries*

The Sponsor must arrange for the public exhibition or publication, either physically or online, of all awarded entries. Where possible, all entries considered at the final stage of the competition should be included in the exhibition or publication.

### **4.7. Technical Advisers or Panels**

#### *4.7.1 Technical Advisers*

Where considered appropriate, the Client or Sponsor may appoint one or more expert advisers to provide detailed evaluation of particular aspects of submitted entries, where such evaluation may be beyond the scope or skills of the jury.

Commonly such technical advisers can include a Quantity Surveyor or Planning Consultant, but may also include specialist environmental, services or building performance consultants, depending on the nature of the project.

#### *4.7.2 Technical Panels*

Where the competition brief is particularly complex or sophisticated, the Client may establish a technical panel to assist the Professional Adviser or the Jury in responding to entrant questions or evaluating submissions. The members of such a panel will generally, but not always, be drawn from the professional staff of the Client organisation.

Establishing a technical panel can overcome the perceived need to include subject matter experts from within the Client organisation on the jury.

## 5. THE COMPETITION PROCESS

### 5.1. Planning the Competition

The Sponsor of an architectural competition must recognise that a competition is a substantial undertaking, often requiring considerably more cost, time and effort than initially envisaged. The Sponsor must ensure that they have allowed:

- for appointment of the Professional Adviser at the earliest possible time
- sufficient time before the launch of the competition to develop, with the Professional Adviser, a detailed, effective and realistic plan for the competition
- sufficient time for entrants to do the work required for submission of an entry
- adequate time for the assessment, technical review and jury review of the competition submissions at all stages.
- adequate time after the public announcement of the winner(s) for establishment and mobilisation of the project team for the commission that results from the competition.

### 5.2. Running the Competition

Detailed guidance, including relevant templates and checklists, for the conduct of an architectural competition is included in the companion document – *Guidelines for the Conduct of Architectural Competitions*, published by the Institute.

### 5.3. Competition Conditions

#### 5.3.1 *Announcement of open competitions*

Notice of an open or limited (open) architectural competition shall be given by the Sponsor by publication online or in relevant journals or other media, to enable, as far as possible:

- all potential entrants to become aware of the competition simultaneously
- prospective entrants to register and obtain full details of the competition conditions and competition brief at the earliest possible time
- no prospective entrant to be unfairly advantaged or disadvantaged by the way in which the competition is announced, or the competition conditions and brief are to be obtained.

#### 5.3.2 *Announcement of select competitions*

Invitation to participate in a select or limited (select) architectural competition shall be communicated by the Sponsor to the selected entrants, to ensure, as far as possible that:

- all potential entrants become aware of the competition simultaneously
- selected entrants obtain full details of the competition conditions and competition brief at the earliest possible time
- no entrant is unfairly advantaged or disadvantaged by the way in which the invitation is made, or the competition conditions and brief are to be obtained.

Public notice of a select or limited (select) competition shall be given by the Sponsor by publication online or in relevant journals or other media, to ensure the profession is aware that it is being conducted, and on what basis.

#### 5.3.3 *Entry costs*

No fee should be payable by an entrant to register for an architectural competition, or to obtain copies of the competition conditions or brief.

Where they wish to limit registration to bona fide entrants, particularly in an open competition, the Sponsor may charge a deposit for the competition materials, which must be refunded on submission of a compliant entry.

#### *5.3.4 Essential conditions*

The competition conditions must clearly distinguish mandatory requirements and those for which the entrant has discretion, and must include, as a minimum:

- the name of the Client and Sponsor
- the purpose of the competition and its intended outcome
- a clear explanation of the overall competition process including details of the requirements for registration and every stage of the competition
- information about any deposit payable by the entrant
- details of the number of prizes and the total prize money
- a schedule of key dates, including submission dates for all stages and dates by which payment of prize money and honoraria will be made
- a clearly detailed list of all submission requirements
- the method by which entrants' questions are to be asked and answered
- names and background details of each member of the jury
- details of the criteria by which entries will be evaluated by the jury
- intellectual property, moral rights, copyright and confidentiality obligations and rights of the entrant, jurors, Sponsor and Client
- a requirement for all competition participants (entrants, Sponsor, Client, jurors and advisers) to declare any circumstance that might give rise to an actual or perceived conflict of interest
- the proposed form of contract for any post-competition commission
- any other provision required by this policy.

#### *5.3.5 Multi-stage competitions*

The competition conditions must be published when the competition is launched and must cover all obligations and rights of entrants for all stages of a multi-stage competition. Any significant change to the conditions after completion of one stage must be agreed to in writing by all entrants selected to proceed to a subsequent stage. Entrants must also be alerted to the potential for any delays between stages.

#### *5.3.6 Changes to competition conditions or process*

The Professional Adviser must promptly notify entrants (and where the competition is endorsed, the Institute) of any material change in the competition conditions, key dates, the project brief, or the constitution or identity of any of the key participants, including jurors.

#### *5.3.7 Treatment of non-compliant submissions*

The competition conditions must clearly state the consequences that will apply (including mandatory or discretionary disqualification) where an entry:

- does not comply in all respects with the competition conditions, or
- includes design proposals that do not meet all mandatory requirements of the competition brief.

## 5.4. Competition Brief

### 5.4.1 *Completeness and clarity*

The competition brief must set out a clear vision for the project, including a detailed statement of the project's purpose and objectives, the Client's aspirations for the project, and their intentions regarding its implementation.

Background information provided to entrants (social, economic, technical, geographical, topographical, etc.) must be clear, complete, specific and not open to misinterpretation.

Functional requirements of the Client that are to be accommodated in the design concept must be sufficiently clear and comprehensive to enable the level of detail required in the entrants' submissions.

Supplementary briefing information may be provided to entrants that are selected to proceed to the final stage of a multi-stage competition.

### 5.4.2 *Mandatory vs discretionary requirements*

The competition brief must clearly distinguish mandatory requirements and those for which the entrant has discretion or freedom of interpretation. However, mandatory requirements should be kept to a minimum, to enable the greatest possible degree of innovation and the advancement of architectural thinking.

## 5.5. Good practice principles

An effective architectural competition in Australia should be based on this policy and must reflect the following principles:

### 5.5.1 *All entrants are treated equitably*

The competition conditions, all decisions of the Professional Adviser and the processes adopted by the jury must ensure that no entrant has or obtains an unfair advantage over other entrants.

### 5.5.2 *All entries in open competitions are anonymous*

Entrants in Open and Limited (open) architectural competitions must be anonymous. Entrants in Select or Limited (select) competitions may be anonymous. Where entrants in a multi-stage competition are required to be anonymous at one stage, the names and design submissions of all entrants who do not proceed to a later stage must remain undisclosed until announcement of the winner(s).

### 5.5.3 *Author of the winning design is engaged as the project architect*

In all project competitions, the Client must engage the author of the winning design as the architect for the project.

Where the author of the winning design in an open project competition cannot demonstrate that they have the capacity, resources or capability to act as the architect for the project, they must be engaged to undertake the commission in association with another architect who is acceptable to both the winner and the Client.

### 5.5.4 *A majority of entrants are Australian-based*

Open competitions and Limited (open) competitions may be open to entrants from any location, but the competition conditions must be identical for all competitors, irrespective of nationality or practice location.

Select and Limited (select) competitions must have a majority of entrants who are based in Australia, except where all selected entrants are teams that each comprise an Australian architect and an overseas architect.

## **5.6. Prize Money and Honoraria**

### *5.6.1 Costs of entry preparation*

Entrants in an architectural competition will generally expend considerably greater time and cost in preparing their entry than the competition Sponsor envisages. As a result, the quality of entries is likely to be higher where entrants perceive the potential rewards of participation as fair compensation for their effort and risk.

### *5.6.2 Prize money*

The amount of prize money must relate to the size of the project, the amount of work required by entrants, the likely costs of preparing a compliant submission and whether the entrants are also paid an honorarium.

### *5.6.3 Number of prizes*

The number of prizes must relate to the nature and size of the project, the type of competition, the number of entrants, and the nature of any post-competition commission. At least one and generally no more than three prizes should be awarded.

### *5.6.4 Honoraria*

All entrants in a select competition or in the final stage of a multi-stage competition must be paid a reasonable honorarium, in addition to the prize money offered and to any fees associated with a post-competition commission. Entrants in a limited (select) competition may similarly be paid an honorarium at the Sponsor's discretion.

### *5.6.5 Payments*

All payments to entrants, whether prize money, honoraria or other payments for compliant participation in an architectural competition must be made strictly in accordance with the timing set out in the competition conditions, which must be within 30 days of the announcement of the winner or of any shortlist for a subsequent stage.

In the event that the prize money for the winning entrant is intended to form part of the fees for the commission to act as architect for the project, the prize money must be paid within 30 days of the announcement of the winner, regardless of whether the project proceeds or not.

## **5.7. Copyright and Moral Rights**

### *5.7.1 Author retains copyright*

Each entrant, as author of their design, must be entitled under the competition conditions to retain copyright in their work. The winner may be obligated by the competition conditions to provide the Client with a licence to use the winning design for the purposes of the project or other objectives of the competition. Unless specifically prescribed otherwise, such licence is to be for one use only.

### *5.7.2 Client to preserve moral rights of entrants*

Each entrant will retain all moral rights relating to their entry. Except in an ideas competition, the competition conditions must not prescribe any diminution or waiver of an entrant's statutory moral rights.

### *5.7.3 Treatment in ideas competitions*

In an ideas competition, the competition conditions may require entrants to waive any rights that would otherwise restrict the ability of the Client to use the ideas submitted, but such waiver must be limited to the stated purpose of the competition.

#### 5.7.4 *Right to reproduce entry materials*

The competition conditions may provide for the Client or Sponsor to have the right to reproduce the winning design or any entry materials, solely for a purpose that is directly related to the competition.

#### 5.7.5 *Attribution*

Except where anonymity of entries is required, any publication, exhibition or reproduction of an entrant's design must be appropriately attributed to its author(s).

### 5.8. Risks

An architectural competition can reduce or eliminate a range of risks in the selection of an architect or design team and identification of the preferred design concept.

However, the Client, Sponsor and Professional Adviser must recognise that there can still be significant risks associated with running an architectural competition. While application of this policy is intended to mitigate such risks for all participants, a thorough risk assessment must be undertaken as part of the planning process, including identification of relevant risk mitigation strategies, covering at least:

- Financial risks
- Regulatory, authority and approval risks
- Legal risks
- Risks of a dispute over competition processes or outcomes
- Risk associated with too many or too few entrants in an open competition
- Risks associated with process failure
- Reputational risks for all parties.

### 5.9. Costs

The Sponsor must allow sufficiently for the cost of planning and running an architectural competition, in addition to other project costs and consultants fees, including:

- Sponsor direct and indirect costs, including staff and travel costs
- Advisers' fees, expenses and administrative support costs
- Jury and technical panel fees, honoraria and expenses, and all costs associated with meetings of the jury
- Costs of acquiring and documenting relevant site information, including a site model if appropriate
- Exhibition costs, whether physical or online
- Media, public relations and publications costs (including preparation and graphic design for the Competition Brief and Conditions), before, during and after the competition
- Prize and honoraria costs.

## 6. INSTITUTE ENDORSED COMPETITIONS

The Institute may endorse an architectural competition that complies with, or substantially complies with the provisions of this policy and the Institute's *Guidelines for the Conduct of Architectural Competitions*.

### **6.1. Purpose of endorsement**

Institute endorsement of an architectural competition has two primary purposes:

- to affirm that the competition conditions are in line with this policy, and
- to permit the competition to be promoted by the Institute, when requested to do so by the competition Sponsor or Professional Adviser.

### **6.2. Value of endorsement**

Institute endorsement can add significant value to an architectural competition by:

- giving all participants in the competition (entrants, sponsor, client, jury and advisers) assurance that the competition conditions are in line with the Institute's policy and guidelines, and therefore that it will be fair, equitable and conducted in accordance with good practice principles
- protecting the rights of competition entrants
- potentially increasing the number of entrants in an open competition
- potentially increasing the quality of entrants in a competition
- offering effective, targeted promotion of the competition, where requested, to the Institute's membership
- supporting the Professional Adviser with advice to assure the Client and Sponsor that the competition will be well-run
- decreasing the risk of the competition or the project attracting negative publicity, as the result of either public or entrant criticism
- increasing the likelihood that the winning submission will represent the highest possible design quality.

### **6.3. When endorsement required**

Institute endorsement is not mandatory for the conduct of an architectural competition in Australia. However, where the Client of an architectural competition is based in any level of government in Australia, or where entrants have been selected from outside Australia, the competition should be endorsed.

Where the Institute, including any Chapter, is the Client or Sponsor of an architectural competition, the competition must be formally endorsed.

### **6.4. Minimum criteria for endorsement**

Institute endorsement will only be given or maintained for an architectural competition in which:

- All entrants are treated equitably (in accordance with section 5.5.1)
- All entries are anonymous (where required in accordance with section 5.5.2)
- Submission deliverables are minimised (in accordance with section 3.4)
- Conflict of interest is prohibited (in accordance with section 5.3.4)
- Fee proposals are separate and limited to a prescribed range (in accordance with section 3.5)
- The author of the winning design is to be engaged as the project architect (where appropriate in accordance with section 5.5.3)
- Prize money and honoraria are specified to be paid within a reasonable time (in accordance with section 5.6.5)
- A majority of entrants are Australian-based (in accordance with section 5.5.4)

- Intellectual property and moral rights of entrants are protected (in accordance with section 5.7)
- The Institute is notified of any material change to competition conditions or process (in accordance with section 6.5)
- The Institute is provided with a copy of the final jury report at the conclusion of the competition.

#### **6.5. Maintaining endorsement**

The Professional Adviser must promptly notify the Institute of any material change in the competition conditions, the constitution or identity of any of the key participants, including jurors, or in relation to any of the above minimum criteria. The Institute may then decide to rescind endorsement or may advise of subsequent action required to retain endorsement.

#### **6.6. Endorsement authority and procedure**

Endorsement of an architectural competition must be in accordance with this policy.

The Chief Operating Officer of the Institute (or nominee) has delegated authority to coordinate evaluation of the conditions of a prospective architectural competition for endorsement, and to make all determinations or interpretations required in relation to such evaluation. Where appropriate, advice may be sought from relevant members before a final determination is made.

The decision of the Chief Operating Officer of the Institute to endorse, or not endorse, an architectural competition is final.

#### **6.7. Competition Guidelines of other bodies**

##### *6.7.1 International Union of Architects (UIA) requirements*

Where an international architectural competition is endorsed by the UIA, as being compliant with the 'UIA Guide for International Competitions in Architecture and Town Planning UNESCO Regulations', such a competition will be considered to be endorsed by the Institute, even if there are competition conditions that do not comply with this policy.

##### *6.7.2 Requirements of Institutes of Architects in other countries*

Where an architectural competition is endorsed by an overseas Institute of Architects, in line with its own policies and guidelines, the Institute will not consider such a competition to be endorsed, unless the Sponsor of the competition seeks Institute endorsement and the competition conditions comply with this policy.

##### *6.7.3 Requirements of government or semi-government authorities*

Where a federal, state or local government department or authority adopts its own architectural competition policies or guidelines, and endorses, promotes or conducts a competition that is compliant with them, the Institute will not consider such a competition to be endorsed, unless the Sponsor of the competition seeks Institute endorsement and the competition conditions comply with this policy.

## **7. REVIEW AND PUBLICATION**

### **7.1. Review**

This Architectural Competitions Policy will be reviewed at five-yearly intervals or as directed by National Council.



## **7.2. Publication**

This Architectural Competitions Policy, together with all Related Documents, will be published on the Institute website, updated as necessary and freely available to members and the public.

## **7.3. Promotion**

The Institute will actively promote this policy and its related documents to the profession, the construction industry, governments at all levels and to other relevant stakeholders.

## **8. RELATED DOCUMENT (PROPOSED FOR FUTURE RELEASE)**

### **8.1. Guidelines for the Conduct of Architectural Competitions**

An annotated checklist of the tasks typically required to plan and implement an architectural competition in line with this policy.

### **8.2. A Guide to Seeking Institute Endorsement of an Architectural Competition**

Details of the Institute's endorsement process for prospective architectural competition Sponsors.

### **8.3. Model Conditions for an Architectural Competition**

A template setting out typical clauses for inclusion in the Conditions for an Architectural Competition.

*The related documents referred to in Section 8 are currently being finalised and will be made available soon. Meanwhile should you have any queries regarding the policy or supporting documents, please contact Daniela Crawley on [daniela.crawley@architecture.com.au](mailto:daniela.crawley@architecture.com.au)*