



**Australian  
Institute of  
Architects**

Australian Institute of Architects  
Queensland Chapter  
2/270 Montague Road  
WEST END QLD 4101  
T: +61 7 3828 4100  
qld@architecture.com.au  
www.architecture.com.au

Paul Stubbs  
Project Coordinator Cairns Regional Council  
Email: [paul@d2cengineering.com.au](mailto:paul@d2cengineering.com.au)

Tuesday, 9 August 2022

Subject: Procurement concerns regarding the Cairns Regional Council's Request for Expression of Interest  
DESIGN AND DOCUMENTATION OF THE CAIRNS GALLERY  
PRECINCT (CGP) – SITE MASTER PLAN AND NEW GALLERY (EOI No: 55319)

Dear Paul

Thank you for making your time available on Friday to discuss the concerns of the Australian Institute of Architects (The Institute) with the above EIO, as well as for your assurance in principle that there was no intention or expectation of a design response as part of the Stage 1 process. Naturally, that assurance also ameliorates our concerns over IP issues, which can then be more fully resolved for Stage 2. Combined, these valuable discussions form a strong foundation for the desired outcome of The Institute regarding our suggested adjustments to the EOI.

As requested during those discussions, I would like to preface our suggestions with the following key points and reference documents for context:

- Advice was sought by CRC and subsequently provided by the The Institute on 21 March 2022 by Dr Mark Jones (Qld Chapter President), advising that the first step for CRC would be to seek an *"Expression of Interest for architectural practices interested in participating in a design competition..."* (Enclosure A);
- The key documents referred to in that letter, which offered guidance by The Institute to assist in the preparation of the EOI was the [Expressions of Interest and Requests for Tender for Architectural Services](#) (Enclosure B) and [Guidelines for the Conduct of Architectural Competitions](#) (Enclosure C);
- The current concerns of The Institute are the variations from the advice contained in the above letter and guidance documents and the current EOI (Enclosure D); and,
- Those variations have been summarised in a brief table attached herewith for reference in the last enclosure (Enclosure E).

As noted above, the Australian Institute of Architects has established detailed policies on expressions of interest, requests for tender, requests for proposal, and architectural competitions. These policies are based on extensive research and articulate a set of principles and requirements that represent good practice in the conduct of the procurement of architectural services in Australia.

Based on the documents noted above, The Institute concerns regarding this EOI can be summarised as follows:

- Asking for a creative or 'design response' within the EOI;



**Australian  
Institute of  
Architects**

Australian Institute of Architects  
Queensland Chapter  
2/270 Montague Road  
WEST END QLD 4101  
T: +61 7 3828 4100  
qld@architecture.com.au  
www.architecture.com.au

- The assignment of intellectual property at a point in the procurement process where there is no financial compensation;
- The potential inclusion of art, First Nations People and/or Indigenous knowledge as part of the assigned IP; and,
- Remuneration in Stage 2 that does not reflect a reasonable proportion of the entrant's costs of preparing a submission.

Regarding point 3 above, you may wish to refer to the Australian Indigenous Design Charter via this link: <https://indigenousdesigncharter.com.au/australian-indigenous-design-charter/>

Several other state Government policies and guidelines may be important as well, and I paste a short list of some below my signature.

In summary, The Institute are seeking a prompt addendum to be issued as part of the EOI process that we hope will do the following:

- Clearly state that there is no design response or creative input being sought;
- Set a tight maximum word limit for the Methodology to ensure that it does not become a creative response by default;
- Link IP clauses to Stage 2 only, where there will be remuneration (i.e., not to the contents of the EOI);
- Consider amending the IP clauses to better address moral rights;
- Consider a substantial increase to the \$10,000 to be more reasonable reflection of the proponent's costs;
- Prior to the RFT, disclose the members of the Evaluation Panel; and,
- Strongly consider the inclusion of one or more registered architects, and perhaps the Queensland Government Architect, on the Evaluation Panel.

Please continue to engage with me as The Institute point of contact as you see fit. This is a hugely important project and obviously good governance of the process is important to Council.

Regards

Amy Degenhart LFRAIA Queensland Chapter President Australian Institute of Architects

**Encls:** 5 (A, B, C, D and E)

**CC:** Stephen Foster and Queensland Government Architect (Leah Lang FRAIA)

**Additional policy and guideline documents:**

[Engaging and Managing Contractors and Consultants](#). (Queensland Government. Office of the Chief Advisor – Procurement)

[Invitation and Selection Process Consultant POC](#) (Queensland Public Works)

[Queensland Procurement Policy](#) (Queensland Government)

[Optimising opportunities for local suppliers](#) (Queensland Government).

<https://www.ipaustralia.gov.au/indigenous-knowledge-ip-hub> (Australian Government)

<https://www.artslaw.com.au/information-sheet/indigenous-cultural-intellectual-property-icip-aitb/> (Arts LAS)