



Registered Architects Rules 2006

Pursuant to section 67 of the Registered Architects Act 2005, the New Zealand Registered Architects' Board makes the following rules.

Contents

	Page
1 Title	6
2 Commencement	6
3 Interpretation	6

Part 1

Title of registered architect

4 Title of registered architect	7
5 Use of title of registered architect or architect in representing overseas qualifications	8

Part 2

Registration as registered architect

Subpart 1—Registered architect standard

6 Definition of complex building	8
7 Minimum standard for registration as registered architect	8

Subpart 2—Initial registration

8 How to apply for initial registration	10
9 Information that must be provided to support application	11
10 Information that must be provided to support application for registration by architect previously registered under Architects Act 1963 and holding current practising certificate	11
11 Information missing from application	12
<i>Way in which application for initial registration must be evaluated and decisions made and implemented</i>	
12 Assessment panel must evaluate application	13

13	Way in which assessment panel must evaluate application	13
14	Board must make decision on application	14
15	Board must notify successful applicants and implement decision	14
16	Board must notify unsuccessful applicants	14
	Subpart 3—Certificates of registration	
17	How to apply for certificate of registration	15
18	Issue of certificate of registration	15
19	Term for which certificates of registration issued	15
20	Board may require cancelled or suspended certificates of registration to be returned or destroyed	15
	Subpart 4—Assessment for continued registration	
	<i>Minimum standard for continued registration</i>	
21	Minimum standard for continued registration as registered architect	15
	<i>Minimum frequency of assessments of continued registration</i>	
22	Minimum frequency of assessment of continued registration	16
	<i>Assessment for continued registration</i>	
23	Board must notify registered architects of assessment	16
24	Information that must be provided to demonstrate current competence	16
	<i>Way in which continued registration must be evaluated and decisions made and implemented</i>	
25	Evaluation panel must evaluate continued registration	17
26	Way in which evaluation panel must evaluate continued registration	17
27	Board must make decision on continued registration	17
28	Board must give candidate opportunity to respond	18
29	Board must meet additional requirements if varying recommendation	18
30	Board must notify and implement decision	18
31	Reinstatement of a suspended registration	19
	<i>Extension of term for assessment for continued registration</i>	
32	Extension of term for assessment for continued registration	20
33	Evaluating application for extension of term for assessment for continued registration	20

34	Board must make decision on extension of term for assessment	21
	Subpart 5—Review of registration assessment procedures	
35	Request for review of assessment procedures	21
36	Competency assessment reviewer must carry out review of assessment procedures	21
37	Board must notify and implement decision	22
38	Subpart does not limit statutory rights of appeal	22
	Subpart 6—Suspensions and cancellations of registration for other non-disciplinary reasons	
	<i>Way in which suspensions and cancellations of registration for other non-disciplinary reasons must be decided on and implemented</i>	
39	Board must give person opportunity to respond	22
40	Board must notify decision	22
	<i>Voluntary suspension</i>	
41	How to voluntarily suspend registration	23
42	Minimum and maximum periods of voluntary suspension	23
	Subpart 7—Register	
43	Additional matters to be shown in register	23
44	Amendment of register	23
	Subpart 8—Miscellaneous provision	
45	Retention of assessment information	23
	Part 3	
	Code of minimum standards of ethical conduct for registered architects	
	<i>Standards related to the public</i>	
46	Not misrepresent himself or herself	24
47	Uphold the law	24
	<i>Standards related to client</i>	
48	Exercise unprejudiced and unbiased judgement	24
49	Care and diligence	24
50	Terms of appointment	24
51	Remuneration and inducements	25
52	Confidentiality of client's affairs	25
53	Conflict of interest	25
	<i>Standards related to profession</i>	
54	Act with honesty and fairness	25

Standards related to other registered architects

55	Acknowledge colleagues' contributions	25
56	Not maliciously or unfairly criticise	25
57	Conflicts of professional appointment	26
58	Giving an opinion on the work of another registered architect	26

Part 4**Disciplining of registered architects***Complaints and inquiries*

59	How to complain about registered architects	26
60	Board may inquire into matters on own motion	26

Initial investigation of complaint

61	Board must consider complaint	27
62	Grounds for not referring complaint to investigating committee	27
63	Way in which decision on whether or not to refer complaint to investigating committee must be made	27
64	Board must notify and implement decision	28

Investigation of complaint or inquiry by investigating committee

65	Investigating committee must determine whether or not to refer complaint or inquiry to disciplinary committee	28
66	Powers of investigating committee	28
67	Investigating committee may explore alternative dispute resolution for complaints	29
68	Investigating committee must make recommendation to the Board	29
69	Board must give person complained about opportunity to respond	29
70	Way in which Board's decision must be made	30
71	Board must notify and implement decision	30

Disciplinary committee

72	Disciplinary committee must determine complaint or inquiry	30
73	Powers of disciplinary committee	30
74	Way in which disciplinary committee must consider disciplinary matter	31
75	Way in which disciplinary committee's decision must be made	32
76	Board must make decision on disciplinary committee's recommendations	32
77	Board must meet additional requirements if varying recommendation	32

78	Board must notify and implement decision	32
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Part 5

Persons carrying out delegated functions and powers under rules

General provisions

79	Persons carrying out delegated functions and powers under rules	33
80	General provisions about procedures of persons carrying out decision-making functions	33
81	Rules do not limit Board's power to carry out delegated functions, duties, and powers	34
82	General provisions about appointments, revocations of appointments, and resignations under this Part	34

Persons with delegated functions relating to registration

83	Assessment panels and assessors	34
84	Procedures of assessment panel	34
85	Evaluation panel and evaluators	35
86	Competency assessment reviewer	35

Persons with delegated functions relating to disciplinary matters

87	Complaints officers	35
88	Board must keep list of persons who may be members of investigating committees and disciplinary committees	35
89	Chairpersons and alternate chairpersons of investigating committees and disciplinary committees	36
90	Investigating committee	36
91	Disciplinary committee	37

Part 6

Rule-making procedure

92	Definition of publish for purpose of rule 93	37
93	Procedure for making, amending, or revoking rules	38
94	Exception for cases of urgency	38

Schedule 1

Information that must be contained in form for assessments

Schedule 2

Charges and rebates for services

Rules

1 Title

These rules are the Registered Architects Rules 2006.

2 Commencement

These rules come into force on 1 July 2006.

3 Interpretation

(1) In these rules, unless the context otherwise requires,—

Act means the Registered Architects Act 2005

assessment means an assessment of whether or not the person met—

(a) the minimum standard for registration; or

(b) the minimum standard for continued registration

assessment panel means an assessment panel appointed under Part 5

assessor means an assessor appointed under Part 5

Board means the New Zealand Registered Architects' Board established by section 47 of the Act

code of ethical conduct means the minimum standards contained in Part 3

competency assessment reviewer means a competency assessment reviewer appointed under Part 5

complaints officer means a complaints officer appointed under Part 5

disciplinary committee means a disciplinary committee appointed under Part 5

evaluation panel means an evaluation panel appointed under Part 5

evaluator means an evaluator appointed under Part 5

investigating committee means an investigating committee appointed under Part 5

meeting method means meeting—

(a) by assembling together at a place; or

(b) by means of audio, audio and visual, or electronic communication by which the participants can simultaneously communicate with each other throughout the meeting

minimum standard for continued registration means the minimum standard set out in rule 21

minimum standard for registration means the minimum standard set out in rule 7

notify means send a written notice (by post, email, fax, or other similar means of communication) to the last known address of the person concerned

person means a natural person

working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day; and
 - (b) a day in the period commencing on 25 December in one year and ending on 14 January in the next year.
- (2) A person has a **conflict of interest** in relation to a matter if the person—
- (a) is a party to, or will or may derive a material financial benefit from, the matter; or
 - (b) has a material financial interest in another party to whom the matter relates; or
 - (c) is a director, officer, member, or trustee of another party to, or a person who will or may derive a material financial benefit from, the matter; or
 - (d) is the parent, child, or spouse or civil union partner or de facto partner of another party to, or a person who will or may derive a material financial benefit from, the matter; or
 - (e) is otherwise directly or indirectly materially interested in the matter.

Part 1

Title of registered architect

4 Title of registered architect

- (1) A person may represent himself or herself as a registered architect by using—
 - (a) the words “registered architect”; or
 - (b) the word “architect”.
- (2) Subclause (1) does not limit any other words, initials, and abbreviations that may be used to represent a person as a registered architect.

5 Use of title of registered architect or architect in representing overseas qualifications

A person may use a qualification or title awarded by an overseas agency that contains the title “registered architect” or “architect” (or words, initials, or abbreviations of that title) only if the person also states the jurisdiction of the overseas agency in full or by a widely accepted abbreviation in parentheses afterwards.

Part 2 Registration as registered architect

Subpart 1—Registered architect standard

6 Definition of complex building

For the purpose of rule 7, a **complex building** is a building that—

- (a) involves elements of high rise or large span, or both, requiring specialised or innovative structural solutions or of low rise requiring highly specialised knowledge; and
- (b) exhibits 1 or more of the following characteristics:
 - (i) is demanding in its ordering and organisation of multiple occupancy or special purpose user requirements, or both, in terms of people and vehicular circulation:
 - (ii) is complicated in its spatial articulation:
 - (iii) is complex in the planning and co-ordination of complex construction systems, materials, building services, and fittings:
 - (iv) is challenging in site configuration and existing features; and
- (c) has a significant impact on the natural and built environment and requires an informed response with respect to the urban or rural context and the physical, topographical, and climatic context.

7 Minimum standard for registration as registered architect

- (1) To meet the minimum standard for registration, a person must demonstrate that he or she is able to practice competently to the standard of a registered architect.

- (2) The extent to which the person is able to do the following must be taken into account in assessing whether or not he or she meets the overall standard in subclause (1):
- (a) comprehend, and apply his or her knowledge of, accepted principles underpinning—
 - (i) widely applied good practice for professional architecture; and
 - (ii) good practice for professional architecture that is specific to New Zealand; and
 - (b) to create a design for a complex building that is capable of realisation through the exercise of knowledge, imagination, judgement, and professional responsibility; and
 - (c) to formulate an initial response to a project brief for a complex building sufficient to obtain endorsement of overall objectives and concept by a client and other interested parties; and
 - (d) to develop a design proposal for a complex building from an initial concept; and
 - (e) to resolve a schematic design for a complex building sufficient to obtain agreement and authorisation to proceed to documentation for its translation into built form; and
 - (f) to continuously comply with the brief and meet contractual arrangements throughout the course of implementation of a design project for a complex building; and
 - (g) to communicate information throughout the course of determining a brief and throughout the conceptual design, design development, documentation, and construction phases of the engagement; and
 - (h) to generate documentation of a building project so that it can be costed, built, and completed in accordance with the brief, time frame, cost, and quality objectives; and
 - (i) to prepare as-built record documents before, or at, completion of a building project to provide for effective occupancy and as research input for future operational use; and
 - (j) to establish project management by confirming objectives and conditions at the inception of a project; and
 - (k) to establish an appropriate procurement method and complete contractual arrangements with all participants; and

- (l) to provide contract administration for the construction of a project; and
- (m) before, or at, completion of a project, to document responsibilities and assemble information for future operational use; and
- (n) to establish and maintain an architectural practice; and
- (o) to conduct his or her practice of architecture to an ethical standard at least equivalent to the code of ethical conduct; and
- (p) understand and comply with the applicable New Zealand statutory and regulatory requirements.

Subpart 2—Initial registration

8 How to apply for initial registration

- (1) A person may apply to the Board for registration in accordance with this rule.
- (2) The application must—
 - (a) contain the information set out in Schedule 1; and
 - (b) contain or be accompanied by all of the supporting information set out in rule 9 or, if applicable, rule 10; and
 - (c) contain or be accompanied by—
 - (i) a statutory declaration taken by a solicitor, Justice of the Peace, or notary public signed by the applicant to the effect that all the information is accurate and any evidence provided is genuine; and
 - (ii) a statement of the applicant's agreement to be bound by these rules as amended from time to time; and
 - (d) be accompanied by the charge for application for registration as set out in Schedule 2; and
 - (e) if the academic or other relevant qualifications of the applicant are, or include, qualifications that are not of a kind recognised by the Board, be accompanied by the qualification equivalency assessment charge as set out in Schedule 2.
- (3) The applicant must provide all information in writing and must provide 3 copies of that information.

9 Information that must be provided to support application

An applicant, other than an applicant to whom rule 10 applies, must provide the following information in or with an application:

- (a) evidence of the following (if applicable):
 - (i) academic and other relevant qualifications; and
 - (ii) current registration on other registered architect registers; and
 - (iii) results from other relevant competency assessments; and
 - (iv) professional development activities undertaken; and
- (b) a chronological summary of the applicant's work history and other practical experience (including a description of previous employment positions and architectural activities) prior to, and subsequent to, completing his or her academic or other relevant qualifications; and
- (c) any other information that the applicant wishes to be considered (which may include a statement of self-review reflecting on development as a professional architect and work samples from recent professional architectural activities); and
- (d) annotations explaining how the information demonstrates that the applicant meets the minimum standard for registration.

10 Information that must be provided to support application for registration by architect previously registered under Architects Act 1963 and holding current practising certificate

- (1) This rule applies to an architect who—
 - (a) immediately before 1 July 2006 was registered under the Architects Act 1963; and
 - (b) holds a current annual practising certificate issued under section 55 of the Architects Act 1963.
- (2) An applicant to whom this rule applies must provide the following information in or with an application:
 - (a) evidence of the following (if applicable):
 - (i) academic and other relevant qualifications; and

- (ii) current registration on other registered architect registers; and
 - (iii) results from other relevant competency assessments; and
 - (iv) professional development activities undertaken; and
- (b) the applicant's current annual practising certificate issued under section 55 of the Architects Act 1963; and
 - (c) any other information that the applicant wishes to be considered (which may include a statement of self-review reflecting on development as a professional architect and work samples from recent professional architectural activities); and
 - (d) annotations explaining how the information provided under paragraph (c) demonstrates that the applicant meets the minimum standard for registration.

11 Information missing from application

- (1) The Board may request an applicant to provide additional information if the application received by the Board does not contain, or is not accompanied by, all of the obligatory statements and information set out in—
 - (a) rule 8; and
 - (b) rule 9 or, if applicable, rule 10.
- (2) An application lapses if additional information is requested under subclause (1) or rule 13(1) and that information is not received by, as appropriate, the Board or the assessment panel before the expiry of 6 months after the date of the request.
- (3) If an application lapses, the Board must—
 - (a) return the application and all of the supporting information that accompanied it to the applicant; and
 - (b) refund half of the charge for application for registration that accompanied the application, unless the application has been given to an assessment panel for evaluation, in which case no refund may be made.

Way in which application for initial registration must be evaluated and decisions made and implemented

12 Assessment panel must evaluate application

An assessment panel must evaluate each application for registration to assess whether or not the applicant has demonstrated that he or she meets the minimum standard for registration.

13 Way in which assessment panel must evaluate application

- (1) An assessment panel must evaluate an application in the following way:
 - (a) carry out a preliminary evaluation of the information provided and assess whether or not the panel needs more information to complete the assessment; and
 - (b) if the applicant's academic or other relevant qualifications are, or include, qualifications that are not of a kind recognised by the Board, carry out a qualification equivalency assessment; and
 - (c) unless the panel considers it unnecessary, carry out an interactive assessment with the applicant by any meeting method; and
 - (d) if the panel thinks it necessary, invite the applicant to provide, within a specified period,—
 - (i) any additional supporting information; and
 - (ii) up to 2 further independent referees; and
 - (e) in evaluating the information provided, assess—
 - (i) the extent to which the applicant is able to do the things described in rule 7(2); and
 - (ii) whether or not the applicant meets the overall standard in rule 7(1), taking its evaluation under subparagraph (i) into account; and
 - (iii) any other matters the panel considers necessary to carry out the assessment.
- (2) The assessment panel may take these steps in a different order, repeat or combine any steps, or take additional steps to carry out the assessment.
- (3) After completing the actions required by subclause (1), the assessment panel must make a recommendation to the Board on the application.

14 Board must make decision on application

The Board must, after considering the assessment panel's recommendations and section 8 of the Act, decide to register the applicant or decline to register the applicant.

15 Board must notify successful applicants and implement decision

- (1) The Board must—
 - (a) notify a successful applicant of the Board's decision under rule 14; and
 - (b) implement the decision to register the applicant by—
 - (i) registering him or her; and
 - (ii) entering his or her name in the register; and
 - (iii) issuing a certificate of registration to the applicant on payment by him or her of the charge for the issue of a certificate of registration set out in Schedule 2; and
 - (c) rebate to the applicant any part of the charge for the application for registration for which a rebate applies under Schedule 2 (if not already rebated); and
 - (d) without limiting section 12(1) of the Act, inform the applicant of the date of his or her next assessment.
- (2) An initial certificate of registration is current until the following 30 June.

16 Board must notify unsuccessful applicants

The Board, if declining an application, must—

- (a) notify the applicant of the reasons for the decision; and
- (b) notify the applicant of his or her right of appeal under the Act and right of review under rule 35 against the decision; and
- (c) identify the areas where, in the opinion of the Board, the applicant did not meet the minimum standard for registration; and
- (d) inform the applicant that he or she may reapply for an assessment for registration at any time he or she believes he or she has met the minimum standard for registration.

Subpart 3—Certificates of registration

17 How to apply for certificate of registration

A person may request a certificate of registration from the Board by paying the charge for the issue of a certificate of registration set out in Schedule 2.

18 Issue of certificate of registration

The Board must issue a certificate of registration to a person who applies in accordance with rule 17 if he or she is currently registered.

19 Term for which certificates of registration issued

Certificates of registration are issued for a 1-year period that begins on 1 July and ends on 30 June of the following year.

20 Board may require cancelled or suspended certificates of registration to be returned or destroyed

- (1) A person must, if required by the Board, return, or notify the Board that the person has destroyed, a cancelled certificate of registration.
- (2) A person must, if required by the Board, return a certificate of registration for the period of any suspension of his or her registration.

Subpart 4—Assessment for continued registration

Minimum standard for continued registration

21 Minimum standard for continued registration as registered architect

To meet the minimum standard for continued registration, a person who is currently registered must demonstrate that—

- (a) he or she still meets the minimum standard for registration set out in rule 7; and
- (b) he or she has taken reasonable steps to maintain the currency of his or her architectural knowledge and skills since the last assessment.

*Minimum frequency of assessments of continued registration***22 Minimum frequency of assessment of continued registration**

- (1) The Board must assess whether or not a person meets the standard for continued registration within 5 years from 30 June of the year of the person's last assessment.
- (2) Subclause (1) does not limit the Board's power under section 12 of the Act to carry out an assessment at any time earlier than that specified in subclause (1) (including, without limitation, in a year fixed on the person's last assessment).
- (3) Subclause (1) is subject to rule 32.

*Assessment for continued registration***23 Board must notify registered architects of assessment**

Before undertaking an assessment of a person's continued registration, the Board must notify the person (the **candidate**)—

- (a) that it intends to carry out the assessment; and
- (b) that the candidate must provide the information required under rule 24 by a specified date; and
- (c) of the consequences of not providing the information.

24 Information that must be provided to demonstrate current competence

- (1) Each candidate who receives a notice under rule 23 must provide to the Board, by the specified date,—
 - (a) the information set out in Schedule 1; and
 - (b) the supporting information set out in subclause (2); and
 - (c) a statement signed by the candidate to the effect that all the information is accurate and any evidence provided is genuine.
- (2) A candidate must provide the following supporting information:
 - (a) a declaration that appropriate professional development activities have been undertaken annually; and
 - (b) evidence of the professional development activities undertaken since his or her last assessment; and
 - (c) details of the results of any assessments gained from the professional development activities undertaken since his or her last assessment; and

- (d) any other information that the candidate wishes to be considered (which may include a statement of self-review reflecting on development as a professional architect, and work samples from recent professional architectural activities).
- (3) The applicant must provide all information in writing.

Way in which continued registration must be evaluated and decisions made and implemented

25 Evaluation panel must evaluate continued registration

An evaluation panel must evaluate each candidate for continued registration to assess whether or not the candidate has demonstrated that he or she meets the minimum standard for continued registration.

26 Way in which evaluation panel must evaluate continued registration

- (1) An evaluation panel must evaluate the candidate's continued registration in the following way:
- (a) carry out a preliminary evaluation of the information provided and assess whether or not more information is needed to complete the assessment; and
 - (b) if the panel thinks it necessary, invite the candidate to provide, within a specified period, additional information in support of continued registration; and
 - (c) evaluate the information provided.
- (2) The evaluation panel may take these steps in a different order, repeat or combine any steps, or take additional steps to carry out the assessment.
- (3) After completing the actions required by subclause (1), the evaluation panel must make a recommendation to the Board on the candidate's continued registration.

27 Board must make decision on continued registration

- (1) The Board must, after considering the evaluation panel's recommendations and section 12 of the Act,—
- (a) decide to renew the candidate's registration; or
 - (b) suspend the candidate's registration.
- (2) However, the Board may only decide—

- (a) to suspend a candidate's registration after complying with rule 28; or
- (b) to vary a recommendation of the evaluation panel after complying with rule 29.

28 Board must give candidate opportunity to respond

If the Board proposes to suspend the candidate's registration, the Board must—

- (a) notify the candidate of the reasons for the proposed decision; and
- (b) give the candidate a reasonable opportunity to make written submissions on the matter.

29 Board must meet additional requirements if varying recommendation

The Board may only vary a recommendation of the evaluation panel if first—

- (a) the Board requires the evaluation panel to reconsider the recommendation for the reasons given by the Board; and
- (b) the evaluation panel reconsiders the recommendation, carries out any further steps considered necessary under rule 26, and reports back on whether or not the recommendation should be amended; and
- (c) the Board considers the reconsidered recommendation.

30 Board must notify and implement decision

(1) The Board must—

- (a) notify the candidate of the Board's decisions under rule 27 and the reasons for those decisions; and
- (b) if the decision is to renew the candidate's registration, inform the candidate of the next date for assessment for continued registration; and
- (c) if the decision is that the candidate does not meet the minimum standard for continued registration, suspend the candidate's registration.

(2) However, the Board must not suspend a candidate's registration until the expiry of a period of at least 28 working days after the notification of the decision.

(3) The Board must notify the candidate that—

- (a) the candidate's registration may be renewed should he or she, within 12 months of the date on which his or her registration was suspended, or any further period that the Board may determine, apply under rule 31 and satisfy the Board that he or she meets the minimum standard for continued registration; and
- (b) if the candidate does not satisfy the Board that he or she meets the minimum standard for continued registration within the period referred to in paragraph (a), the candidate's registration will be cancelled.

31 Reinstatement of a suspended registration

- (1) A person (the **applicant**) may apply to the Board to have a registration that has been suspended under rule 30 reinstated in accordance with this rule.
- (2) The application must be made within 12 months of the date of the suspension, or any further period that the Board may determine, and contain all the information specified in rule 24.
- (3) The application must be assessed in accordance with rules 25 to 29.
- (4) The Board must—
 - (a) notify the applicant of the Board's decisions under rule 27 and the reasons for those decisions; and
 - (b) if the decision is to renew the candidate's registration, inform the applicant of the next date for assessment for continued registration; and
 - (c) if the Board is required under section 13(2) of the Act to cancel the applicant's registration, cancel that registration.
- (5) However, the Board must not cancel an applicant's registration until the expiry of a period of at least 28 working days after the notification of the decision.
- (6) If the Board decides that the candidate does not meet the minimum standard for continued registration, but the period described in subclause (2) has not yet expired, the Board must notify the candidate that he or she may reapply under this rule to satisfy the Board within the remainder of that period that he or she meets the minimum standard for continued registration.

Extension of term for assessment for continued registration

32 Extension of term for assessment for continued registration

- (1) A person (the **applicant**) may apply to the Board for an extension of the period that would otherwise apply in respect of the person under rule 22 (the **applicable period**) on the grounds that—
 - (a) there are exceptional reasons why the applicant will not meet the minimum standard for continued registration within the applicable period; and
 - (b) the applicant has made significant progress towards meeting the minimum standard for continued registration.
- (2) The application must be filed with the Board no less than 4 months before the expiry of the applicable period.

33 Evaluating application for extension of term for assessment for continued registration

- (1) The applicant must provide—
 - (a) a statement detailing the reasons why the minimum standard for continuing registration will not be met and the nature of the contributing exceptional reasons;
 - (b) evidence of the progress made to date towards meeting the minimum standard for continued registration;
 - (c) an action plan which demonstrates that it is likely the minimum standard for continued registration can be met within a period not exceeding 12 months from the end of the applicable period;
 - (d) a documented peer review by a registered architect of the applicant's work since the applicant's most recent assessment.
- (2) The Board must appoint an assessment panel who must evaluate each applicant to assess whether it is likely that the applicant can meet the minimum standard for continued registration within a period not exceeding 12 months from the end of the applicable period.
- (3) After completing the assessment required by subclause (2), the assessment panel must make a recommendation to the Board on—
 - (a) whether the application should be granted; and

- (b) if it should be granted, what the period of the extension should be.

34 Board must make decision on extension of term for assessment

The Board must, after considering the assessment panel's recommendations and section 12 of the Act,—

- (a) extend the applicable period by a period not exceeding 12 months; or
- (b) decline the application.

Subpart 5—Review of registration assessment procedures

35 Request for review of assessment procedures

- (1) A person (the **applicant**) may, in accordance with this rule, apply to the Board for a review on the ground that an assessment was not carried out in accordance with the procedures set out in the Act or these rules.
- (2) The application must be—
 - (a) made in writing within 14 working days after the applicant is notified of the assessment decision; and
 - (b) accompanied by—
 - (i) a statement of how the applicant considers that the assessment was not carried out in accordance with the procedures set out in the Act or these rules; and
 - (ii) any evidence that the applicant wishes to be considered in the review; and
 - (c) accompanied by the charge for review of registration assessment procedures set out in Schedule 2.

36 Competency assessment reviewer must carry out review of assessment procedures

A competency assessment reviewer must, as soon as practicable after receiving an application under rule 35, review the procedures followed in carrying out the assessment and—

- (a) refer the matter back to be reassessed from the stage he or she considers necessary if he or she considers that—
 - (i) the assessment was not carried out in accordance with the procedures set out in the Act or these rules; and

- (ii) this has disadvantaged the applicant; or
- (b) dismiss the application.

37 Board must notify and implement decision

The Board must—

- (a) notify the applicant of the decision under rule 36 and the reasons for that decision; and
- (b) if a matter is referred back to be reassessed, implement that decision and refund the charge for the review of registration assessment procedures to the applicant.

38 Subpart does not limit statutory rights of appeal

Nothing in this subpart limits the rights of appeal under the Act.

Subpart 6—Suspensions and cancellations of registration for other non-disciplinary reasons

Way in which suspensions and cancellations of registration for other non-disciplinary reasons must be decided on and implemented

39 Board must give person opportunity to respond

If the Board proposes to suspend or cancel a person's registration under section 27 of the Act, the Board must—

- (a) notify the person of the information on which the proposed decision is based; and
- (b) give that person a reasonable opportunity to make written submissions on the matter.

40 Board must notify decision

- (1) If the Board suspends or cancels a person's registration under section 27 of the Act, the Board must—
 - (a) notify the person of its decision and the reasons for that decision; and
 - (b) suspend or cancel that registration in accordance with section 27 of the Act.
- (2) However, the Board must not suspend or cancel a person's registration until the expiry of a period of at least 28 working days after the notification of the decision.

Voluntary suspension

41 How to voluntarily suspend registration

A person may require that his or her registration be suspended by written notice to the Board that—

- (a) states the required period of suspension; and
- (b) is given no less than 7 working days before the commencement of that period; and
- (c) is accompanied by the charge for voluntary suspension set out in Schedule 2.

42 Minimum and maximum periods of voluntary suspension

A person may require that his or her registration be suspended only if the period of suspension—

- (a) consists of 1 or more periods of 12 months; and
- (b) is no longer than 5 years in total.

Subpart 7—Register

43 Additional matters to be shown in register

In addition to the matters required by section 21 of the Act, the register must contain, for each registered person, the year in which the person's next assessment for continued registration must be carried out.

44 Amendment of register

The Board must amend the register to—

- (a) reflect any changes, or correct any errors, in the information shown in the register as soon as reasonably practicable after being notified, or otherwise becoming aware, of the change or error; and
- (b) on the written request of any person, remove the contact details of that person.

Subpart 8—Miscellaneous provision

45 Retention of assessment information

- (1) The Board must keep at least 1 copy of the information provided for each assessment until—
 - (a) the time limit for an appeal under section 38 of the Act has expired without an appeal being made; or
 - (b) all appeals on the assessment decision are completed.

- (2) The Board may continue to hold 1 copy of the information after the dates in subclause (1) provided that it holds that information in compliance with the Privacy Act 1993.

Part 3

Code of minimum standards of ethical conduct for registered architects

Standards related to the public

46 Not misrepresent himself or herself

A registered architect must not represent or promote himself or herself, his or her business, or his or her professional services in a false, fraudulent, misleading, or deceptive manner.

47 Uphold the law

A registered architect must abide by the professional codes of ethics and conduct and laws in force in the countries and jurisdictions in which he or she provides professional services.

Standards related to client

48 Exercise unprejudiced and unbiased judgement

A registered architect must exercise unprejudiced and unbiased judgement.

49 Care and diligence

A registered architect must perform his or her professional work with due care and diligence.

50 Terms of appointment

A registered architect must not undertake professional work unless the registered architect and the client have agreed the terms of the appointment, which may include but need not be limited to,—

- (a) scope of work:
- (b) allocation of responsibilities:
- (c) any limitation of responsibilities:
- (d) fee, or method of calculating it, and terms of trade:
- (e) any provision for termination:
- (f) provision for professional indemnity insurance.

51 Remuneration and inducements

A registered architect must—

- (a) be remunerated solely by the fees and benefits specified in the appointment or employment agreement; and
- (b) not offer any inducements to procure an appointment.

52 Confidentiality of client's affairs

- (1) A registered architect must observe the confidentiality of the client's affairs and must not disclose confidential information without the prior consent of the client.
- (2) Subclause (1) does not apply if the registered architect is required by law to disclose that information.

53 Conflict of interest

A registered architect must disclose to clients, owners, or contractors significant circumstances known to the registered architect that could be construed as creating a conflict of interest. The registered architect must ensure that the conflict does not interfere with the registered architect's duty to render unprejudiced and unbiased judgement.

Standards related to profession

54 Act with honesty and fairness

A registered architect must pursue his or her professional activities with honesty and fairness.

Standards related to other registered architects

55 Acknowledge colleagues' contributions

A registered architect must—

- (a) build his or her professional reputation on the merits of his or her own performance; and
- (b) not claim as his or her own the intellectual property and ideas of other registered architects.

56 Not maliciously or unfairly criticise

A registered architect must not maliciously or unfairly criticise or attempt to discredit another registered architect's work.

57 Conflicts of professional appointment

A registered architect must, on being approached to undertake professional work for which he or she knows, or by reasonable inquiry ascertains, that another registered architect has a current appointment with the same client, notify the other registered architect.

58 Giving an opinion on the work of another registered architect

A registered architect must, when appointed to give an opinion on the work of another registered architect, notify the other registered architect unless the appointed registered architect is aware of any current or pending litigation concerning the work that is the subject of the opinion.

Part 4**Disciplining of registered architects***Complaints and inquiries***59 How to complain about registered architects**

- (1) A person may complain to the Board about the conduct of a registered architect or former registered architect.
- (2) The complaint must be made in writing and contain—
 - (a) the complainant's name and contact details; and
 - (b) the name of the registered architect or former registered architect; and
 - (c) an outline of the nature of the complaint; and
 - (d) the provision in section 25(1)(a) to (d) of the Act, and if applicable the provision of the code of ethical conduct, that the complainant believes has been breached.

60 Board may inquire into matters on own motion

- (1) The Board may inquire into any matter on its own motion under this Part if it has reasonable grounds to suspect that the conduct of a registered architect or former registered architect may come within any of the grounds for discipline in section 25 of the Act.
- (2) If subclause (1) applies, the Board may—
 - (a) carry out an initial investigation of the matter in accordance with rules 63 and 64 (other than notifying the

- complainant under rule 64(a)) as if it were a complaint;
or
- (b) if a complaint on that matter has already been made, continue to inquire into the matter even if the complaint is subsequently withdrawn.

Initial investigation of complaint

61 Board must consider complaint

- (1) The Board must, as soon as practicable after receiving a complaint, carry out an initial investigation of the complaint in accordance with rule 63 and—
 - (a) refer the complaint to an investigating committee; or
 - (b) dismiss the complaint on a ground in rule 62.
- (2) The Board must notify the complainant and the person complained about of the decision under subclause (1) and the reasons for the decision.

62 Grounds for not referring complaint to investigating committee

The Board may dismiss a complaint without referring it to an investigating committee if—

- (a) there is no applicable ground of discipline under section 25(1)(a) to (d) of the Act; or
- (b) the subject matter of the complaint is trivial; or
- (c) the alleged complaint is insufficiently grave to warrant further investigation; or
- (d) the complaint is frivolous or vexatious or is not made in good faith; or
- (e) the complainant does not wish action to be taken or continued; or
- (f) the complainant does not have a sufficient personal interest in the subject matter of the complaint; or
- (g) an investigation of the complaint is no longer practicable or desirable given the time elapsed since the matter giving rise to the complaint arose.

63 Way in which decision on whether or not to refer complaint to investigating committee must be made

The Board must carry out an initial investigation of a complaint against the grounds in rule 62 in the following way:

- (a) the Board must notify the person complained about of the general nature of the complaint before commencing the investigation; and
- (b) a complaints officer must carry out the initial investigation of the complaint and recommend to the chairperson of investigating committees that the complaint proceed or be dismissed on a ground in rule 62; and
- (c) the complaints officer, or chairperson of investigating committees, may seek to verify the information provided in the complaint by a statutory declaration from the complainant; and
- (d) after considering the complaints officer's recommendation, the chairperson must decide whether the complaint should proceed or should be dismissed on a ground in rule 62.

64 Board must notify and implement decision

The Board must—

- (a) notify the complainant and the person complained about of the decision under rule 63 and the reasons for the decision; and
- (b) unless the chairperson of investigating committees decides that the complaint should be dismissed, appoint an investigating committee under rule 90 and refer the complaint to that committee.

Investigation of complaint or inquiry by investigating committee

65 Investigating committee must determine whether or not to refer complaint or inquiry to disciplinary committee

An investigating committee must, as soon as practicable after receiving a complaint or inquiry, investigate the matter and make a recommendation to the Board under rule 68.

66 Powers of investigating committee

An investigating committee may—

- (a) make, or appoint a person to make, any preliminary inquiries it considers necessary;
- (b) engage counsel to advise the committee on matters of law, procedure, and evidence:

- (c) request the person complained about or the complainant to provide to the committee, within a specified period of at least 20 working days that the committee thinks fit, any documents, things, or information that are in the possession or control of the person and that, in the opinion of the committee, are relevant to the investigation:
- (d) take copies of any documents provided to it:
- (e) receive any evidence that the committee thinks fit.

67 Investigating committee may explore alternative dispute resolution for complaints

- (1) Before making the recommendation under rule 68 on a complaint, the investigating committee may explore, with the complainant and the person complained about, the possibility of the complaint being referred to conciliation, mediation, arbitration, or another dispute resolution process.
- (2) If a complaint is referred to a dispute resolution process under subclause (1) and the complainant and person complained about fail to resolve the dispute within 60 working days of the reference, or within any other time period that the investigating committee thinks fit, the investigating committee must make the recommendation under rule 68 on the complaint.

68 Investigating committee must make recommendation to the Board

An investigating committee must, as soon as practicable after completing an initial investigation of a complaint or inquiry, make a recommendation to the Board to—

- (a) refer the matter to a disciplinary committee; or
- (b) dismiss the matter on a ground in paragraphs (a) to (g) of rule 62.

69 Board must give person complained about opportunity to respond

If the Board proposes to refer a complaint or inquiry to a disciplinary committee, the Board must—

- (a) notify the person complained about of the reasons for the proposed decision; and
- (b) give the person complained about a reasonable opportunity to make submissions on the matter.

70 Way in which Board's decision must be made

The Board's decision on a complaint or inquiry must be made in the following way:

- (a) the Board must make its decision as soon as practicable, but may delay making the decision until the outcome is known of any other legal proceedings that may affect its findings; and
- (b) if the Board is not unanimous, the decision of the majority of the Board is the decision of the Board.

71 Board must notify and implement decision

The Board must—

- (a) notify the complainant and the person complained about of the decision under rule 70 and the reasons for the decision; and
- (b) if the decision is to refer the complaint to a disciplinary committee, appoint a disciplinary committee under rule 91 and refer the matter to that committee.

*Disciplinary committee***72 Disciplinary committee must determine complaint or inquiry**

A disciplinary committee must, as soon as practicable after receiving a complaint or inquiry, hear the matter and decide—

- (a) whether or not there are grounds for disciplining the person complained about under section 25 of the Act; and
- (b) if so, what recommendation to make to the Board about any penalty to be imposed by the Board under section 26 of the Act.

73 Powers of disciplinary committee

A disciplinary committee may—

- (a) make, or appoint a person to make, any preliminary inquiries it considers necessary;
- (b) engage counsel, who may be present at a hearing of the committee, to advise the committee on matters of law, procedure, and evidence;
- (c) request the person complained about or the complainant to provide to the committee, within a specified period of at least 20 working days that the committee thinks fit,

- any documents, things, or information that are in the possession or control of the person and that in the opinion of the committee are relevant to the investigation:
- (d) take copies of any documents provided to it;
 - (e) request the person complained about or the complainant to attend before the committee, at that person's own cost, on at least 20 working days' notice;
 - (f) receive any evidence that the committee thinks fit;
 - (g) receive evidence on oath or otherwise in accordance with section 30 of the Act;
 - (h) use the power to summon witnesses under section 31 of the Act;
 - (i) provide information to assist the complainant and the person complained about in obtaining counsel or other advocacy assistance.

74 Way in which disciplinary committee must consider disciplinary matter

- (1) Before making the decision under rule 72 on a complaint or inquiry, the disciplinary committee must—
 - (a) send details of the complaint or inquiry to the person complained about; and
 - (b) invite him or her to respond in writing to the complaint or inquiry within a specified period (which must be at least 20 working days); and
 - (c) give the complainant, the person complained about, and any person alleged to be aggrieved (if not the complainant) at least 30 working days' notification of—
 - (i) the time and place of the hearing; and
 - (ii) the right of those persons to be heard and represented at the hearing; and
 - (d) advise each of the persons in paragraph (c) that the person must notify the committee within a specified period (which must be at least 20 working days) if the person wishes to be heard by the committee on the complaint or inquiry.
- (2) The complainant, the person complained about, and any person alleged to be aggrieved have the right to be heard and represented at the hearing.

75 Way in which disciplinary committee's decision must be made

The disciplinary committee's decision on a complaint or inquiry must be made in the following way:

- (a) the committee must make its decision as soon as practicable, but may delay making the decision until the outcome is known of any other legal proceedings that may affect its findings; and
- (b) the decision of a majority of the members of the committee, or if the members are equally divided in opinion the decision of the chairperson or alternate chairperson, is the decision of the committee; and
- (c) the committee must detail its decision to the Board in a recommendation including the recommendation with respect to any penalty under section 26 of the Act.

76 Board must make decision on disciplinary committee's recommendations

The Board must, after considering the disciplinary committee's recommendations and the relevant facts presented,—

- (a) decide to confirm the recommendations; or
- (b) decide to vary a recommendation of the committee after complying with rule 77.

77 Board must meet additional requirements if varying recommendation

The Board may only vary a recommendation of the disciplinary committee if first—

- (a) the Board requires the disciplinary committee to reconsider the recommendation for the reasons given by the Board; and
- (b) the disciplinary committee reconsiders the recommendation, carries out any further steps considered necessary under rule 74, and reports back on whether or not the recommendation should be amended; and
- (c) the Board considers the reconsidered recommendation.

78 Board must notify and implement decision

(1) The Board must—

- (a) notify the complainant and the person complained about of the disciplinary committee's recommendation

- under rule 75 and the Board's decision under rule 76, the reasons for the recommendation and decision, and their rights of appeal under the Act; and
- (b) implement any part of the Board's decision that requires actions by it.
- (2) However, the Board must not implement an action taken under section 25 of the Act until the expiry of a period of at least 20 working days after notifying the complainant of the Board's decision.

Part 5

Persons carrying out delegated functions and powers under rules

General provisions

79 Persons carrying out delegated functions and powers under rules

- (1) The Board may delegate to the following persons, under clause 33 of the Schedule of the Act, the functions and powers given to those persons by these rules:
- (a) assessors and assessment panels appointed under rule 83:
 - (b) evaluation panels and evaluators appointed under rule 85:
 - (c) competency assessment reviewers appointed under rule 86:
 - (d) complaints officers appointed under rule 87:
 - (e) the chairperson and alternate chairpersons of the investigation and disciplinary committees appointed under rule 89:
 - (f) investigating committees appointed under rule 90:
 - (g) disciplinary committees appointed under rule 91.
- (2) This rule does not limit clause 33 of Schedule 1 of the Act.

80 General provisions about procedures of persons carrying out decision-making functions

- (1) Every person or body that carries out decision-making functions under these rules must—
- (a) give reasons for its decisions under these rules; and
 - (b) observe the rules of natural justice.

- (2) Except as otherwise provided in the Act or these rules, that person or body of persons may regulate its own procedure as it thinks fit.

81 Rules do not limit Board's power to carry out delegated functions, duties, and powers

The fact that the rules give a function, duty, or power to a person does not prevent the Board from performing the function or duty, or exercising the power.

82 General provisions about appointments, revocations of appointments, and resignations under this Part

- (1) The Board may appoint a person to a role under this Part by resolution and written notice to him or her.
- (2) The Board may, at any time,—
- (a) revoke a person's appointment to a role under this Part by resolution and written notice to him or her;
 - (b) reconstitute any body of persons appointed under this Part by resolution and written notice to that body;
 - (c) require a person appointed to a role under this Part not to participate in a matter if the Board considers that, due to a conflict of interest or otherwise, it would be inappropriate for that person to participate in his or her role in respect of that matter.
- (3) Any person appointed to a role under this Part may resign from that role by written notice to the Board.

Persons with delegated functions relating to registration

83 Assessment panels and assessors

- (1) The Board may appoint, for a particular case or class of cases, an assessment panel consisting of 1 or more assessors.
- (2) The Board must appoint assessors who—
- (a) are registered architects and possess the appropriate current industry skills, learning, and experience; or
 - (b) have qualifications or experience that the Board considers relevant to the subject matter of the case.

84 Procedures of assessment panel

- (1) Where an assessment panel consists of 2 assessors, the panel must act unanimously in making decisions.

- (2) If an assessment panel of 3 or more members is not unanimous, the decision of the majority of the panel is the decision of the panel.

85 Evaluation panel and evaluators

- (1) The Board may appoint, for a particular case or class of cases, an evaluation panel consisting of 1 or more evaluators.
- (2) The Board must appoint evaluators who have qualifications or experience that the Board considers relevant to the subject matter of the case.

86 Competency assessment reviewer

- (1) The Board may appoint, for a particular case or class of cases, a competency assessment reviewer.
- (2) The Board must appoint competency assessment reviewers who—
 - (a) are registered architects; or
 - (b) have other qualifications or experience that the Board considers relevant to the subject matter of the case.

Persons with delegated functions relating to disciplinary matters

87 Complaints officers

- (1) The Board may appoint, for a particular case or class of cases, a complaints officer.
- (2) The Board must appoint complaints officers who—
 - (a) are registered architects; or
 - (b) have other qualifications or experience that the Board considers relevant to the subject matter of the case.
- (3) In appointing a complaints officer for a case or class of cases, the Board must select a person who does not have a conflict of interest on the case or class of cases.

88 Board must keep list of persons who may be members of investigating committees and disciplinary committees

- (1) The Board must keep a list of persons who may be members of investigating committees and disciplinary committees.
- (2) The Board must select persons for the list who are registered architects and, in selecting persons, must have regard to—

- (a) the extent of their experience in, and knowledge of, architecture and the building industry; and
- (b) their experience in competency assessments; and
- (c) their experience in hearing complaints relating to architecture or other professions.

89 Chairpersons and alternate chairpersons of investigating committees and disciplinary committees

- (1) The Board must appoint persons from the list kept under rule 88 to be—
 - (a) the chairperson of investigating committees, and the alternate chairperson of investigating committees; and
 - (b) the chairperson of disciplinary committees, and the alternate chairperson of disciplinary committees.
- (2) The Board may appoint more than 1—
 - (a) alternate chairperson of investigating committees; and
 - (b) alternate chairperson of disciplinary committees.
- (3) An appointment—
 - (a) is for the term specified by the Board on making the appointment, up to a maximum term of 2 years; and
 - (b) may be renewed, but no person may be appointed for more than 3 consecutive terms.
- (4) An alternate chairperson has all the functions, duties, and powers of the chairperson under these rules if—
 - (a) there is no chairperson or, for any reason, the chairperson is unable to perform and exercise his or her functions, duties, and powers as chairperson; or
 - (b) in relation to a particular matter,—
 - (i) the Board refers the matter to the alternate chairperson instead of the chairperson; or
 - (ii) the chairperson considers it not proper or desirable to participate personally in relation to the matter.

90 Investigating committee

- (1) The Board may appoint, for a particular case or class of cases, an investigating committee consisting of—
 - (a) the chairperson or an alternate chairperson of investigating committees; and
 - (b) 1 other person from the list kept under rule 88; and

- (c) 1 person who is not an architect and who is acting as a representative of consumer interests.
- (2) Two members of an investigating committee appointed under subclause (1) must be Board members.
- (3) In appointing a member to an investigating committee for a case or class of cases, the Board must endeavour to select a person who does not have a conflict of interest on the case or class of cases.

91 Disciplinary committee

- (1) The Board may appoint, for a particular case or class of cases, a disciplinary committee consisting of—
 - (a) a chairperson or alternate chairperson; and
 - (b) 1 other person from the list kept under rule 88; and
 - (c) 1 person who is not a registered architect and who is acting as a representative of consumer interests; and
 - (d) 1 person nominated by the Building Practitioners Board.
- (2) The Board may appoint, for a particular case or class of cases, a further 2 persons to a disciplinary committee if the Board considers it appropriate or necessary in the circumstances.
- (3) Appointments to a disciplinary committee under subclause (2) must consist of—
 - (a) 1 other person from the list kept under rule 88; and
 - (b) 1 other person who is not a registered architect.
- (4) Whether a disciplinary committee consists of the persons described in subclause (1), or the persons described in subclause (1) together with persons appointed under subclause (2), 2 members of the disciplinary committee must also be Board members.
- (5) In appointing a member to a disciplinary committee for a case or class of cases, the Board must endeavour to select a person who does not have a conflict of interest on the case or class of cases.

Part 6 Rule-making procedure

92 Definition of publish for purpose of rule 93

For the purposes of rule 93,—

publish means publish by all or any of the following means:

- (a) on a website maintained by the Board;
- (b) by specifically notifying registered architects;
- (c) in journals for registered architects;
- (d) by any other means that the Board considers necessary or desirable to give notice to registered architects and other persons whom it reasonably considers to be representative of other persons or classes of persons affected by the proposed rule.

93 Procedure for making, amending, or revoking rules

- (1) Before the Board makes a rule, it must—
 - (a) publish—
 - (i) the terms of the proposed rule; and
 - (ii) the reasons for its proposal; and
 - (b) consult with registered architects and any persons that it reasonably considers to be representative of other persons or classes of persons affected by the proposed rule.
- (2) The requirements of this rule that apply to making a rule apply also to any amendment or revocation of a rule.

94 Exception for cases of urgency

Rule 93(1)(a) and (b) does not apply if the Board considers that it is necessary or desirable in the public interest that the rule be made urgently, but in this case it must comply with those paragraphs to the extent it considers practicable given the urgency.

rr 8, 24

Schedule 1

Information that must be contained in form for assessments

An assessment form for an applicant for registration or candidate for continued registration must contain the following information:

- (a) the full name of the person; and
- (b) the person's current address and contact phone numbers; and
- (c) the person's date and place of birth; and

- (d) whether or not the person consents to his or her contact details being included on the register and, if so, the appropriate contact details; and
 - (e) the contact details of 2 independent referees; and
 - (f) whether the assessment is for initial registration or continued registration; and
 - (g) details of any convictions of the person by any court in New Zealand or elsewhere for an offence punishable by imprisonment for a term of 6 months or more.
-

rr 8, 17, 35, 41

Schedule 2

Charges and rebates for services

Initial registration

Charge or rebate	Amount (incl GST) (\$)
Application for registration	393.75
<i>Less the following rebate if applicable:</i>	
If there is no interactive assessment	247.50
Qualification equivalency assessment	1,687.50

Certificates of registration

Charge	Amount (incl GST) (\$)
Issue of certificate of registration	551.25

Review of registration assessment procedures

Charge	Amount (incl GST) (\$)
Review of registration assessment procedures	843.75

Voluntary suspension

Charge	Amount (incl GST) (\$)
For voluntary suspension	168.75

Dated at Wellington this 23rd day of June 2006.

R Pynenburg,
Chairperson.

Deborah Cranko,
Deputy Chairperson.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 1 July 2006, provide for—

- how the titles of “registered architect” and “architect” should be used:
- matters relating to the registration of persons as registered architects:
- a code of ethical conduct for registered architects:
- a complaints and disciplinary process for registered architects:
- various other matters relating to the functions of the New Zealand Registered Architects’ Board, for example, appointments of persons to carry out functions under the rules and the rule-making procedure.

Part 1 provides for the use of the titles of “registered architect” and “architect”. Under the Registered Architects Act 2005 (the **Act**), only registered architects (and persons with overseas qualifications or titles if doing so in accordance with the rules) may use the title “registered architect” or certain words, initials, or abbreviations of that title. This Part provides that—

- the preferred forms of the title are “registered architect” and “architect”:
- persons may use overseas qualifications or titles that contain the words “registered architect” or “architect” if they also state the jurisdiction of the overseas awarding agency in parentheses afterwards.

Part 2 provides for matters relating to the registration of persons as registered architects, including—

- the initial registration of persons as registered architects under section 8 of the Act, including—
 - the minimum standard for registration as a registered architect:
 - how to apply for registration and how assessments of applications are carried out, and the charges for registration:
- certificates of registration, and the application requirements, process, and charges for certificates:
- the assessment for continued registration of registered architects under section 12 of the Act, including—

- the minimum standard for continued registration as a registered architect:
- the minimum frequency of assessments, which in general (see *rule 32* for an exception) is at least every 5 years for each registered architect:
- how assessments are carried out:
- an ability for persons to obtain an internal review of the procedures used in assessing initial registration or continued registration (which are in addition to rights of appeal for decisions on registration contained in section 38 of the Act):
- process requirements that apply if the Board suspends or cancels registration under the Act for failure to pay fines or costs for disciplinary matters:
- how a person may require his or her registration to be suspended (voluntary suspension) and the permitted periods of suspension:
- the additional matters to be shown in the register, the form of the register, and requirements for amendments to the register.

Part 3 contains the code of ethical conduct that applies to all registered architects. Under the Act, a breach of the code is a ground for disciplining a registered architect. The code sets minimum standards of ethical conduct. These include—

- standards related to the public, for example, a duty not to represent professional services in a misleading or deceptive manner:
- standards relating to clients, for example, a duty to perform work with care and diligence:
- a general professional duty to act with honesty and fairness:
- duties owed to other registered architects, for example, a duty not to maliciously or unfairly criticise another registered architect's work.

Part 4 contains the disciplinary process for registered architects. The grounds for disciplining registered architects and the possible disciplinary actions are contained in sections 25 and 26 of the Act. Rights of appeal are contained in section 38 of the Act. This Part includes—

- how to complain about a registered architect or former registered architect and when the Board may inquire into something on its own:
- requirements for an initial investigation of each complaint to determine whether it should proceed, and the grounds for not proceeding at this stage:

- if the complaint or an inquiry proceeds, requirements for an investigating committee to investigate and make a recommendation about whether the complaint or inquiry should be referred to a full disciplinary committee. The investigating committee may explore alternative dispute resolution processes as part of this investigation:
- requirements for the disciplinary committee to hear each matter referred to it and the way in which it must do so.

Part 5 provides for the appointment of the various persons that carry out functions under the rules, and to whom the Board will delegate these responsibilities, and related general procedures.

Part 6 contains the requirements for making, amending, and revoking rules.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 29 June 2006.

These rules are administered by the Department of Building and Housing.
