

**Reprint
as at 21 April 2005**



Registered Architects Act 2005

Public Act 2005 No 38
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Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of Building and Housing.

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1 Title

This Act is the Registered Architects Act 2005.

2 Commencement

- (1) Parts 3 and 4 and the Schedule come into force on 1 July 2005.
- (2) The rest of this Act comes into force on 1 July 2006.

Part 1
Preliminary provisions

3 Purpose

The purpose of this Act is to reform the law relating to the registration of registered architects and to protect the title of registered architect; and, to those ends, this Act—

- (a) establishes a registration system for registered architects, under which persons who wish to be registered architects must meet minimum standards to be, and continue to be, registered:
- (b) requires a code of ethics and a complaints and disciplinary process to apply to registered architects:
- (c) establishes a statutory body to carry out the functions relating to the registration system, the code of ethics, and the complaints and disciplinary process:
- (d) repeals the Architects Act 1963.

4 Interpretation

In this Act, unless the context otherwise requires,—

applicable minimum standards for registration means the minimum applicable standards for registration as a registered architect that are contained in the rules

Architects Education and Registration Board means the board constituted under section 33 of the Architects Act 1963

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

decision includes—

- (a) any action taken under section 26; and
- (b) an order

disciplinary matter means an inquiry into, or complaint about, the conduct of a registered architect or a decision on that inquiry or complaint

financial year, in relation to the Board, has the meaning set out in section 66

member means a member of the Board

Minister means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

registered means registered under section 10

registered architect has the meaning set out in section 6

rules means the rules referred to in section 67 and approved by the Minister under section 69.

5 Act binds the Crown

This Act binds the Crown.

Part 2

Registration, complaints, and discipline

Title of registered architect and its protection

6 Title of registered architect

A person is a **registered architect** if he or she—

- (a) is registered; and
- (b) holds a current certificate of registration.

7 Protection of titles registered architect and architect

- (1) No person, other than a registered architect, may use in connection with his or her business, trade, employment, calling, or profession—

- (a) the title “registered architect” ; or

- (b) any words, initials, or abbreviations of that title that are intended to cause, or that may reasonably cause, any person to believe that the person using those words, initials, or abbreviations is a registered architect.
- (2) No person who designs buildings, prepares plans and specifications for buildings, or supervises the construction of buildings may use the title “architect” unless he or she is a registered architect.
- (3) Despite subsections (1) and (2), a person may use the title “registered architect” or “architect” (or words, initials, or abbreviations of those titles), in accordance with the rules, in representing qualifications or titles awarded by overseas agencies.
- (4) A person who contravenes subsection (1) or subsection (2) commits an offence, and is liable on summary conviction to a fine not exceeding \$10,000.

Registration provisions

8 Entitlement to registration as registered architect

An individual, on payment of the fee set by the Board, is entitled to be registered as a registered architect if the individual satisfies the Board—

- (a) that he or she meets the applicable minimum standards for registration; and
- (b) that he or she is not precluded from being registered because of any action taken by the Board under section 26.

9 Applications for registration

Every application for registration as a registered architect under this Part must be made to the Board in accordance with the rules.

10 Board to register applicant or decline application

- (1) If the Board is satisfied that an applicant is entitled, under section 8, to be registered as a registered architect, the Board must—
 - (a) register the applicant; and
 - (b) notify the applicant that he or she is registered; and

- (c) issue to the applicant a certificate of registration; and
 - (d) enter the applicant's name in the register.
- (2) If the Board is not satisfied that the applicant is entitled to be registered as a registered architect, the Board must—
- (a) decline the application; and
 - (b) notify the applicant of its decision and the reasons for it; and
 - (c) notify the applicant of his or her right of appeal against the decision.
- (3) Subsection (2) does not limit section 28.

11 Expiry of registration

- (1) A certificate of registration must specify the date of its expiry.
- (2) The date of expiry must not be later than the last day of the period specified in the rules for which a registration is in force.
- (3) A certificate of registration continues in force until the close of the date of its expiry unless it is sooner cancelled or suspended under this Part.

12 Registered architect must meet applicable minimum standards for registration to continue to be registered

- (1) The Board must assess at the frequency required by the rules, and may assess at any other time, whether or not a registered architect continues to meet the applicable minimum standards for registration.
- (2) A registered architect who continues to meet those standards is entitled, on payment of the fee set by the Board, to a renewal of his or her registration.
- (3) An application for renewal of registration must be made to the Board in accordance with the rules.

13 Consequences of failure to meet applicable minimum standards for registration

- (1) If, after making an assessment under section 12, the Board determines that a registered architect no longer meets the applicable minimum standards for registration, the Board must—
 - (a) suspend the person's registration until the person satisfies the Board that he or she meets those standards; and

- (b) record the suspension in the register.
- (2) If the person does not satisfy the Board that he or she meets the applicable minimum standards for registration within 12 months, or any further period that the Board may determine, the Board must—
 - (a) cancel the person's registration; and
 - (b) remove the person's name from the register.

14 Cancellation of registration

The Board must cancel a person's registration and remove the person's name from the register—

- (a) if the person dies; or
- (b) if the person, by written notice, requests the Board to cancel his or her registration; or
- (c) in accordance with section 13(2) (consequences of failure to meet applicable minimum standards for registration); or
- (d) in accordance with section 26(1) (disciplinary penalties); or
- (e) in accordance with section 27 (non-payment of fines or costs).

15 Mandatory suspension of registration

The Board must suspend a person's registration and record the suspension in the register in accordance with—

- (a) section 13(1) (consequences of failure to meet applicable minimum standards for registration); or
- (b) section 26(1) (disciplinary penalties); or
- (c) section 27 (non-payment of fines or costs).

16 Voluntary suspension of registration

The Board may suspend a person's registration and record the suspension in the register if the person, by written notice, requires it (and then for the period required, subject to the rules).

17 Effect of suspension of registration

- (1) A person is not a registered architect, for the purposes of this Act, for the period for which his or her registration is suspended.
- (2) At the end of the period of suspension, the person's registration is immediately revived (unless it has been cancelled) and, if the person's registration has expired, the Board may issue a certificate of registration to him or her under section 10.

*Register of registered architects***18 Register of registered architects**

- (1) The Board must establish and maintain, in accordance with this Act and the rules, a register of persons who are currently registered as registered architects under this Part.
- (2) The Board must—
 - (a) enter in the register—
 - (i) the name of every person referred to in subsection (1); and
 - (ii) the information about that person that is specified in section 21; and
 - (b) make any other entries in the register that may be required, permitted, or directed to be entered by or under this Part.

19 Purpose of register

The purpose of the register is—

- (a) to enable members of the public to—
 - (i) determine whether or not a person is a registered architect and, if so, the status and relevant history of the person's registration; and
 - (ii) choose a suitable registered architect from a list of registered architects; and
 - (iii) if the address of a registered architect is entered in the register with the consent of the registered architect, know how to contact the registered architect; and
 - (iv) know which registered architects have been disciplined within the last 3 years; and

- (b) to facilitate the administrative, disciplinary, and other functions of the Board under this Act.

20 Form of register

The register may be kept—

- (a) as an electronic register; and
- (b) in any other manner that the Board thinks fit.

21 Matters to be shown in register

- (1) The register must show the following information, to the extent that the information is relevant, for each registered architect whose name is entered in the register:

- (a) information about the status and history of the person's registration, particularly—
 - (i) the date on which the person's name was entered in the register; and
 - (ii) the date of expiry of the person's registration or, as the case may be, if the registration is renewed, the date on which the term of the latest renewal of the registration expires; and
 - (iii) any disciplinary penalty imposed on the person in the last 3 years; and
- (b) the person's contact details, including any electronic contact details, if the person has consented to the register showing these details; and
- (c) any other information that the Board considers necessary or desirable for the purpose of the register.

- (2) The register must also show—

- (a) whether a registration is suspended; and
- (b) if paragraph (a) applies,—
 - (i) the ground under this Act for the suspension (for example, whether for non-payment of a fee set by the Board that was required from the registered architect, or on another ground); and
 - (ii) the period of suspension; and
 - (iii) any conditions for termination of the suspension.

22 Register to be public

The Board must—

- (a) keep the register open for public inspection, without fee, during reasonable hours at the head office of the Board and at any other place that the Board determines to be necessary or appropriate; and
- (b) supply to a person copies of all or part of the register on request and on payment of a reasonable charge for the production of the copy.

23 Alterations to register

The Board may, at any time, make any amendments to the register that are necessary to—

- (a) reflect any changes in the name of a registered architect or the information specified in section 21; or
- (b) correct a mistake caused by any error or omission on the part of the Board or any person to whom the Board has delegated its functions, duties, or powers.

Discipline

24 Complaints about registered architects

- (1) Any person may complain to the Board about the conduct of a registered architect in accordance with the rules.
- (2) The Board must, as soon as practicable after receiving a complaint, investigate the complaint and determine whether or not to proceed with it.
- (3) If the Board determines not to proceed with a complaint because the matter relates to a building practitioner who is licensed under the Building Act 2004, the Board must refer the complaint to the Registrar of Licensed Building Practitioners appointed under that Act.
- (4) A complaint or inquiry, and any decision on the complaint or inquiry, may relate to a person who is no longer a registered architect but who was a registered architect at the time of the relevant conduct.

Compare: 2002 No 17 s 20

25 Grounds for discipline of registered architects

- (1) The Board may (in relation to a matter raised by a complaint or by its own inquiries) take any of the actions referred to in section 26 if it is satisfied that—
- (a) both of the following matters apply:
 - (i) a registered architect has been convicted, whether before or after he or she is registered, by any court in New Zealand or elsewhere of any offence punishable by imprisonment for a term of 6 months or more; and
 - (ii) the commission of the offence reflects adversely on the person's fitness to carry out the work of a registered architect; or
 - (b) a registered architect has breached the code of ethics contained in the rules; or
 - (c) a registered architect has practised as a registered architect in a negligent or incompetent manner; or
 - (d) a registered architect has, for the purpose of obtaining registration (either for himself or herself or for any other person),—
 - (i) either orally or in writing, made any declaration or representation knowing it to be false or misleading in a material particular; or
 - (ii) produced to the Board or made use of any document knowing it to contain a declaration or representation referred to in subparagraph (i); or
 - (iii) produced to the Board or made use of any document knowing that it was not genuine.
- (2) The Board may take the action whether or not the person is still a registered architect.

Compare: 2002 No 17 s 21

26 Disciplinary penalties

- (1) In any case to which section 25 applies, the Board may—
- (a) do both of the following things:
 - (i) cancel the person's registration and remove the person's name from the register; and
 - (ii) order that the person may not apply to be re-registered before the expiry of a specified period:

- (b) suspend the person's registration for a period of no more than 12 months or until the person meets specified conditions relating to the registration (but, in any case, not for a period of more than 12 months) and record the suspension in the register:
 - (c) order that the person be censured:
 - (d) order that the person may, for a period not exceeding 3 years, practise only subject to any conditions as to employment, supervision, or otherwise that the Board may specify in the order:
 - (e) order that the person undertake training specified in the order:
 - (f) order that the person must pay a fine not exceeding \$10,000.
- (2) The Board may take only 1 type of action in subsection (1) in relation to a case, except that—
- (a) it may impose a fine under subsection (1)(f) in addition to taking the action under subsection (1)(b) or (c) or (e); or
 - (b) it may order that a person be censured in addition to taking the action under subsection (1)(d) or (e) or (f).
- (3) No fine may be imposed under subsection (1)(f) in relation to an act or omission that constitutes an offence for which the person has been convicted by a court.
- (4) In any case to which section 25 applies, the Board may order that the person must pay costs and expenses of, and incidental to, the inquiry by the Board.
- (5) In addition to notifying the action taken by the Board in the register, the Board—
- (a) must notify the Registrar of Licensed Building Practitioners appointed under the Building Act 2004 of the action and the reasons for it; and
 - (b) may publicly notify the action in any other way that it thinks fit.

Compare: 2002 No 17 s 22

27 Non-payment of fines or costs

If money payable by a person under section 26(1)(f) or (4) remains unpaid for 60 days or more, the Board may—

- (a) cancel the person's registration and remove the person's name from the register; or
- (b) suspend the person's registration until the person pays the money and, if he or she does not do so within 12 months, cancel his or her registration and remove his or her name from the register.

Compare: 2002 No 17 s 23

*Decision-making functions and general
procedure of Board under this Part*

28 Specified procedure for making decisions

In the performance and exercise of its decision-making functions and powers under this Part, the Board must—

- (a) give written notice of, and reasons for, its decision to any person to whom the decision relates; and
- (b) observe the rules of natural justice; and
- (c) comply with any applicable procedures under the rules; and
- (d) comply with any regulations made under section 77.

Compare: 2002 No 17 s 25

29 Other procedure for making decisions

Except as otherwise provided in this Act, the Board may regulate its own procedure for making decisions under this Part.

*Powers and procedure of Board on disciplinary
matters*

30 Board may hear evidence for disciplinary matters

- (1) In relation to a disciplinary matter, the Board may—
 - (a) receive evidence on oath (and for that purpose a member of the Board or an employee of the Board may administer an oath);
 - (b) permit a person appearing as a witness before it to give evidence by tendering a written statement and verifying that statement by oath, statutory declaration, or otherwise.

- (2) A hearing before the Board on a disciplinary matter is a judicial proceeding for the purposes of sections 108 and 109 of the Crimes Act 1961.

Compare: 2002 No 17 s 27

31 District Court may authorise Board to summon witnesses on disciplinary matters

- (1) A District Court Judge may, on the application of the Board or the person to whom the proceedings relate, give a certificate authorising the Board to issue a summons under section 32.
- (2) A District Court Judge must not give a certificate under subsection (1) unless satisfied that—
- (a) the evidence of the witness is or may be material to the hearing of a disciplinary matter by the Board; and
 - (b) it is necessary or desirable that the summons be issued to compel the attendance of the witness at the hearing.

Compare: 2002 No 17 s 28

32 Issuing of summons by Board

- (1) The Board must, on production of a certificate referred to in section 31, issue a summons to a person requiring that person to attend a hearing before the Board and to do all or any of the following:
- (a) give evidence;
 - (b) give evidence under oath;
 - (c) produce documents, things, or information, or any specified documents, things, or information, in the possession or control of that person that are relevant to the hearing.
- (2) The summons must be in writing, be signed by a member of the Board, and state—
- (a) the date and time when, and the place where, the person must attend; and
 - (b) the documents, things, or information that the person is required to bring and produce to the Board; and
 - (c) the entitlement to be tendered or paid a sum in respect of witnesses' fees, allowances, and expenses; and
 - (d) the penalty for failing to attend.

- (3) The Board may require that any documents, things, or information produced under this section be verified by oath, statutory declaration, or otherwise.

Compare: 2002 No 17 s 29

33 Serving of summons

- (1) A summons may be served—
- (a) by delivering it personally to the person summoned; or
 - (b) by posting it to the person summoned at that person's usual place of residence.
- (2) A summons must,—
- (a) if it is to be served under subsection (1)(a), be served at least 48 hours before the attendance of the witness is required;
 - (b) if it is to be served under subsection (1)(b), be served at least 10 days before the attendance of the witness is required.
- (3) A summons that is posted is treated as having been served when it would have been delivered in the ordinary course of post.

Compare: 2002 No 17 s 30

34 Witnesses' fees, allowances, and expenses

- (1) A witness appearing before the Board under a summons is entitled to be paid witnesses' fees, allowances, and expenses in accordance with the scales prescribed by regulations under the Summary Proceedings Act 1957.
- (2) The person requiring attendance of the witness must pay or tender to the witness the fees, allowances, and expenses at the time the summons is served or at some other reasonable time before the hearing.

Compare: 2002 No 17 s 31

35 Failure to comply with summons

- (1) A person summoned under section 32 commits an offence if he or she, without sufficient cause,—
- (a) fails to attend in accordance with the summons; or
 - (b) does not give evidence when required to do so; or

- (c) does not give evidence under oath when required to do so; or
 - (d) does not answer any question that is lawfully asked by the Board; or
 - (e) does not provide any documents, things, or information that the summons requires the person to provide.
- (2) A person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$2,000.
- (3) A person must not be convicted of an offence under this section if witnesses' fees, allowances, and expenses to which the person is entitled under section 34 have not been paid or tendered to him or her.

Compare: 2002 No 17 s 32

36 Protection for members of Board and others for disciplinary matters

- (1) Neither the Board, nor any committee, member, or employee of the Board is liable for any act or omission done, in good faith, in the performance or intended performance of their functions or duties, or the exercise of their powers, under this Act or the rules in relation to disciplinary matters.
- (2) Every person who does the following things has the same privileges as witnesses have in a court:
- (a) provides documents, things, or information to the Board in relation to a disciplinary matter; or
 - (b) gives evidence or answers questions at a hearing of the Board in relation to a disciplinary matter.
- (3) Every counsel appearing before the Board in relation to a disciplinary matter has the same privileges and immunities as counsel in court.

Compare: 2002 No 17 s 33

37 Enforcement of orders

If the Board, acting in accordance with this Act and the rules in relation to a disciplinary matter, takes an action or otherwise exercises any power in respect of a person who is or was a registered architect, that action or other exercise of any power has effect whether or not that person remains a registered architect.

Compare: 2002 No 17 s 34

*Appeal of decisions***38 Right of appeal**

- (1) A person may appeal to a District Court against any decision of the Board to—
- (a) decline to register the person as a registered architect; or
 - (b) suspend or cancel his or her registration; or
 - (c) take any action referred to in section 26.
- (2) An appeal—
- (a) must be brought to the District Court by way of notice of appeal in accordance with the rules of court; and
 - (b) must be lodged within 20 working days after notice of the decision or action is communicated to the appellant, or within any further time a District Court Judge allows on application made before or after the period expires.

Compare: 2002 No 17 s 35

39 Notice of right of appeal

When notifying a person under this Act of any decision or action against which section 38 gives him or her a right of appeal, the Board must also notify the person in writing of the right of appeal and the time within which an appeal must be lodged.

40 Actions to have effect pending determination of appeal

A decision or action against which an appeal is lodged under this Part continues in force unless the District Court orders otherwise.

Compare: 2002 No 17 s 36

41 Procedure on appeal

- (1) An appeal under this Part must be heard as soon as is reasonably practicable after it is lodged.
- (2) An appeal under this Part is by way of rehearing.
- (3) On hearing the appeal, the District Court—
- (a) may confirm, reverse, or modify the decision or action appealed against; and

- (b) may make any other decision or take any other action that the person or body that made the decision or took the action appealed against could have made or taken.
- (4) The court must not review—
 - (a) any part of a decision or action not appealed against; or
 - (b) any decision or action not appealed against at all.

Compare: 2002 No 17 s 37

42 Court's decision final

Except as provided in section 46, the decision of the District Court on an appeal under this Part is final.

43 Court may refer matter back for reconsideration

- (1) Instead of determining an appeal under this Part, the District Court may direct the Board to reconsider, either generally or in respect of any specified aspect, the whole or any part of the decision or action.
- (2) In giving a direction under subsection (1), the court—
 - (a) must state its reasons for the direction; and
 - (b) may give any other directions it thinks just in relation to the matter referred back for reconsideration.
- (3) Upon being directed to reconsider a matter, the Board—
 - (a) must reconsider the matter; and
 - (b) in doing so, must—
 - (i) take the court's reasons into account; and
 - (ii) give effect to the court's directions.

44 Orders as to costs

On an appeal under this Part, the District Court may order any party to the appeal to pay to any other party to the appeal any or all of the costs incurred by the other party in respect of the appeal.

45 Orders as to publication of names

- (1) On any appeal under this subpart, the District Court may, if in its opinion it is proper to do so, prohibit the publication of the name or particulars of the affairs of a registered architect or any other person.

- (2) In deciding whether to make an order under subsection (1), the court must have regard to—
 - (a) the interests of any person (including, without limitation, the privacy of any complainant); and
 - (b) the public interest.
- (3) If the District Court prohibits the publication of the name or particulars of the affairs of a registered architect, the Board must remove the name or particulars of the affairs of that registered architect from the register in relation to the matter under appeal to the extent necessary to reflect the court's prohibition on publication.

46 Appeal on question of law

- (1) A party to an appeal under this Part may appeal to the High Court against any determination of law arising in the appeal.
- (2) The appeal must be heard and determined in accordance with the appropriate rules of court.
- (3) Part 4 of the Summary Proceedings Act 1957 (together with the other provisions of that Act that are applied in that Part) applies to the appeal—
 - (a) so far as it is applicable and with all necessary modifications; but
 - (b) only so far as it relates to appeals on questions of law.
- (4) Subsection (3) overrides subsection (2).

Part 3 New Zealand Registered Architects' Board

47 Establishment of New Zealand Registered Architects' Board

The New Zealand Registered Architects' Board is established.

48 Board is body corporate

The Board—

- (a) is a body corporate; and
- (b) is accordingly a legal entity in its own right separate from its members, office holders, and the Crown.

49 Capacity and powers

- (1) Except as provided in this Act or any other Act or rule of law, the Board—
 - (a) has the capacity, rights, powers, and privileges of a natural person; and
 - (b) has the statutory powers conferred by this Act and any other Act.
- (2) The Board may exercise its powers only for the purpose of performing its functions.

50 Functions of Board

The Board's functions are—

- (a) to make, and from 1 July 2006 always have, rules relating to registered architects that are prepared and approved in accordance with this Part:
- (b) to register persons, issue certificates of registration, assess whether persons meet the requirements for continued registration, and perform the other functions relating to registration in accordance with Part 2:
- (c) to keep and maintain the register and carry out the other functions relating to the register in accordance with Part 2:
- (d) to receive, investigate, and hear complaints about, inquire into the conduct of, and discipline, registered architects in accordance with Part 2:
- (e) to provide information to the public about the registration system for registered architects:
- (f) to perform any functions or duties, or exercise any powers, that are delegated to the Board under any other enactment.

51 Members and their role

- (1) All decisions relating to the operation of the Board must be made by or under the authority of the Board.
- (2) The Board has all the powers necessary for carrying out its role under subsection (1).

52 Composition of Board

- (1) The Board must have at least 6, but no more than 8, members.

- (2) A member must be appointed by the Governor-General on the recommendation of the Minister.
- (3) The Minister must recommend for appointment as members of the Board—
 - (a) a maximum of 4 people nominated by the New Zealand Institute of Architects; and
 - (b) a maximum of 4 other persons.
- (4) The Minister may accept nominations for membership of the Board, but each member is appointed to undertake the functions and duties of a member rather than to represent the interests of any person.

53 Criteria for appointment

The Minister may only recommend a person for appointment as a member of the Board who, in the Minister's opinion, is qualified for appointment,—

- (a) having regard to the functions, duties, and powers of the Board; and
- (b) because of that person's knowledge, experience, or expertise.

54 Further provisions as to Board and its members

The Schedule applies to the Board and its members.

Committees of Board

55 Board may appoint committees

- (1) The Board may, by resolution, appoint 1 or more committees to—
 - (a) perform any of the Board's functions or duties, or exercise any of the Board's powers, that are delegated to the committee under clause 33 of the Schedule;
 - (b) inquire into, and report to the Board on, any matters within the scope of the Board's functions, duties, or powers that are referred to the committee by the Board.
- (2) The committee is subject in all things to the control of the Board and may, at any time, be discharged, altered, or reconstituted by the Board.

56 Membership of committee

A committee must consist of at least 2 members of the Board and may include any other persons that the Board thinks fit.

57 Committee to regulate own procedure

Subject to the Board's direction, a committee may regulate its own procedure.

*Reporting by Board***58 Obligation to prepare annual report**

The Board must prepare an annual report on its operations for each financial year.

59 Form and content of annual report

- (1) An annual report must contain the following information and reports in respect of the financial year to which it relates:
- (a) a report on operations, including the information that is necessary to enable an informed assessment to be made of the Board's performance during the financial year; and
 - (b) annual financial statements and a statement of responsibility prepared in accordance with section 60; and
 - (c) the auditor's report in accordance with section 61; and
 - (d) the number of registered architects at the end of the financial year; and
 - (e) the number of persons whom the Board registered and the number of persons whom the Board declined to register during the financial year; and
 - (f) the number of persons whose registration was cancelled, or whose registration was suspended under section 15, during the financial year; and
 - (g) the number of persons against whom the Board took disciplinary action during the financial year; and
 - (h) the amount of the fee for an application for registration or renewal of registration that is set by the Board during the financial year.
- (2) An annual report must be in writing, be dated, and be signed on behalf of the Board by 2 members.

60 Annual financial statements and statement of responsibility

- (1) The Board must prepare its annual financial statements with respect to its affairs for each financial year in accordance with generally accepted accounting practice (within the meaning of section 3 of the Financial Reporting Act 1993, applied as if the Board were a reporting entity).
- (2) The annual financial statements must contain—
 - (a) a statement of the financial position as at the balance date; and
 - (b) a statement of financial performance for the financial year; and
 - (c) a statement of cash flows reflecting cash flows for the financial year; and
 - (d) a statement of the commitments as at the balance date; and
 - (e) a statement of the contingent liabilities as at the balance date; and
 - (f) a statement of accounting policies; and
 - (g) any other statements that are necessary to fairly reflect its financial operations for the financial year and its financial position at the end of the financial year; and
 - (h) in relation to each statement required by paragraphs (a) to (c) and, if appropriate, paragraph (g), budgeted figures for the financial year; and
 - (i) in relation to each statement required by this subsection (other than by paragraph (f)), comparative actual figures for the previous financial year.
- (3) The statement of responsibility for the financial statements must—
 - (a) contain a statement of the Board's responsibility for the preparation of the annual financial statements and the judgments in them; and
 - (b) contain a statement of the Board's responsibility for establishing and maintaining a system of internal control that is designed to provide reasonable assurance as to the integrity and reliability of financial reporting.

61 Audit

- (1) The Board must, within 90 days after the end of each financial year, submit the report on operations, the annual financial statements, and the statement of responsibility required under section 59(1)(a) and (b) to the Auditor-General for audit.
- (2) The Auditor-General must audit those documents, and provide an audit report on them to the Board, within 30 days after receiving them.

62 Obligation for Board to provide annual report to Minister

The Board must provide the annual report to the Minister as soon as practicable after receiving the audit report.

63 Board to publish reports

As soon as practicable after giving a report to the Minister under section 62, the Board must—

- (a) publicly notify that the report has been given to the Minister and where copies of the report may be inspected and purchased; and
- (b) make copies of the report available to the public at the place set out in the public notification, on request, for inspection free of charge and for purchase at a reasonable cost.

64 Annual reports to be presented to House of Representatives

The Minister must present a copy of the report given to him or her under section 62 to the House of Representatives no later than 10 parliamentary working days after the date on which the Minister receives that report.

65 Power of Minister to require information relating to affairs of Board

- (1) The Board must supply to the Minister any information relating to the affairs of the Board that the Minister requests.
- (2) However, a request may be refused if—
 - (a) withholding the information is necessary to protect the privacy of any person (including a deceased person); or

- (b) there would, under the Official Information Act 1982, be good reason for withholding the information if—
 - (i) the request had been made under section 12 of that Act and section 9(2)(a) of that Act applied; and
 - (ii) the need to protect the privacy of any person were not outweighed by the Minister’s need to have the information in order to discharge the Minister’s ministerial duties; or
- (c) the information relates to a particular matter in respect of which the Board or any person appointed or employed by the Board is required to act judicially.

66 Financial year of Board

The financial year of the Board ends on 30 June or on any other date determined by the Minister.

Rules relating to registered architects

67 Board must make rules relating to registered architects

- (1) The Board must make, and from 1 July 2006 always have, rules containing the following minimum standards (**registered architects standards**):
 - (a) minimum standards of competence (including standards relating to knowledge and skills) that must be met; and
 - (b) minimum standards for demonstrating current competence that must be met for continued registration, and for the frequency at which assessments of current competence must be carried out; and
 - (c) a code of minimum standards of ethical conduct for registered architects.
- (2) The Board must also make, and from 1 July 2006 always have, rules that govern all of the following matters:

Title of registered architect

- (a) the form of words, initials, and abbreviations that may be used to represent a person as a registered architect (without limiting any others that may be used consistently with this Act):

- (b) the form of words, initials, and abbreviations that must be used if the title “registered architect” (or words, initials, or abbreviations of that title to which section 7(1)(b) applies) or “architect” is used in representing qualifications or titles awarded by overseas agencies:

Registration of registered architects

- (c) the information that must be provided by an applicant for registration, and the way in which this information must be evaluated and decisions on the information must be made and implemented:
- (d) the period for which a certificate of registration is to be issued:
- (e) the information that must be provided by a registered architect to demonstrate his or her current competence, and the way in which this information must be evaluated and decisions on the information must be made and implemented:
- (f) the way in which a proposed cancellation or suspension of registration (that does not relate to a disciplinary matter) is to be considered, decided on, and implemented, and any minimum and maximum periods for suspension:
- (g) any additional matters that may be recorded on the register and the process for amending the register:
- (h) the charges payable in relation to registration, renewal of registration, and the issue of a certificate of registration, which charges must be reasonable and for the purposes only of recovering the costs of the performance of the functions of the Board under this Act:

Disciplining of registered architects

- (i) the information that must be provided by complainants, and the way in which this information must be evaluated and decisions on whether or not to proceed with the complaint must be made and implemented:
- (j) an investigating committee to investigate complaints about, and inquire into the conduct of, registered architects and former registered architects, and the powers and procedures of that committee under this Act:

- (k) a disciplinary committee to hear complaints and matters referred to it by the investigating committee, and the powers and procedures of that committee under this Act;
 - (l) the way in which a disciplinary matter must be considered and decided on, and the way in which decisions on that matter must be implemented:
Rule-making procedures
 - (m) the making, amendment, and revocation of rules, including the requirements for consultation with persons affected by the rules in the preparation of those proposed rules, amendments, or revocations.
- (3) In addition, the Board may also make any other rules that—
- (a) are necessary or desirable to govern the practice and procedure of the Board's functions under this Act; or
 - (b) the Board considers to be desirable in the interests of natural justice.
- (4) The rules must be consistent with this Act.
Compare: 2002 No 17 s 39

68 Particular requirements for preparation and approval of rules

In preparing a rule, the Board must—

- (a) ensure that the proposed rule is consistent with the purposes of this Act; 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; and
- (c) take into account international best practice and New Zealand's international obligations.

Compare: 2002 No 17 s 40

69 Rules must be approved by Minister

- (1) The Board must not make a rule unless the proposed rule has been approved by the Minister under this section.
- (2) The Minister must, as soon as practicable after receiving a rule for approval, by notice in writing to the Board,—

- (a) approve it; or
 - (b) decline to approve it.
- (3) The Minister must not approve a rule unless the Minister is satisfied that the rule is consistent with the rules that apply to other related building occupations.

70 Revision of rules

If the Minister declines to approve a rule,—

- (a) the Minister must indicate the grounds on which he or she declines to approve it; and
- (b) the Minister must direct the Board to prepare and submit a revised rule; and
- (c) the Board must submit a revised rule to the Minister not later than 15 working days after the date on which approval was declined or any later date that the Minister in any case may allow.

71 Approval of revised rule

- (1) As soon as practicable after receiving a revised rule, the Minister must—
- (a) approve the rule by written notice to the Board; or
 - (b) if the Minister considers that the revised rule requires further amendment,—
 - (i) make any amendments to the rule that the Minister considers necessary; and
 - (ii) approve the rule (as amended) by written notice to the Board, which notice must be accompanied by a copy of the rule as approved.
- (2) Before making any amendments to a rule under this section, the Minister must—
- (a) advise the Board of the Minister's intention to do so; and
 - (b) give the Board a reasonable opportunity to make submissions on the matter; and
 - (c) consider those submissions.
- (3) The Minister must comply with section 69(3) before approving a rule under this section.

72 Review of rules

- (1) If the Minister considers that it is necessary to do so for the purposes of ensuring consistency with any relevant legislation, the Minister may require the Board to review and resubmit for approval 1 or more of the rules made under this Act.
- (2) Sections 68 to 71 apply to the review of and resubmission for approval of rules under subsection (1).

73 Requirements relating to amendments and revocations

The requirements of sections 68 to 71 that apply to making a rule containing a registered architects standard apply also to any amendment or revocation of that rule.

74 Application of Regulations (Disallowance) Act 1989 and Acts and Regulations Publication Act 1989 to rules

The rules are regulations for the purposes of the Regulations (Disallowance) Act 1989 and the Acts and Regulations Publication Act 1989.

Part 4**Miscellaneous provisions***Miscellaneous***75 Certificate of Board to be conclusive evidence**

A certificate as to any of the following matters, given in writing by any person authorised by the Board in writing to provide certificates of that type, is conclusive evidence of that matter, in the absence of proof to the contrary:

- (a) as to whether or not a person is registered at any time:
- (b) as to whether or not a person holds a current certificate of registration at any time:
- (c) as to any entry in the register:
- (d) as to any act or proceeding of the Board or of any committee of the Board.

76 Payment and application of charges, fines, and other money

- (1) All charges, fines, and other money payable by a person under this Act—

- (a) are payable to the Board:
 - (b) are recoverable as a debt due to the Board from that person, whether or not he or she remains a registered architect:
 - (c) may be applied by the Board as it considers appropriate in the performance of its functions and duties, and the exercise of its powers, under this Act.
- (2) For the purposes of this section, **fine** does not include a fine imposed in respect of the commission of an offence against a provision of this Act.

77 Regulations

The Governor-General may, by Order in Council on the recommendation of the Minister given after consultation with the Board, make regulations providing for any matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

Transitional and consequential provisions: Outline

78 Outline of transitional and consequential provisions

- (1) The general scheme and effect of the transitional and consequential provisions is as follows:
- (a) the Board is established on 1 July 2005:
 - (b) between 1 July 2005 and 1 July 2006, the rules must be made:
 - (c) on 1 July 2006,—
 - (i) the rest of this Act comes into force; and
 - (ii) the Architects Act 1963 is repealed; and
 - (iii) people who, at that date, are registered under the Architects Act 1963 (**existing architects**) are deemed to be registered as registered architects under this Act until, at the latest, 30 June 2007:
 - (d) between 1 July 2006 and 30 June 2007,—
 - (i) persons may be registered as registered architects under this Act and are subject to this Act in full; and
 - (ii) existing architects are subject to this Act in full, and must apply for registration under this Act

at some point before the end of that period, if they wish to continue as registered architects after 30 June 2007:

- (e) on 30 June 2007, the transitional period ends.
- (2) This section is a guide only to the general scheme and effect of these provisions.

Transitional provisions relating to existing architects

79 Persons entitled to retain registration until 30 June 2007

- (1) Every person who is registered under the Architects Act 1963 immediately before 1 July 2006 is deemed to be registered as a registered architect under this Act until the earlier of the following:
 - (a) 30 June 2007; or
 - (b) that person's registration is cancelled under this Act; or
 - (c) that person's current annual practising certificate issued under section 55 of the Architects Act 1963 expires in accordance with section 80(b).
- (2) On and after 1 July 2006, this Act, including section 13 (which entitles the Board to suspend or cancel registration for failure to meet minimum standards for registration), applies in full to every person who is deemed to be registered under subsection (1).

80 Annual practising certificates issued under Architects Act 1963 to continue in full force

Every current annual practising certificate issued under section 55 of the Architects Act 1963 to any person who, immediately before 1 July 2006, was registered as an architect under that Act—

- (a) is deemed to be a certificate of registration issued to that person under section 10; and
- (b) continues in full force and effect until the earlier of the following:
 - (i) 30 June 2007; or
 - (ii) it is cancelled under this Act; or

- (iii) the date when it would have expired under the Architects Act 1963.

*Transitional and consequential provisions
relating to establishment of Board*

81 Architects Education and Registration Board to pay start-up amount to Board

The Architects Education and Registration Board must pay to the Board an amount agreed between the Minister, the Board, and the Architects Education and Registration Board as soon as practicable after 1 July 2005.

82 Related amendments to other Acts

- (1) *Amendment(s) incorporated in the Act(s).*
(2) *Amendment(s) incorporated in the Act(s).*

Other transitional and consequential provisions

83 Related amendment to Privacy Act 1993

Amendment(s) incorporated in the Act(s).

84 Dissolution of Architects Education and Registration Board

On 1 July 2006,—

- (a) the Architects Education and Registration Board is dissolved; and
(b) all property of any nature belonging to the Architects Education and Registration Board is vested in the Board, subject to all liabilities, charges, obligations, or trusts affecting the property; and
(c) all money payable to the Architects Education and Registration Board is payable to the Board; and
(d) all liabilities and obligations of any nature (other than under contracts of employment), and all rights and authorities of any nature, of the Architects Education and Registration Board are the liabilities, obligations, rights, and authorities of the Board.

85 Repeal of Architects Act 1963

On 1 July 2006,—

- (a) the Architects Act 1963 is repealed:
- (b) the Architects Regulations 2002 (SR 2002/398) are revoked:
- (c) *Amendment(s) incorporated in the Act(s).*

86 Existing matters and existing proceedings

- (1) Despite section 85, the Architects Act 1963 continues to apply in respect of any matters that were commenced, but not completed, under it before its repeal.
- (2) However, any court action or disciplinary or other proceeding that was commenced under the Architects Act 1963 before its repeal must be continued under this Act, but on the basis that no order may be made, or action taken, at the end of the action or proceeding unless the same could have been made or taken under the Architects Act 1963, or the relevant person who was registered as an architect under that Act agrees.

87 Securities Act 1978 amended

Amendment(s) incorporated in the Act(s).

Schedule

s 54

**Further provisions applying to Board and
its members**

Appointment, term, resignation, and removal
of members

1 Method of appointment

- (1) The Governor-General appoints a member by sending written notice to the member (with a copy to the Board).
- (2) The notice of appointment must—
 - (a) state the date on which the appointment takes effect; and
 - (b) be given only after the person to be appointed has consented in writing to being a member, certified in writing that he or she is not disqualified from being a member, and disclosed to the Minister all interests that the person would, if he or she were a member, have to disclose under clauses 13 to 16 at the time of the certificate.

2 Restrictions on persons who may be members

The following persons are disqualified from being members:

- (a) a person who is an undischarged bankrupt;
- (b) a person who is prohibited from being a member or promoter of, or being concerned or taking part in the management of, a company under section 382, section 383, or section 385 of the Companies Act 1993;
- (c) a person who is subject to a property order made under section 10, section 11, section 12, section 30, or section 31 of the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act;
- (d) a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon or served the sentence or otherwise suffered the penalty imposed on the person;
- (e) a person who has failed to disclose interests under clause 1(2);
- (f) a person who is not a natural person.

3 Term of appointment

- (1) A member—
- (a) holds office for 5 years or any shorter period stated in the notice of appointment; and
 - (b) may be reappointed; and
 - (c) continues in office despite the expiry of his or her term of office until—
 - (i) the member is reappointed; or
 - (ii) the member's successor is appointed; or
 - (iii) the Governor-General informs the member by written notice (with a copy to the Board) that the member is not to be reappointed and no successor is to be appointed.
- (2) This clause is subject to clause 8.

4 Concurrent offices

A person appointed as a member may hold that office concurrently with any other office.

5 Validity of acts

The acts of a person as a member are valid even if—

- (a) the person's appointment was defective; or
- (b) the person is not qualified for appointment.

6 Resignation

- (1) A member may resign from office by written notice to the Minister (with a copy to the Board) signed by the member.
- (2) The resignation is effective on receipt by the Minister of the notice or at any later time specified in the notice.

7 Removal from office

- (1) The Governor-General may, on the advice of the Minister given after consultation with the Attorney-General, remove a member from office by written notice to the member (with a copy to the Board) at any time for any of the following reasons proved to the satisfaction of the Governor-General:
- (a) breach of the member's duties or the Board's collective duties under this schedule; or

- (b) failure or inability to perform, or inadequate performance of, the member's duties and responsibilities as a member; or
 - (c) misconduct by the member; or
 - (d) any other just cause.
- (2) Before giving advice to the Governor-General, the Minister must give the member a reasonable opportunity to make written submissions or be heard on the proposal to remove him or her.
- (3) The notice of removal must state the reason for the removal.
- (4) A member is not entitled to any compensation or other payment or benefit relating to his or her removal from office.

8 Members ceasing to hold office

A member ceases to hold office if he or she—

- (a) resigns in accordance with clause 6; or
- (b) is removed from office in accordance with clause 7 or any other enactment; or
- (c) becomes disqualified from being a member under clause 2; or
- (d) otherwise ceases to hold office in accordance with any enactment.

Duties of members

9 Members accountable to Minister

- (1) A member is accountable to the Minister for performing his or her duties and responsibilities as a member.
- (2) If the Board breaches any of its duties under clause 11,—
- (a) each member of the Board is accountable to the Minister for the breach; and
 - (b) that breach justifies all or any of the members being removed from office.
- (3) The duties of members and the Board under this schedule are duties owed only to the Minister (in the case of duties under clause 11) and only to the Minister and the Board (in the case of all other duties), and do not provide any ground of action for any other person.

10 Duties of members

A member, when acting as a member, must act—

- (a) in good faith; and
- (b) with reasonable care, diligence, and skill; and
- (c) with honesty and integrity; and
- (d) in accordance with any statement of expectations as to standards of good conduct for members of statutory bodies issued by 1 or more Ministers of the Crown that applies to statutory bodies (or classes of them) generally.

11 Collective duties of Board

The Board must—

- (a) not contravene, or cause any subsidiary of the Board to contravene, this Act; and
- (b) ensure that the Board, and endeavour to ensure that any subsidiary of the Board, acts in a manner consistent with the objectives and functions of the Board, and with the Board's current statement of intent; and
- (c) ensure that the Board, and endeavour to ensure that any subsidiary of the Board, performs its functions efficiently and effectively and in a manner consistent with the spirit of service to the public; and
- (d) ensure that the Board, and endeavour to ensure that any subsidiary of the Board, operates in a financially responsible manner and, for this purpose, endeavour to ensure that it—
 - (i) maintains its long-term financial viability; and
 - (ii) covers all of its annual costs from its net annual income; and
 - (iii) acts as a successful going concern; and
 - (iv) prudently manages its assets and liabilities.

12 When members may rely on certain information and advice

- (1) A member, when acting as a member, may rely on reports, statements, financial data, and other information prepared or supplied, and on professional or expert advice given, by any of the following persons:

- (a) an employee of the Board whom the member believes on reasonable grounds to be reliable and competent in relation to the matters concerned;
 - (b) a professional adviser or expert in relation to matters that the member believes on reasonable grounds to be within the person's professional or expert competence;
 - (c) any other member or committee of the Board upon which the member did not serve in relation to matters within the member's or committee's designated authority.
- (2) A member, when acting as a member, may rely on reports, statements, financial data, and other information supplied by the Minister.
- (3) Subclauses (1) and (2) apply to a member only if the member—
- (a) acts in good faith; and
 - (b) makes proper inquiry if the need for inquiry is indicated by the circumstances; and
 - (c) has no knowledge that the reliance is unwarranted.

Disclosure of interests of members in matters of Board

13 Meaning of interested

- (1) A member is **interested** in a transaction of, or other matter relating to, the Board if, and only if, the member—
- (a) is a party to, or will or may derive a material financial benefit from, the transaction or matter; or
 - (b) has a material financial interest in another party to the transaction or a person 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 transaction or matter; or
 - (d) is the parent, child, or spouse of another party to, or a person who will or may derive a material financial benefit from, the transaction or matter; or
 - (e) is otherwise directly or indirectly materially interested in the transaction or matter.

- (2) However, a member is not interested in a transaction or other matter merely because he or she is a member of a professional architecture body.

14 Obligation to disclose interest

A member who is interested in a transaction or proposed transaction of, or other matter relating to, the Board must disclose the nature of the interest in accordance with clause 15 as soon as practicable after the member becomes aware that he or she is interested.

15 Method of disclosure of interest

- (1) If clause 14 applies, the member must disclose the details listed in subclause (2) in an interests register and to—
- (a) the chairperson or, if there is no chairperson, the deputy chairperson; or
 - (b) if the member concerned is the chairperson or the positions of the chairperson and deputy chairperson are vacant, the Minister.
- (2) The details are—
- (a) the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or
 - (b) the nature and extent of the interest (if the monetary value cannot be quantified).

16 Consequences of interest

A member who is interested in a transaction or proposed transaction of, or other matter relating to, the Board—

- (a) must not vote or take part in any deliberation or decision of the Board or any Board committee relating to the matter; and
- (b) must be disregarded for the purpose of forming a quorum for that part of a meeting of the Board or Board committee during which a deliberation or decision relating to the matter occurs or is made.

Confidentiality of information

17 Confidentiality of information

- (1) A member who has information in his or her capacity as a member that would not otherwise be available to him or her must not disclose that information to any person, or make use of, or act on, that information, except—
- (a) for the purposes of the Board; or
 - (b) as required or permitted by law; or
 - (c) in accordance with subclause (2); or
 - (d) in complying with clauses 14 and 15.
- (2) A member may disclose, make use of, or act on the information if—
- (a) the member is first authorised to do so by the Board; and
 - (b) the disclosure, use, or act in question will not, or will not be likely to, prejudice the Board.

Liability of Board and others

18 Liability of Board and others

Neither the Board nor a member, employee, or agent of the Board is liable for any act or omission done, in good faith, in the pursuance or intended pursuance and exercise of the functions and powers of the Board.

Members' remuneration and allowances

19 Members' remuneration and allowances

A member is entitled to receive, from the funds of the Board, remuneration and allowances for services as a member in accordance with the framework determined by the Government from time to time for the classification and remuneration of members of statutory and other bodies.

Chairperson and deputy chairperson

20 Appointment

- (1) The Minister may appoint a member as the chairperson of the Board by written notice to the member (with a copy to the Board).

- (2) The Minister may appoint another member as deputy chairperson of the Board by written notice to the member (with a copy to the Board).
- (3) The notice of appointment must state the date on which the appointment takes effect.

21 Term of appointment

The chairperson and the deputy chairperson each holds that office from the date stated in the notice of appointment until he or she—

- (a) resigns from that office; or
- (b) is removed from it by the Minister; or
- (c) ceases to hold office as a member.

22 Resignation

- (1) A chairperson or deputy chairperson may, without resigning as a member, resign from that office by written notice to the Minister (with a copy to the Board).
- (2) The notice of resignation must state the date on which the resignation takes effect.

23 Removal

- (1) The Minister may remove a chairperson or deputy chairperson from that office by written notice to the person (with a copy to the Board).
- (2) The notice of removal must state the date on which the removal takes effect.

24 Exercise of chairperson's functions, duties, and powers during vacancy

If there is no chairperson or, for any reason, the chairperson is unable to perform his or her functions, duties, and powers as chairperson, the deputy chairperson has all the functions, duties, and powers of the chairperson.

Procedures of Board

25 Procedure generally

Except as otherwise provided in this Act, the members may regulate their own procedure.

26 Dates, times, and places of meetings

- (1) The Board or the chairperson must appoint the dates, times, and places for meetings of the Board, and give notice of those meetings to each member not present when the appointment is made.
- (2) The chairperson or any 2 members may call a special meeting of the Board by giving at least 7 days' notice of the special meeting, and of the business to be transacted at the meeting, to each member for the time being in New Zealand.
- (3) No business other than that specified in a notice of special meeting may be transacted at a special meeting.

27 Requirements as to notice of meetings

Notice of a meeting—

- (a) must be written, and state the date, time, and place of the meeting; and
- (b) may be given by post, delivery, or electronic transmission; and
- (c) must be sent to the member's last known address in New Zealand.

28 Methods of holding meetings

A meeting of the Board may be held—

- (a) by a number of the members who constitute a quorum being assembled together at the date, time, and place appointed for the meeting; or
- (b) by means of audio, audio and visual, or electronic communication by which all members participating and constituting a quorum can simultaneously communicate with each other throughout the meeting.

29 Quorum

- (1) A quorum for a meeting of the members is—

- (a) half the number of members (if the Board has an even number of members) or a majority of the members (if the Board has an odd number of members); but
 - (b) in any case, not fewer than 3 members.
- (2) No business may be transacted at a meeting of the Board if a quorum is not present.

30 Presiding at meetings

- (1) At a meeting of the Board, the following person presides:
 - (a) if there is a chairperson and he or she is present, the chairperson; or
 - (b) if there is no chairperson or he or she is not present, the deputy chairperson; or
 - (c) in any other case, a member chosen by the members present to be chairperson of the meeting.
- (2) The elected person may exercise all the powers, duties, and functions of the chairperson for the purposes of the meeting.

31 Voting at meetings

- (1) Each member has 1 vote.
- (2) A resolution of the Board is passed if it is agreed to by all members present without dissent or if a majority of the votes cast on it are in favour of it.
- (3) A member present at a meeting of the Board is presumed to have agreed to, and to have voted in favour of, a resolution of the Board unless he or she expressly dissents from, or votes against, the resolution at the meeting.

32 Unanimous written resolutions

- (1) A resolution signed or assented to in writing (whether sent by post, delivery, or electronic transmission) by all members is as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.
- (2) The resolution may consist of several documents containing the same resolution, each signed or assented to in writing by 1 or more members.

Delegation

33 Ability to delegate

- (1) The Board may, by resolution and written notice to a member, to an employee, to a committee of the Board, or to any other person or persons, delegate (either generally or specifically) any of the functions, duties, and powers of the Board to that member, employee, committee, or person or persons.
- (2) However, the Board may not delegate its power to make a decision under section 10, section 13, or section 26.

34 Effect of delegation

- (1) If any functions, duties, or powers are delegated under clause 33, the delegate—
 - (a) may, unless the delegation provides otherwise, perform the function or duty, or exercise the power, in the same manner, subject to the same restrictions and duties, and with the same effect as if the delegate were the Board; and
 - (b) may delegate the function, duty, or power only if approved by the Minister.
- (2) A delegate who purports to perform a function or duty, or exercise a power, under a delegation is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation.
- (3) A delegation under clause 33—
 - (a) may be revoked at will by resolution of the Board and written notice to the delegate; but
 - (b) does not prevent the Board from performing the function or duty, or exercising the power.

Method of contracting

35 Method of contracting

- (1) A contract or other enforceable obligation may be entered into by the Board as provided in subclauses (2) to (4).
- (2) An obligation that, if entered into by an individual, is required to be by deed may be entered into on behalf of the Board in writing, signed under the name of the Board, by—
 - (a) 2 or more of its members; or

- (b) 1 or more attorneys appointed by the Board in accordance with clause 36.
- (3) An obligation that, if entered into by an individual, is required to be in writing may be entered into on behalf of the Board in writing by a person acting under the Board's express or implied authority.
- (4) An obligation that, if entered into by an individual, is not required to be in writing may be entered into on behalf of the Board in writing or orally by a person acting under the Board's express or implied authority.
- (5) This clause applies to a contract or other obligation—
 - (a) whether or not that obligation was entered into in New Zealand; and
 - (b) whether or not the law governing that obligation is the law of New Zealand.

36 Attorneys

- (1) The Board may, by an instrument in writing executed in accordance with clause 35(2), appoint a person as its attorney either generally or in relation to a specified matter.
- (2) An act of the attorney in accordance with the instrument binds the Board.

37 Presumptions and saving of certain transactions

- (1) The validity or enforceability of any deed, agreement, right, or obligation entered into, or incurred, by the Board is not affected by a failure of the Board to comply with any provision of this Act.
- (2) A person purporting to execute any documentation on behalf of the Board under any authority is, in the absence of proof to the contrary, presumed to be acting in accordance with that authority.

Employees

38 Board to be good employer

- (1) The Board must, if it employs employees,—
 - (a) operate a personnel policy that complies with the principle of being a good employer; and

- (b) report on its compliance with that policy (including its equal employment opportunities programme) in its annual report.
- (2) For the purposes of this section, a **good employer** is an employer who operates a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provisions requiring—
 - (a) good and safe working conditions; and
 - (b) an equal employment opportunities programme; and
 - (c) the impartial selection of suitably qualified persons for appointment; and
 - (d) recognition of—
 - (i) the aims and aspirations of Māori; and
 - (ii) the employment requirements of Māori; and
 - (iii) the need for involvement of Māori as employees of the Board; and
 - (e) opportunities for the enhancement of the abilities of individual employees; and
 - (f) recognition of the aims and aspirations, and the cultural differences, of ethnic or minority groups; and
 - (g) recognition of the employment requirements of women; and
 - (h) recognition of the employment requirements of persons with disabilities.
- (3) For the purposes of this section, an **equal employment opportunities programme** means a programme that is aimed at the identification and elimination of all aspects of policies, procedures, and other institutional barriers that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any persons or group of persons.

39 Application of Acts to members and employees

No person is, by reason only of that person's appointment as a member of, or employment by, the Board, deemed to be employed in the State services for the purposes of the State Sector Act 1988 or in the Government service for the purposes of the Government Superannuation Fund Act 1956.

Financial provisions

40 Funds of Board

The funds of the Board consist of—

- (a) all funds received by the Board under this Act; and
- (b) all accumulations of income derived from that money.

41 Bank accounts

- (1) The Board must establish, maintain, and operate 1 or more bank accounts at 1 or more registered banks (within the meaning of the Reserve Bank of New Zealand Act 1989).
- (2) All money received by the Board must be paid into that bank account or 1 of those bank accounts as soon as practicable after it has been received.
- (3) The Board must properly authorise the withdrawal or payment of money from any of its bank accounts.

42 Investment of money

Any money that belongs to the Board and that is not immediately required may be invested subject to the restrictions in section 161 of the Crown Entities Act 2004 (applied as if the Board were a Crown entity).

43 Board not to borrow without consent of Minister of Finance

The Board must not borrow from any person, or amend the terms of any borrowing, without the prior written approval of the Minister of Finance.

44 Auditor-General to be auditor of Board

The Board is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Subsidiaries

45 Subsidiaries

The Board must not form, or acquire shares in, any body corporate except as approved by the Minister.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 *General***

This is a reprint of the Registered Architects Act 2005. The reprint incorporates all the amendments to the Act as at 21 April 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

**Reprint
as at 12 March 2010**



Registered Architects Rules 2006

(SR 2006/161)

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

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

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

Registered Architects Rules 2006

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12 March 2010

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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 applicable charge for application for initial registration as set out in Schedule 2; and
 - (e) if the applicant’s academic or other relevant qualifications or work history and practical experience are not of a kind recognised by the Board, be accompanied by the 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.

Rule 8(2)(d): amended, on 12 March 2010, by rule 4(1) of the Registered Architects Amendment Rules 2010 (SR 2010/52).

Rule 8(2)(e): substituted, on 12 March 2010, by rule 4(2) of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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
 - (iia) previous registration as a registered architect or as an architect in New Zealand under the Act or the Architects Act 1963; 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.

Rule 9(a)(iia): inserted, on 12 March 2010, by rule 5 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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 or work history and practical experience are not of a kind recognised by the Board, carry out an equivalency assessment, which may include an interactive assessment with the applicant by any meeting method; 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.

Rule 13(1)(b): substituted, on 12 March 2010, by rule 6 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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 applicable charge for the issue of a certificate of registration set out in Schedule 2; and
 - (c) *[Revoked]*
 - (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.

Rule 15(1)(b)(iii): amended, on 12 March 2010, by rule 7(1) of the Registered Architects Amendment Rules 2010 (SR 2010/52).

Rule 15(1)(c): revoked, on 12 March 2010, by rule 7(2) of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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 applicable charge for the issue of a certificate of registration set out in Schedule 2.

Rule 17: amended, on 12 March 2010, by rule 8 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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

- (1) Certificates of registration are issued for a year, or part of a year, that—
 - (a) begins on 1 July in a particular year or, if the applicant is not currently registered on 1 July of that year, the applicant's registration date under subclause (2); and
 - (b) ends on 30 June in the following year.
- (2) The **applicant's registration date** is the date on which the person is registered under section 8 of the Act or on which the applicant's registration is revived after a period of suspension.

Rule 19: substituted, on 12 March 2010, by rule 9 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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 to the extent that the Board does not already hold it:
 - (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 candidate must provide all information in writing.

Rule 24(2): amended, on 12 March 2010, by rule 10(1) of the Registered Architects Amendment Rules 2010 (SR 2010/52).

Rule 24(3): amended, on 12 March 2010, by rule 10(2) of the Registered Architects Amendment Rules 2010 (SR 2010/52).

24A Charges for assessment for continued registration

The applicable charge or charges for assessment for continued registration set out in Schedule 2 are payable by the candidate.

Rule 24A: inserted, on 12 March 2010, by rule 11 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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

25AAA Assessment without evaluation panel

- (1) If the Board is satisfied, on the basis of the information provided under rule 24 and the information described in rule 24 that it holds, that the candidate has demonstrated that he or she meets the minimum standard for continued registration, the Board must decide to renew the candidate's registration.
- (2) If the Board assesses a candidate as meeting the minimum standard for continued registration under subclause (1), rules 25 to 29 do not apply.

Rule 25AAA: inserted, on 12 March 2010, by rule 12 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

25 Evaluation of continued registration by evaluation panel

- (1) This rule and rules 26 to 29 apply if for any reason the Board is not satisfied in accordance with rule 25AAA that a candidate has demonstrated that he or she meets the minimum standard for continued registration.
- (2) If this rule applies, an evaluation panel must evaluate the candidate to assess whether the candidate has demonstrated that he or she meets the minimum standard for continued registration.

Rule 25: substituted, on 12 March 2010, by rule 13 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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) if the panel considers it necessary, carry out an interactive assessment with the candidate by any meeting method; and
 - (d) evaluate the information provided and the results of any interactive assessment.
- (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.

Rule 26(1)(c): substituted, on 12 March 2010, by rule 14 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

Rule 26(1)(d): added, on 12 March 2010, by rule 14 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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 decision under rule 25AAA or 27 and the reasons for that decision; and
 - (b) if the decision is, under rule 25AAA or 27, to renew the candidate's registration, inform the candidate of the next date for assessment for continued registration; and
 - (c) if the decision is, under rule 27, 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.

Rule 30(1): substituted, on 12 March 2010, by rule 15 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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.
- (c) *[Revoked]*

Rule 41(b): amended, on 12 March 2010, by rule 16(1) of the Registered Architects Amendment Rules 2010 (SR 2010/52).

Rule 41(c): revoked, on 12 March 2010, by rule 16(2) of the Registered Architects Amendment Rules 2010 (SR 2010/52).

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 investi-

gating 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.

Schedule 1

rr 8, 24

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

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Schedule 2

- (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.

Schedule 2

rr 8, 15, 17, 24A, 35

Charges for services

Schedule 2: substituted, on 12 March 2010, by rule 17 of the Registered Architects Amendment Rules 2010 (SR 2010/52).

Initial registration

Charge	Amount (incl GST) (\$)
Application for initial registration, if there is an interactive assessment	2036.25
Application for initial registration, if there is no interactive assessment	618.75
Application for initial registration, if the applicant was previously registered as a registered architect or as an architect under the Act or the Architects Act 1963	618.75
Equivalency assessment	1687.50
Equivalency assessment, if there is no interactive assessment	506.25

Certificates of registration

Charge	Amount (incl GST) (\$)
Certificate of registration issued for a period of 1 year, or a period less than 1 year but greater than 6 months	551.25
Certificate of registration issued for a period of 6 months or less	275.62

Registered Architects Rules 2006Reprinted as at
12 March 2010*Continued registration*

Charge	Amount (incl GST) (\$)
Assessment for continued registration in accordance with rules 25 to 29 if there is no interactive assessment	112.50
Interactive assessment under rule 26	506.25

*Review of registration assessment
procedures*

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

Dated at Wellington this 23rd day of June 2006.

R Pynenburg,
Chairperson.Deborah Cranko,
Deputy Chairperson.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 29 June 2006.

Contents

- 1 General
 - 2 Status of reprints
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Notes**1 General**

This is a reprint of the Registered Architects Rules 2006. The reprint incorporates all the amendments to the rules as at 12 March 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Registered Architects Amendment Rules 2010 (SR 2010/52)

Registered Architects Amendment Rules 2007 (SR 2007/144)
