

**Reprint
as at 1 January 2018**



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 subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These rules are administered by the Ministry of Business, Innovation, and Employment.

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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

building code has the meaning given by section 7 of the Building Act 2004

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

competency assessment reviewer means a competency assessment reviewer 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

practice area means an architect's area of practice, as determined by the nature of his or her day-to-day professional architectural activities

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
- (ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; 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.

Rule 3(1) **building code**: inserted, on 1 July 2015, by rule 4(2) of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 3(1) **complaints officer**: revoked, on 29 May 2015, by rule 4(1) of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 3(1) **disciplinary committee**: revoked, on 29 May 2015, by rule 4(1) of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 3(1) **practice area**: inserted, on 1 July 2015, by rule 4(2) of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 3(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Rule 3A: inserted, on 29 May 2015, by rule 5 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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

[Revoked]

Rule 6: revoked, on 1 July 2015, by rule 6 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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 practise 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 sub-clause (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) demonstrate an ability to apply the accepted principles referred to in paragraph (a) through the exercise of knowledge, imagination, judgement, collaboration, and professional responsibility; and
 - (c) demonstrate a sound understanding of the stages and processes of an architectural commission, including—
 - (i) project establishment; and
 - (ii) the design stages; and
 - (iii) detailed design and documentation; and
 - (iv) contractor procurement; and
 - (v) administration and observation of contract work; and
 - (d) demonstrate an ability to realise a complex architectural project based on knowledge and appropriate professional experience; and
 - (e) understand the risks and responsibilities of establishing and maintaining an architectural practice; and
 - (f) conduct his or her practice of architecture to an ethical standard at least equivalent to the code of ethical conduct; and
 - (g) understand and comply with the applicable New Zealand statutory and regulatory requirements, including the building code.

Rule 7(1): amended, on 1 July 2015, by rule 7(1) of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 7(2): replaced, on 1 July 2015, by rule 7(2) of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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

- (1) To meet the minimum standard for continued registration, a person who is currently registered must demonstrate that—
 - (a) he or she is able to practise competently in his or her practice area to the standard of a registered architect; 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.

- (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):
- (a) within his or her practice area, each of the matters in rule 7(2)(a), (b), (f), and (g); and
 - (b) demonstrate the ability to distinguish between—
 - (i) those aspects of the architectural process where he or she has sufficient skills, knowledge, and experience to practise; and
 - (ii) those aspects where, in order to practise, he or she would need the input of colleagues with the required skills, knowledge, and experience or need to first gain the additional skills, knowledge, and experience required.

Rule 21(1)(a): replaced, on 1 July 2015, by rule 8(1) of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 21(2): inserted, on 1 July 2015, by rule 8(2) of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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

[Revoked]

Rule 24A: revoked, on 1 January 2018, by rule 4 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

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

25AAA Assessment without evaluation panel

[Revoked]

Rule 25AAA: revoked, on 22 May 2013, by rule 4 of the Registered Architects Amendment Rules 2013 (SR 2013/150).

25 Evaluation of continued registration by evaluation panel

(1) *[Revoked]*

- (2) 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).

Rule 25(1): revoked, on 22 May 2013, by rule 5(1) of the Registered Architects Amendment Rules 2013 (SR 2013/150).

Rule 25(2): amended, on 22 May 2013, by rule 5(2) of the Registered Architects Amendment Rules 2013 (SR 2013/150).

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 27 and the reasons for that decision; and
 - (b) if the decision is, under rule 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).

Rule 30(1)(a): amended, on 22 May 2013, by rule 6(1) of the Registered Architects Amendment Rules 2013 (SR 2013/150).

Rule 30(1)(b): amended, on 22 May 2013, by rule 6(2) of the Registered Architects Amendment Rules 2013 (SR 2013/150).

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

Part 3: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

Standards related to the public

[Revoked]

Heading: revoked, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

46 Uphold the law

A registered architect must abide by the laws and professional codes of ethics and conduct in force in the countries and jurisdictions in which the architect performs professional activities.

Rule 46: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

47 Honesty and fairness

A registered architect must perform the architect's professional activities with both—

- (a) honesty; and
- (b) fairness.

Rule 47: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

Standards related to client

[Revoked]

Heading: revoked, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

48 Professional judgement

A registered architect must exercise unprejudiced and unbiased professional judgement.

Rule 48: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

49 Skill, care, and diligence

- (1) A registered architect must perform the architect's professional activities with reasonable skill, care, and diligence.
- (2) A registered architect who becomes aware that the architect's professional advice has not been followed, and considers that a failure to follow that advice may lead to significant harm, damage, or financial loss, must advise the recipient of the advice of the potential consequences.

Rule 49: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

50 Obligations to report on risk

If a registered architect has reasonable grounds to believe that an architectural matter with which the architect is professionally involved could put the safety of any person at risk, the architect must bring the matter to the attention of the appropriate person or authority.

Rule 50: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

51 Misrepresentation

A registered architect must not represent or promote the architect's capability, business, or professional services and activities in a false, fraudulent, misleading, or deceptive manner.

Rule 51: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

52 Conflicts of interest

A registered architect must—

- (a) avoid any significant conflict of interest; or
- (b) manage any significant actual or potential conflict of interest and disclose it to all relevant parties.

Rule 52: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

53 Abuse of authority

A registered architect must not abuse the architect's professional authority.

Rule 53: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

Standards related to profession

[Revoked]

Heading: revoked, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

54 Malicious criticism

A registered architect must not maliciously or in bad faith criticise or attempt to discredit another registered architect or another registered architect's practice.

Rule 54: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

Standards related to other registered architects

[Revoked]

Heading: revoked, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

55 Conflicts of professional appointment

If a registered architect, acting in the architect's own capacity or representing a practice, is approached to provide professional services in relation to a project, and the architect knows that another registered architect has a current agreement for services for that project, the architect must notify the other registered architect.

Rule 55: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

56 Remuneration and inducements

A registered architect, in respect of the architect's professional activities,—

- (a) must be remunerated solely by the fees and benefits specified in the architect's written terms of appointment or employment agreement; and
- (b) must not offer or accept any significant inducement that creates, or may create, a conflict of interest; and
- (c) must not offer any significant inducement to procure an agreement for services or gain an unfair advantage.

Rule 56: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

57 Professional reputation

A registered architect must—

- (a) build the architect's professional reputation on the merits of the architect's own performance; and
- (b) acknowledge the contributions of others to projects where those contributions are significant.

Rule 57: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

58 Competence

A registered architect must—

- (a) actively maintain the currency of the architectural knowledge and skills that are relevant to the architect's work; and
- (b) perform only architectural work for which the architect is competent, or obtain appropriate support to ensure that the work is completed to a competent standard; and
- (c) if the architect tasks others to do architectural work, ensure that their work is appropriately supervised so that the work is completed to a competent standard.

Rule 58: replaced, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

58A Terms of appointment

- (1) A registered architect must provide professional services only if—
 - (a) written terms of appointment appropriate to the commission or services to be undertaken have been provided; and
 - (b) the client, having agreed to the written terms of appointment, has provided an instruction to proceed.
- (2) The written terms of appointment must cover—
 - (a) the scope of the work; and
 - (b) the allocation of responsibilities; and
 - (c) any limitation of responsibilities; and
 - (d) fees, or any methods for calculating fees; and
 - (e) how billing will occur.

Rule 58A: inserted, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

58B Client communication

A registered architect must—

- (a) ensure that, where applicable, effective systems are in place during a commission to establish and monitor its quality, budget, cost estimates, and time line; and
- (b) advise the client in a timely manner of any significant issues that arise, or are identified, at any time during the commission.

Rule 58B: inserted, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

58C Confidentiality

A registered architect must observe the confidentiality of their clients' affairs and must not disclose confidential information without the prior consent of the client unless required by law to do so.

Rule 58C: inserted, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

58D Registration status of others

A registered architect who owns, manages, or controls a practice must ensure that nothing is done by the practice that creates, or may create, the impression that an unregistered person working for the practice is a registered architect.

Rule 58D: inserted, on 1 January 2018, by rule 5 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

Part 4

Disciplining of registered architects

Part 4: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Complaints and inquiries

Heading: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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.

Rule 59: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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) decide whether or not to refer the matter to an investigating committee in accordance with rules 61 to 64 (other than notifying the complainant under rule 64(1)(a) and (c)) as if it were a complaint; or
 - (b) if a complaint on the matter has already been made, continue to inquire into the matter even if the complaint is subsequently withdrawn.
- (3) A reference in these rules to the person complained about must be read, in the case of an inquiry, as a reference to the person who is the subject of the inquiry.
- Rule 60: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Board must consider complaint

Heading: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

61 Board must decide whether to refer complaint to investigating committee

The Board must, as soon as practicable after receiving a complaint,—

- (a) refer the complaint to an investigating committee; or
- (b) dismiss the complaint on a ground in rule 62.

Rule 61: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

62 Grounds for not referring complaint to investigating committee

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

- (a) the Board has received a prior complaint on the same subject matter and has already dealt with, or is dealing with, that prior complaint under these rules; or
- (b) the Board considers that it does not have jurisdiction to determine the complaint under the Act or these rules.

Rule 62: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

63 Way in which decision on whether to refer complaint to investigating committee must be made

The Board's decision under rule 61 must be made in the following way:

- (a) the Board must make its decision as soon as practicable after receiving a complaint; and
- (b) the Board may seek clarification from the complainant for the purpose of establishing whether either of the grounds in rule 62 for dismissing the complaint exists; and
- (c) the Board may notify the person complained about prior to making its decision (for example, if the Board is not in a position to make its decision under rule 61 promptly).

Rule 63: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

64 Board must notify and implement decision

- (1) The Board must—
 - (a) notify the complainant and the person complained about of the decision under rule 61 and the reasons for that decision; and
 - (b) if that decision is to refer the complaint to an investigating committee,—
 - (i) appoint that committee under rule 90 and refer the complaint to that committee; and
 - (ii) give the person complained about an opportunity to respond to that committee (*see* rule 65); and
 - (c) if that decision is to dismiss the complaint, notify the person complained about of the general nature of the complaint.
- (2) Subclause (1) does not require the Board to notify the person complained about if the Board considers that it has no jurisdiction to determine the complaint.

Rule 64: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

65 Board must give person complained about opportunity to respond

As soon as practicable after deciding to refer a complaint or an inquiry to an investigating committee, the Board must—

- (a) send details of the complaint or inquiry to the person complained about; and
- (b) invite him or her to make a written submission on the matter to the investigating committee within a specified period (which must be at least 20 working days); and
- (c) advise him or her that this may be the only opportunity to respond on the matter before (and if the matter proceeds to) a disciplinary hearing.

Rule 65: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Investigating committee

Heading: inserted, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

66 Investigating committee must investigate and report on complaint or inquiry

- (1) An investigating committee must, as soon as practicable after receiving a complaint or an inquiry,—
 - (a) investigate and prepare a written report on the matter; and
 - (b) provide that report to the Board.

- (2) An investigating committee may include in its report on a complaint or an inquiry a recommendation to the Board to refer the matter to a disciplinary hearing or to dismiss the matter on a ground in rule 69.

Rule 66: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

67 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 document, thing, or information that is in the possession or control of the person and that, in the opinion of the committee, is relevant to the investigation:
- (d) take copies of any documents provided to it:
- (e) receive any evidence that the committee thinks fit:
- (f) if satisfied it is in a position to do so, prepare its report on the papers:
- (g) on the application of the person complained about, extend the period of time under rule 65(b) for making a written submission (at the committee's sole discretion, to be exercised reasonably).

Rule 67: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Determination of complaint or inquiry

Heading: inserted, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

68 Board must consider report and decide whether to refer complaint or inquiry to disciplinary hearing

The Board must, as soon as practicable after receiving an investigating committee's report on a complaint or an inquiry, consider the report and—

- (a) refer the matter to a disciplinary hearing; or
- (b) dismiss the matter on a ground in rule 69.

Rule 68: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

69 Grounds for not referring complaint or inquiry to disciplinary hearing

The Board may dismiss a complaint or an inquiry without referring it to a disciplinary hearing if—

- (a) there is no applicable ground of discipline under section 25(1)(a) to (d) of the Act; or
- (ab) there is no real prospect of the Board, at a disciplinary hearing, being satisfied that there are grounds under section 25(1)(a) to (d) of the Act for disciplining the person complained about; or
- (b) the subject matter is trivial; or
- (c) the matter 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) a disciplinary hearing is no longer practicable or desirable given the time that has elapsed since the matter giving rise to the complaint or inquiry arose.

Rule 69: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 69(ab): inserted, on 15 December 2017, by rule 6 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

70 Way in which decision on whether to refer complaint or inquiry to disciplinary hearing must be made

The Board must make its decision under rule 68 as soon as practicable, but may delay making its decision until the outcome is known of any other legal proceedings that may affect its decision.

Rule 70: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

71 Board must notify and implement decision

- (1) The Board must—
 - (a) notify the complainant and the person complained about of the decision under rule 68 and the reasons for the decision; and
 - (b) send a copy of the investigating committee’s report to the complainant and the person complained about.
- (2) If the decision under rule 68 is to refer the matter to a disciplinary hearing, the Board must, as soon as practicable after that decision is made, set the date, time, and place for that hearing.

Rule 71: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

71A Board may reverse decision in certain circumstances

- (1) The Board may reverse its decision under rule 68(a) to refer a matter to a disciplinary hearing at any time before the hearing starts.

- (2) The Board may reverse its decision only if the Board is satisfied that,—
- (a) after the Board made its decision under rule 68,—
 - (i) evidence became available to the Board that was not available to it when it made its decision; or
 - (ii) circumstances relevant to the decision changed; and
 - (b) had that evidence been available, or had the new circumstances existed, at the time the Board made its decision, the Board would have been justified in dismissing the matter on a ground in rule 69 (as in force at the time of the Board's decision).

Rule 71A: inserted, on 15 December 2017, by rule 7 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

Disciplinary hearing

Heading: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

72 Board must determine complaint or inquiry referred to disciplinary hearing

The Board must, as soon as practicable after a complaint or an inquiry is referred to a disciplinary hearing, hold that hearing 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 penalty (if any) to impose under section 26 of the Act.

Rule 72: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

73 Disciplinary hearing is meeting of Board

- (1) A disciplinary hearing is a meeting of the Board for the purposes of the Act.
- (2) Subclause (1) applies whether or not the disciplinary hearing is attended by the complainant, the person complained about, or any person alleged to be aggrieved, either personally or through a representative.

Rule 73: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

74 Way in which disciplinary hearing must be conducted

- (1) Before holding a disciplinary hearing, the Board must—
 - (a) send details of the complaint or inquiry to the person complained about (at least 30 working days before the disciplinary hearing); and
 - (b) invite the person complained about 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 date, time, and place of the disciplinary hearing; and
 - (ii) the right of those persons to be heard and represented at the disciplinary hearing; and
 - (d) advise each of the persons referred to in paragraph (c) that the person must notify the Board within a specified period (which must be at least 20 working days) if the person wishes to be heard at the disciplinary hearing 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 disciplinary hearing.

Rule 74: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

75 Powers when complaint or inquiry referred to disciplinary hearing

- (1) The Board may, for the purposes of a disciplinary hearing on a complaint or an inquiry,—
- (a) make, or appoint a person to make, any preliminary inquiries it considers necessary;
 - (b) engage counsel, who may be present at the disciplinary hearing, to advise the Board on matters of law, procedure, and evidence;
 - (c) request the person complained about or the complainant to provide to the Board, within a specified period of at least 20 working days that the Board thinks fit, any document, thing, or information that is in the possession or control of the person and that in the opinion of the Board is relevant to the investigation;
 - (d) take copies of any documents provided to it;
 - (e) request the person complained about or the complainant to attend the hearing, at that person's own cost, on at least 20 working days' notice;
 - (f) receive any evidence that the Board 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;
 - (j) postpone the hearing (with reasonable notice to the complainant, the person complained about, and any person alleged to be aggrieved) until the outcome is known of any other legal proceedings that may affect the hearing.

- (2) This rule does not limit any powers or obligations of the Board under the Act or these rules.

Rule 75: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

76 Way in which Board's determination of complaint or inquiry referred to disciplinary hearing must be made

- (1) The Board's decision under rule 72(a) must be made in the following way:
- (a) the Board must first consider the investigating committee's report and the relevant facts and evidence presented at or to the disciplinary hearing; and
 - (b) 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 that decision.
- (2) If the Board's decision under rule 72(a) is to be resolved at a meeting of the Board,—
- (a) the Board must vote on the question of whether there are grounds for disciplining the person complained about under section 25 of the Act; and
 - (b) if the resolution is not passed under clause 31 of the Schedule of the Act (because a majority of the votes cast are not in favour), the complaint or inquiry must be dismissed.

Rule 76: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

77 Board must invite submission on penalty

The Board must, before making a decision under rule 72(b), invite the person complained about and the complainant to make a written submission to the Board, within a specified period (which must be at least 20 working days), setting out his or her opinion on—

- (a) any penalty under section 26 of the Act that the Board should or should not impose, and the reasons why; and
- (b) the use of the Board's power under section 26(4) of the Act to order that the person complained about must pay costs and expenses of, and incidental to, the inquiry by the Board; and
- (c) the use of the Board's power under section 26(5)(b) of the Act to publicly notify any action taken.

Rule 77: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

78 Board must notify and implement decisions

- (1) The Board must, as soon as practicable after making a decision under rule 72(a) or (b),—

- (a) notify the complainant and the person complained about of the Board's decision, the reasons for the decision, and any rights of appeal under the Act; and
 - (b) implement any part of a decision that requires actions by the Board.
- (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 person complained about of the Board's decision under rule 72(b).

Rule 78: replaced, on 29 May 2015, by rule 9 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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) *[Revoked]*
 - (e) *[Revoked]*
 - (f) investigating committees appointed under rule 90.
 - (g) *[Revoked]*
- (2) This rule does not limit clause 33 of Schedule 1 of the Act.

Rule 79(1)(d): revoked, on 29 May 2015, by rule 10 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 79(1)(e): revoked, on 29 May 2015, by rule 10 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Rule 79(1)(g): revoked, on 29 May 2015, by rule 10 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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

[Revoked]

Heading: revoked, on 29 May 2015, by rule 11 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

87 Complaints officers

[Revoked]

Rule 87: revoked, on 29 May 2015, by rule 11 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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

[Revoked]

Rule 88: revoked, on 29 May 2015, by rule 11 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

89 Chairpersons and alternate chairpersons of investigating committees and disciplinary committees

[Revoked]

Rule 89: revoked, on 29 May 2015, by rule 11 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Investigating committees

Heading: inserted, on 29 May 2015, by rule 12 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

90 Appointment of investigating committee

- (1) The Board may appoint, for a particular case or class of cases, an investigating committee consisting of 3 or more persons, of whom at least—

- (a) 1 person is a registered architect; and
 - (b) 1 person is not a registered architect (and is acting as a representative of consumer interests); and
 - (c) 2 persons are Board members; and
 - (d) 1 person is not a Board member.
- (2) The Board, in appointing a person to an investigating committee for a case or class of cases, must have regard to—
- (a) the extent of the person's experience in, and knowledge of, architecture and the building industry; and
 - (b) the extent of the person's experience in competency assessments; and
 - (c) the extent of the person's experience in hearing complaints relating to architecture or other professions; and
 - (d) any other qualifications or experience that the Board considers relevant to the case or class of cases.
- (3) In appointing a person 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 in relation to the case or class of cases.

Rule 90: replaced, on 29 May 2015, by rule 13 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

90A Procedures of investigating committee

- (1) A decision of an investigating committee is made if it is agreed to by a majority of the members of the committee.
- (2) However, if the members of an investigating committee are equally divided in opinion on whether to include a recommendation, under rule 66(2), that the Board dismiss the matter on a ground in rule 69, the decision of those members agreeing to include that recommendation is the decision of the committee.

Rule 90A: inserted, on 29 May 2015, by rule 14 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

91 Disciplinary committee

[Revoked]

Rule 91: revoked, on 29 May 2015, by rule 15 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

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.

Part 7

Transitional and savings provisions

[Revoked]

Part 7: revoked, on 29 May 2015, by rule 16 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Savings provisions relating to Registered Architects Amendment Rules 2013

[Revoked]

Heading: revoked, on 29 May 2015, by rule 16 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

95 Savings provisions relating to Registered Architects Amendment Rules 2013

[Revoked]

Rule 95: revoked, on 29 May 2015, by rule 16 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

Schedule 1AA

Transitional, savings, and related provisions

r 3A

Schedule 1AA: inserted, on 29 May 2015, by rule 17 of the Registered Architects Amendment Rules 2015 (LI 2015/124).

1 Provisions relating to Registered Architects Amendment Rules 2013

- (1) The charges set out in Schedule 2 that applied to certificates of registration immediately before the commencement of the Registered Architects Amendment Rules 2013 continue to apply in respect of the registration year that ends on 30 June 2013 as if those charges had not been replaced.
- (2) This rule does not limit the application of section 78(3) of the Goods and Services Tax Act 1985 in the registration year that ends on 30 June 2013.

Compare: SR 2013/150 r 7

2 Provisions relating to Registered Architects Amendment Rules 2015

Interpretation

- (1) In this clause, **2015 amendment rules** means the Registered Architects Amendment Rules 2015.

Minimum standards for registration and continued registration

- (2) Every application for registration, application for continued registration, and application for reinstatement of a suspended registration received by the Board before 1 July 2015, and not decided before that date, must be assessed, evaluated, and decided as if the 2015 amendment rules had not been made.
- (3) These rules, as amended by the 2015 amendment rules, apply to every application for registration, application for continued registration, and application for reinstatement of a suspended registration received by the Board on or after 1 July 2015.

Complaints and inquiries

- (4) These rules, as in force immediately before the commencement of rule 9 of the 2015 amendment rules, continue to apply, and the rules as amended by the 2015 amendment rules do not apply, to every complaint received and inquiry commenced by the Board before the commencement of rule 9 of the 2015 amendment rules, and not considered or determined before that commencement.
- (5) These rules, as amended by the 2015 amendment rules, apply to every complaint received and inquiry commenced on or after the commencement of rule 9 of the 2015 amendment rules, regardless of whether the matter that is the subject of the complaint or inquiry occurred before, on, or after that commencement.

3 Provisions relating to Registered Architects Amendment Rules 2017

- (1) In this clause, **2017 amendment rules** means the Registered Architects Amendment Rules 2017.

Charges for certificates of registration

- (2) Schedule 2, as inserted by the 2017 amendment rules, applies to all certificates of registration for which an application is made on or after 1 January 2018.

Charges for assessment for continued registration

- (3) Rule 24A and Schedule 2, as in force immediately before 1 January 2018, continue to apply in relation to an assessment of a person's continued registration if the person received notice of the assessment under rule 23 before 1 January 2018.

Code of minimum standards of ethical conduct for registered architects

- (4) Part 3, as in force immediately before 1 January 2018, continues to apply, and Part 3, as inserted by the 2017 amendment rules, does not apply, to conduct occurring before 1 January 2018.

- (5) Rule 49(2) applies if the architect became aware, before 1 January 2018, that the architect's advice was not being followed (as long as, on or after 1 January 2018, the architect remains professionally involved in the relevant project).

- (6) Rule 50 applies if the architect had reasonable grounds, before 1 January 2018, to believe that an architectural matter with which the architect was professionally involved could put the safety of any person at risk (as long as, on or after 1 January 2018, the architect still holds that belief and remains professionally involved in the relevant project).

- (7) Rule 53, as in force immediately before 1 January 2018, continues to apply, and rule 52, as inserted by the 2017 amendment rules, does not apply, to circumstances known to the architect before 1 January 2018 that could be construed as creating a conflict of interest.

- (8) Rule 58(c) applies to work done on or after 1 January 2018, even if, before 1 January 2018, the architect tasked others to do that work.

- (9) Rule 50, as in force immediately before 1 January 2018, continues to apply, and rule 58A does not apply, to professional work—

(a) undertaken in accordance with terms of appointment agreed before 1 January 2018; or

(b) otherwise started before 1 January 2018.

- (10) Rule 58B applies on and from 1 January 2018 to a commission entered into before 1 January 2018.

Complaints and inquiries

- (11) Rule 69(ab) applies to a complaint or an inquiry in respect of which the investigating committee provides a report to the Board under rule 66(1)(b) on or after 1 January 2018.

- (12) Rule 71A applies in relation to a complaint or an inquiry in respect of which the Board made its decision under rule 68 before, on, or after 1 January 2018.

Schedule 1AA clause 3: inserted, on 1 January 2018, by rule 8 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

Schedule 1

Information that must be contained in form for assessments

rr 8, 24

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

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

Schedule 2

Charges for services

rr 8, 15, 17, 35

Schedule 2: replaced, on 1 January 2018, by rule 9 of the Registered Architects Amendment Rules 2017 (LI 2017/297).

Initial registration

Service	Amount (incl GST) (\$)
Application for initial registration, if it is the applicant's first application and there is an interactive assessment	1,200.60
Application for initial registration, if it is not the applicant's first application and there is an interactive assessment	600.30
Application for initial registration, if there is no interactive assessment	632.50
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	632.50
Equivalency assessment	517.50

Certificates of registration

Service	Amount (incl GST) (\$)
Certificate of registration issued for a period of 11 months or less on initial registration or after period of suspension	53.70 (per month or part of a month)
Certificate of registration (all other cases)	644.00

Review of registration assessment procedures

Service	Amount (incl GST) (\$)
Review of registration assessment procedures	500.20

Dated at Wellington this 23rd day of June 2006.

R Pynenburg,
Chairperson.

Deborah Cranko,
Deputy Chairperson.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 29 June 2006.

Reprints notes

1 *General*

This is a reprint of the Registered Architects Rules 2006 that incorporates all the amendments to those rules as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Registered Architects Amendment Rules 2017 (LI 2017/297)

Registered Architects Amendment Rules 2015 (LI 2015/124)

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Registered Architects Amendment Rules 2013 (SR 2013/150)

Registered Architects Amendment Rules 2010 (SR 2010/52)