

## Revised Architects Code of Ethics

The code of ethics that binds architects in New Zealand has been amended, the revisions coming into effect on 1 January 2018. The revised code is as follows, along with commentary as to what has changed and why.

Rule	The revised code	Commentary
<b>46*</b>	<p><b>Uphold the law</b></p> <p>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.</p>	This requirement is unchanged.
<b>47</b>	<p><b>Honesty and fairness</b></p> <p>A registered architect must perform the architect's professional activities with both—</p> <ul style="list-style-type: none"> <li>a) honesty; and</li> <li>b) fairness.</li> </ul>	This clause is unchanged, except that the two requirements (honesty and fairness) have been put into separate subclauses given how different they are.
<b>48</b>	<p><b>Professional judgement</b></p> <p>A registered architect must exercise unprejudiced and unbiased professional judgement.</p>	This requirement is unchanged.
<b>49</b>	<p><b>Skill, care, and diligence</b></p> <p>(1) A registered architect must perform the architect's professional activities with reasonable skill, care, and diligence.</p> <p>(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.</p>	Subclause 1 is unchanged. Subclause 2 is new. Too often some architects fail to warn their clients of the likely consequences of poor decision making by their clients. Whether or not the client heeds the warning is not the architect's responsibility, but the duty to warn is clear and it is best done in writing.
<b>50</b>	<p><b>Obligations to report on risk</b></p> <p>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.</p>	This requirement is new and is a fundamental professional duty.

\* The numbering of these clauses reflects their place in the Registered Architects Rules 2006 which are government regulations.

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# 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.

This requirement is unchanged.

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# 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.

This clause has been rewritten for greater clarity, but is not intended to be a substantive change from the previous code's requirements.

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# 53

## Abuse of authority

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

This requirement is new. It is intended to cover behaviours including but not limited to bullying or seeking improper influence.

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# 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.

This requirement has been amended to better allow for robust discussion of architectural matters while not allowing personal attacks.

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# 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.

This requirement is unchanged and is a professional courtesy. Note that the only requirement is to advise. What the other architect does with that advice is up to that architect.

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# 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.

Apart from minor refinements, this clause is unchanged.

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# 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.

This requirement has been refined to acknowledge that creative processes often involve ideas taken from other sources. The expectation in 57(b) reflects the collaborative nature of many architectural processes and the need to acknowledge this in terms of claiming credit for work done.

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# 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.

This requirement is new and requires a sincere effort from architects to stay up to date, and sufficient self-awareness to understand and manage their individual limitations.

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# 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.

This requirement is substantially amended, in that now architects must provide their clients with written terms of appointment which must include a number of basic elements as listed. Verbal terms of appointment are not sufficient. This new requirement better protects architects and clients.

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# 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.

This requirement is new. Where projects get into difficulty, poor communications are often at the heart of the problem. Good client communications are fundamental to providing a professional service.

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# 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.

This requirement is unchanged.

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# 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.

This requirement is new. It reflects concern that some practices market themselves in such a way that persons who are not architects are presented as if they are. A registered architect who is responsible for a practice is obliged to make sure this does not happen.

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