

Continuing Registration Policy

Version reference:	2.0
Effective date:	1 July 2022
Legislative reference:	Sections of the Registered Architects Act 2005 Parts of the Registered Architects Rules 2006

Purpose

1. This policy is intended for registered architects who are undergoing a continuing registration assessment, referred to in this policy as a competence review.
2. Under section 12 of the Registered Architects Act 2005 (the Act) and rule 22 of the Registered Architects Rules 2006 (the Rules), the New Zealand Registered Architects Board (NZRAB or the Board) must, for every architect, assess at least every five years whether a registered architect meets the minimum standard for continued registration set out in rule 21.
3. Section 12 of the Act also allows the Board to carry out a competence review at any other time.
4. This Policy provides the procedures that the Board follows to fulfil its requirements to regularly assess that an architect meets the minimum standard for continued registration.
5. A person with expired registration, or who wishes to voluntarily suspend their registration or revive a registration that has been voluntarily suspended, should refer to the Policy on Annual Registration, Voluntary Suspension and Expired Registration.
6. This policy should be read in conjunction with the CPD Points Allocation and the Complaints and Discipline policies.

Governance and Administration

Registration

7. Under the Act, registration is defined as holding both registration and an Annual Certificate of Registration (ACR). A person is not registered for the purposes of the Act if their registration is suspended (voluntarily or not) or has expired.
8. The Board must issue a new ACR to a registered architect upon payment of the applicable fee.
9. ACRs are issued for one year, from 1 July to 30 June, or for a part year, if a person becomes eligible for registration and makes payment for the ACR after 31 July. All ACRs expire on 30 June.

10. To maintain registration, an architect must undergo a competence review at least every 5 years, to demonstrate that they meet the minimum standard for continued registration.
11. Architects who are due for their five-yearly competence review are referred to in this policy as the Candidate.

Evaluation Panels

12. The Board delegates, under clause 33 of the Schedule to the Act and rule 85 of the Rules, functions and powers to Evaluation Panels and evaluators (referred to in this Policy as Assessors) to undertake competence reviews and to make recommendations to the Board.
13. The Board maintains a Standing Panel of Assessors from which Evaluation Panels are convened. In addition, registration convenors are appointed from the Standing Panel. Registration convenors hold additional administrative responsibilities and are responsible for leading and mentoring assessors.
14. The Evaluation Panel recommends to the Board whether or not an architect meets the minimum standard for continuing registration. The Board can only make a decision to grant continued registration, or to suspend registration after considering the recommendation of the Evaluation Panel (rule 27(1) of the Rules).

Five yearly assessments—Competence Reviews

15. Competence reviews are an assessment of whether or not an architect meets the minimum standard for continued registration. The Board is required to assess, within five years from 30 June of the year of each architect's last assessment (or if applicable, their initial registration), whether the architect meets the minimum standard for continued registration (section 12 of the Act; rule 22 of the Rules).
16. In exceptional circumstances, an architect may apply to defer their competence review for up to 12 months providing they have made significant progress toward meeting the standard for continued registration (rules 32 – 34 of the Rules).
17. An application to defer must be made to the Board no less than 4 months before the expiration of the architect's review period i.e by 28 February of the year the architect is due to undergo their 5 yearly competence review.
18. The deferral application must be made in accordance with Rule 32(1), and the Board must decide to approve or decline the application after considering the recommendation of the Evaluation Panel.
19. The minimum standard for continued registration is set out in rule 21. Broadly, rule 21 requires the Candidate to demonstrate that they—
 - a) are able to practise competently in their practice area, and
 - b) have taken reasonable steps to maintain the currency of their architectural knowledge and skills since their last assessment.
20. Rule 21(2) sets out the matters required to be taken into account by the Evaluation Panel in its assessment of whether the Candidate has demonstrated their ability to practise competently in their practice area. Broadly, these matters are:¹

¹ See rule 21(2) for the statutory wording for these requirements.

- a) within their practice area, the Candidate's ability to:
 - i. apply knowledge of accepted principles of good practice; and
 - ii. exercise of knowledge, imagination, judgement, collaboration, professional responsibility; and
 - iii. conduct their practice to the standard of the code of conduct; and
 - iv. understand and comply with NZ law, including the Building Code.
 - b) the Candidate's demonstration of their ability to distinguish between—
 - i. those aspects of the architectural process where they have sufficient skills, knowledge and experience to practise; and
 - ii. those aspects where the input of colleagues would be required, or the Candidate would need to upskill.
21. Rule 24(2) requires the Candidate to provide, in their documentation for their Competence Review, a declaration that appropriate professional development activities (CPD) have been undertaken annually. The Candidate must also provide evidence of their CPD activities and any CPD assessments.

Competence Review Procedures

22. Upon initial registration each architect is placed into a cohort which determines when they must undergo a competence review.
23. Each year the NZRAB contacts the cohort due for their competence review and notifies them that it intends to carry out a competence review and that they must complete a continuing registration competence review assessment form (the assessment form) and provide the information required under Rule 24 of the Rules.
24. The completed assessment form includes the Candidate's evidence on the nature of their work, their role, and any specialisations, as well as the evidence for their CPD activities. In accordance with Rule 23, candidates are also advised that the consequences of not providing the required information could include the suspension of their registration.
25. The information provided by each Candidate is assessed in accordance with rule 26, by an Evaluation Panel comprising two NZRAB registration Assessors with delegated authority to act as evaluators. If the Assessors think it necessary, the Evaluation Panel may—
- a) invite the Candidate to provide, within a specified period, additional information in support of continued registration;
 - b) carry out an interactive assessment with the Candidate (which may be face-to-face or via video platform depending on preference and health and safety considerations);
 - c) repeat, or combine any steps in rule 26, or take any additional steps to carry out the assessment.

Recommendation to the Board

26. After completing the competence review assessment, the Evaluation Panel must make a recommendation to the Board on whether or not the candidate meets the minimum standard for continued registration. The Evaluation Panel's report must include the reasons for the recommendation.

27. The Act and Rules do not allow for conditions to be placed on a renewed registration, so the Evaluation Panel cannot make a conditional recommendation. However, the Evaluation Panel may recommend to the Board that a Candidate should have their next competence review within a shorter period than five years.
28. The Board must consider the Evaluation Panel’s recommendation and section 12 of the Act (i.e. assess whether the Candidate continues to meet the minimum standard for continued registration) and then decide to renew or to suspend the Candidate’s registration.

Board decision in accordance with the Evaluation Panel’s recommendation

29. If the Board assesses that the candidate meets the standard, **in accordance** with the Evaluation Panel’s recommendation, it may decide to renew the candidate’s registration (in accordance with the Rules). The NZRAB Executive notifies the Candidate of the Board’s decision to renew their registration and the reasons for that decision. The Executive also informs the Candidate of the date for their next competence review.
30. If the Board assesses that the candidate does not meet the standard **in accordance** with the Evaluation Panel’s recommendation, it may propose that the candidate’s registration be suspended.
31. If the Board proposes to suspend the Candidate’s registration the Executive will—
 - a) notify the Candidate of the reasons for the proposed suspension, and
 - b) invite the Candidate to make written submissions on the matter. Given that the NZRAB’s disciplinary procedures under the Rules allow at least 20 working days for making submissions, that timeframe would generally be reasonable here, but any special circumstances should be taken into account.²
32. The Board must, after considering the Candidate’s written submissions (if any are provided) decide to **either**—
 - a) renew the Candidate’s registration (and the Executive completes the notification actions in paragraph 29 above); **or**
 - b) suspend the Candidate’s registration **after**:
 - i. the Executive notifies the Candidate—
 1. of the reasons for the decision (the reasons should include a copy of the Evaluation Panel’s recommendation and report (or Reconsidered Recommendation and report if the Board varied the Evaluation Panel’s recommendation)); and
 2. of their right to request that the Board review its assessment procedures in accordance with rule 35 of the Rules; and
 3. of their right to appeal the suspension under section 38 of the Act, and the time within which an appeal must be lodged;³ and

² Note that “working day” is defined in rule 3(1) of the Rules. Whatever number of “days” is stated for making the submission, the day of the notification and the day by which the submission must be received should not be counted in the “days” (see section 35 of the Interpretation Act 1999).

³ Section 38(2)(b) of the Act states that the time for lodging a notice of appeal is “*within 20 working days after notice of the decision*”. This means that the day of notification is *not* counted, but the day of lodging a notice of appeal *is* counted. The full wording of section 38 should be provided to the Candidate.

4. that their registration may be renewed should they, within 12 months of the date on which their registration is suspended (or any further time that the Board may determine) apply under rule 31 to have their registration reinstated;⁴ and
 5. that if they do not satisfy the Board that they meet the minimum standard for continued registration within the time period notified under 3. above, their registration will be cancelled under sections 13(2) and 14 of the Act; and
- ii. the expiry of at least 28 working days after the notification of the decision.⁵ The Executive then records the suspension on the Register and includes in the Register the information required by section 21(2) of the Act.

Board decision contrary to the Evaluation Panel's recommendation

33. If the Board assesses that the candidate does or does not meet the minimum standard, **contrary to** the Evaluation Panel's recommendation (referred to in rule 27(2)(b) as 'to vary' the recommendation of the Evaluation Panel), the Board must, in accordance with rule 29, give its reasons to the Evaluation Panel for varying the recommendation and require the Evaluation Panel to reconsider its recommendation.
34. In this case, the Evaluation Panel must—
 - a) reconsider its recommendation; and
 - b) carry out any further steps with the Candidate that the Panel considers necessary under rule 26 of the Rules; and
 - c) report back to the Board on whether the recommendation should be amended (the Reconsidered Recommendation).
35. The Board must consider the Evaluation Panel's Reconsidered Recommendation and then decide to **either**—
 - a) renew the Candidate's registration (and the Executive completes the notification actions in paragraph 28 above); **or**
 - b) propose that the Candidate's registration be suspended (and complete the actions for suspension in paragraph 31(b) above).

Registered Architects who do not return their competence review form

36. If a registered architect fails to return their competence review form and supporting documentation by 30 June in the year that their review is due, the Board may have no choice but to consider initiating a suspension process.
37. The Board has a statutory duty to assess that a registered architect continues to meet the minimum standard for continuing registration and must make that assessment no later than 5 years following the candidate's last review period.
38. The Executive will make repeated attempts via email and phone to contact a candidate who hasn't returned the assessment form and supporting documentation by the specified date.

⁴ See Application to Reinstate a Suspended Registration (paragraphs 30 to 32 in this Policy) for the rule 31 process.

⁵ This should be at least 28 clear working days, i.e., *not* counting the day of notification and *not* counting the day the expiry takes effect.

39. If by 30 June, the assessment form and supporting documentation has not been received, or the candidate has not been granted a deferral of their competence review, an Evaluation Panel will be asked to make a recommendation to the Board on whether the candidate meets the minimum standard for continued registration. In the absence of information to support that they meet the standard, the Evaluation Panel will likely advise the Board that it cannot recommend that the candidate meets the minimum standard.
40. The Board will then need to assess that whether or not the candidate meets the minimum standard in accordance with section 12 of the Act. If the Board is unable to satisfy itself that the candidate meets the minimum standard for continued registration it may consider proposing that the candidate's registration be suspended.
41. If a candidate does not return their competence review form and doesn't make payment to renew their ACR, they cease to be registered. In this scenario a competence review is no longer applicable. The Policy on Annual Registrations and Voluntary Suspension applies to individuals whose registration has expired.

Application to Reinstate a Suspended Registration

42. An architect whose registration has been suspended can apply to the Board to have their registration reinstated, at any time within the 12 month suspension period or after a longer period at the Board's discretion (the Suspension Period) (rule 31(2) of the Rules).
43. To apply, the Applicant must provide a completed assessment form. The same process as set out above in paragraphs 25 – 35 apply as if every reference to Candidate was a reference to Applicant.
44. If the Board decides that the Applicant does not meet the minimum standard for continued registration, it may decide to **suspend or cancel** the Applicant's registration—
 - a) A decision to suspend is a continuation of the current suspension period (pending submissions from the applicant), i.e. suspension continues for the remainder of the 12 months period, unless the applicant successfully applies to renew their registration within that period.
 - b) If the suspension period has expired the Board may consider cancellation in accordance with paragraphs 46 - 49 below.
45. If it is the case that the Board decides the Applicant has not met the minimum standard for continued registration and their Suspension Period has not yet expired, the Executive notifies the Applicant—
 - a) of the Board's decisions and the reasons for those decisions (the reasons should include copies of the Evaluation Panels' recommendations and reports (or if applicable, the Reconsidered Recommendations and reports), and
 - b) of their right to request that the Board review its assessment procedures in accordance with rule 35 of the Rules,
 - c) of their right to appeal the suspension under section 38 of the Act, and the time within which an appeal must be lodged, and
 - d) that, as the Suspension Period has not yet expired, their registration remains suspended but may be renewed should they, within the Suspension Period, successfully apply under rule 31 to have their registration reinstated, and

- e) that if they do not satisfy the Board that they meet the minimum standard for continued registration within the Suspension Period, their registration will be cancelled under sections 13(2) and 14 of the Act.⁶

Cancellation of Registration following Suspension

- 46. If the Applicant did not satisfy the Board that they meet the minimum standard for continued registration, or if they did not make a rule 31 application to the Board within the Suspension Period, the Board must cancel their registration at the conclusion of the suspension period (sections 13(2) and 14 of the Act).
- 47. Rule 31(5) indicates that the Board needs to *decide* to cancel the person's registration. Accordingly, a resolution of the Board should be passed, that the person's registration be cancelled. This should occur 12 months after the date of suspension, provided the person has not made an application under rule 31 for reinstatement of their registration by the end of the Suspension Period.
- 48. The Executive notifies the person of the Board's decision to cancel their registration, provides the reasons for that decision, and advises them of their section 37 review and section 38 appeal rights.
- 49. After the expiry of at least 28 working days after the notification,⁷ the Executive cancels the person's registration and removes their name from the Register.

Interactive Assessments

- 50. Where an interactive assessment is required under rule 26, the Candidate must meet their own costs. Assessments are now held by video platform, mitigating travel costs.
- 51. The Evaluation Panel considers the written information submitted, the Candidate's work record, the Candidate's statements to the Evaluation Panel, and any other information that the Candidate presents. Within five working days of completing a competence review, the Evaluation Panel should provide its written report (joint final report), signed by both Assessors and dated, to a Convenor, for peer review, as per paragraph 52 below.
- 52. All joint final reports following interactive competence reviews are to be peer reviewed by a Convenor (or Deputy Convenor if a Convenor is unavailable or conflicted), prior to submission to the Board.

Early Competence Review—by Request or Invitation

- 53. Architects not due to have a competence review may have one on request if they have met the requirements of the NZRAB's CPD policy.
- 54. Architects who have met the requirements of the NZRAB's CPD policy in four years or less may be invited by the Board to have an early competence review. Architects are free to decline the invitation.
- 55. The process for an early competence review is the same as that set out in this policy, as if the architect were a Candidate who had been notified as described in paragraph 23 above.

⁶ Refer to the section on Cancellation of Registration following Suspension, in paragraphs 33 to 36 for the cancellation process.

⁷ This needs to be at least 28 clear working days.

Competence Review—Concerns and Disciplinary matters

56. An architect may be required to undergo an additional or 'any other time' competence review following a competence concern, architectural service concern or disciplinary matter as outlined in the Complaints and Discipline policy
57. An architect undergoing a competence review following a complaint or concern, will be required to have an interactive assessment with the Evaluation Panel.
58. If a competence review is required following an investigation into a complaint or inquiry, the Investigating Panel report and Board decision will be made available to the Evaluation Panel for discussion with the architect and will form part of the Evaluation Panel's assessment.
59. If a competence review is required following a competence or architectural service concern, the concern form will be provided to the Evaluation Panel for discussion with the architect and will form part of the Evaluation Panel's assessment.

Attachment 2

Document control

#	Date	Author position	Approval method	Detailed changes/description
1.0	19 Apr2021	Chief Executive	Board Meeting	Policy reviewed and redrafted to align with the Registered Architects Rules 2006.
2.0	14 June 2022	Executive Officer Public Protection	Board Meeting	<p>Policy redrafted following an internal review of how the Board applies the rules for continuing registration assessments. The policy was updated to reflect that someone cannot undergo a continuing registration competence review if they do not hold an ACR.</p> <p>Policy on application to defer a continuing registration review was added and detail on voluntary suspension and expired registration were removed and drafted into an independent policy</p>