



NZRAB Continuing Registration Policy

Approved 13 April 2021

Purpose

1. 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 the architect meets the standard for continued registration set out in rule 21.
2. This Policy provides the procedures that the Board follows to perform that function.
3. The continuing registration assessments are referred to in this Policy as Competence Reviews.

Evaluation Panels

4. The Board delegates, under clause 33 of the Schedule to the Act and rule 85 of the Rules, the Board's functions and powers to Evaluation Panels and evaluators (referred to in this Policy as evaluators or Assessors) to undertake Competence Reviews and to make recommendations to the Board.
5. The Evaluation Panels' recommendations regarding Competence Reviews must be considered by the Board before the Board makes decisions on whether to renew or suspend architects' registration following any Competence Review (rule 27(1) of the Rules).

Annual Registration

6. It is a statutory requirement that architects hold a current Annual Certificate of Registration (ACR) in order to be able to use the title "registered architect" or "architect" (sections 6 and 7 of the Act). The fee for obtaining an ACR is set out in Schedule 2 of the Rules.
7. ACRs are issued for one year, from 1 July to 30 June the following year, or for part of a year, from the date on which a person becomes registered through to 30 June.
8. If an architect fails to pay their ACR by the due date, the architect's record on the New Zealand Architects Register shows as "expired", or "expired for more than one year", as applicable. Until the person again holds a current ACR, they cannot use the title registered architect or architect and they commit an offence if they do so (section 7(4) of the Act).
9. See the section on **Expiry**, at the end of this Policy for other implications associated with expired ACRs.
10. To enable the NZRAB's internal processes to be undertaken in time to meet the 30 June payment deadline for a new ACR, every architect should ensure that their payment has been made to the NZRAB, accompanied by the architect's correctly spelled surname and their registration number, by no later than 20 June. Where an architect's practice pays for their ACR, care should be taken to ensure that each architect for whom an ACR payment is made is identified in the remittance, with their

surname correctly spelled and their registration number stated, and that the amount remitted matches the number of ACRs being paid for.

Five yearly assessments—Competence Reviews

11. Within five years from 30 June of the year of each architect's last assessment (or of their initial registration if applicable), the Board must, and may at any time earlier, assess whether the architect meets the minimum standard for continued registration (section 12 of the Act; rule 22 of the Rules).
12. Rule 23 refers to architects who are to have a five-yearly Competence Review as "the Candidate".¹ That terminology is reflected in this policy.
13. 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.
14. 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:²
 - a) within their practice area, the Candidate's ability to do the matters in rule 7(2)(a) (apply knowledge of accepted principles of good practice), 7(2)(b) (exercise of knowledge, imagination, judgement, collaboration, professional responsibility), 7(2)(f) (conduct their practice to the standard of the code of conduct), 7(2)(g) (understand and comply with NZ law, including the Building Code), and
 - 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.
15. 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. The NZRAB's policies in relation to CPD are available on the NZRAB website (www.nzrab.org.nz).

Competence Review Procedures

16. Each year the NZRAB identifies the architects due for assessment for continued registration. The NZRAB notifies them that it intends to carry out a Competence

¹ Candidates can apply to the Board for an extension of up to 12 months for their five-yearly Competence Review, on the grounds set out in rule 32 of the Rules. An application for extension must be filed with NZRAB at least four months before the Candidate is due for their Competence Review. The information that must accompany the application is stipulated in rule 33. A Board-appointed assessment panel must evaluate the Candidate to assess their likelihood of meeting the minimum standard for continuing registration.

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

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. 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.

17. 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, at the NZRAB's discretion);
 - c) repeat, or combine any steps in rule 26, or take any additional steps to carry out the assessment.
18. After completing the Competence Review assessment, the Evaluation Panel must make a recommendation to the Board to renew or decline to renew the Candidate's registration. The Evaluation Panel's report must include the reasons for the recommendation, including whether the Candidate met the standard for continued registration. Either **A.** or **B.** below applies:

A. Evaluation Panel recommends that Candidate meets minimum standard
19. If, on the basis of the information provided by the Candidate for their Competence Review, the Evaluation Panel assesses that the Candidate meets the minimum standard for continued registration, the Evaluation Panel must recommend to the Board that the Board renews the Candidate's registration. The Rules do not allow for conditions to be placed on a renewed registration, but they do not prevent a recommendation being made that a Candidate should have their next Competence Review within a shorter period than five years.
20. 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.
21. If the Board decides to renew the Candidate's registration **in accordance** with the Evaluation Panel's recommendation, the NZRAB Executive notifies the Candidate of the Board's decision to renew their registration and the reasons for that decision. Usually, the reasons will state that the Candidate was assessed as having met the applicable minimum standard. The Executive also informs the Candidate of the date for their next Competence Review.
22. If the Board proposes to suspend the Candidate's registration, **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.
23. 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).
24. 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 21 above); **or**
 - b) suspend the Candidate's registration (and complete the actions for suspension in sub-paragraphs a) and b) of paragraph 27, and paragraph 28 below).

B. Evaluation Panel recommends that Candidate does not meet minimum standard

25. If, on the basis of the information provided by the Candidate for their Competence Review, the Evaluation Panel assesses that the Candidate does not meet the minimum standard for continued registration, the Evaluation Panel must recommend to the Board that it declines to renew the Candidate's registration.
26. 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.
27. If the Board proposes to suspend the Candidate's registration (Proposed Suspension) **in accordance** with the Evaluation Panel's recommendation, 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.³
28. 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 21 above); **or**
 - b) suspend the Candidate's registration **after**:
 - i. the Executive notifies the Candidate—

³ 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).

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 appeal the suspension under section 38 of the Act, and the time within which an appeal must be lodged,⁴ and
 3. 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,⁵ and
 4. 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.⁶ The Executive then records the suspension in the Register and includes in the Register the information required by section 21(2) of the Act.
29. If the Board proposes to renew the Candidate's registration **contrary to** the Evaluation Panel's recommendation, the same process as set out in paragraphs 22 to 24 above applies, as if paragraph 22 referred to renewing the Candidate's registration.

Application to Reinstate a Suspended Registration

30. A Candidate whose registration was not renewed (referred to in rule 31 of the Rules and this Policy as "the Applicant") can apply to the Board to have their registration reinstated, within 12 months of the suspension, or after a longer period at the Board's discretion (rule 31(2)) (the Suspension Period).
31. The Applicant must provide a completed Assessment Form. The same process as set out above in paragraphs 16 to 27 and paragraph 29 apply,—
- a) as if every reference to Candidate was a reference to Applicant, and
 - b) as if the notification actions in paragraph 21 above referred to the Board's decisions under rule 27 and the reasons for **those** decisions,
 - c) and, if it is the case that the Board decides to **renew** the Applicant's registration, paragraph 28 a) applies, as modified by a) and b) of this paragraph 31,
 - d) but, if it is the case that the Board decides to **suspend or cancel** the Applicant's registration—

⁴ 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.

⁵ See Application to Reinstate a Suspended Registration (paragraphs 30 to 32 in this Policy) for the rule 31 process.

⁶ 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.

- i. and the Suspension Period has not yet expired,⁷ paragraph 32 below applies, or
 - ii. the Suspension Period has expired, paragraphs 33 to 36 below apply.
32. 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 Reconsidered Recommendations and reports if the Board varied the Evaluation Panels' recommendations)), and
 - b) of their right to appeal the suspension under section 38 of the Act, and the time within which an appeal must be lodged, and
 - c) that, as the Suspension Period has not yet expired, the Applicant's registration remains suspended but may be renewed should they, within the Suspension Period, apply under rule 31 to have their registration reinstated, and
 - d) 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.⁸

Cancellation of Registration following Suspension

33. If the Applicant did not satisfy the Board that they meet the minimum standard for continued registration, or if the Candidate did not make a rule 31 application to the Board within the Suspension Period, the Board must cancel their registration (sections 13(2) and 14 of the Act).
34. Rule 31(5) indicates that the Board needs to *decide* to cancel the Candidate's registration. Accordingly, a resolution of the Board should be passed, that the Candidate's registration be cancelled. This should occur 12 months after the Candidate's date of suspension, provided the Candidate has not made an application under rule 31 for reinstatement of their registration by the end of the Suspension Period.
35. The Executive notifies the Candidate of the decision to cancel the Candidate's registration, provides the reasons for that decision, and advises the Candidate of their section 38 appeal rights.

⁷ Rule 31 contains an inconsistency as to the time period within which the Applicant may apply to the Board to have their registration reinstated. Rule 31(2) says the **application** must be made, effectively, during the Suspension Period. This would mean that an application sent to the NZRAB on the last day of the Suspension Period should be considered by the Board. However, rule 31(6) implies that the Applicant needs to have **satisfied the Board** (i.e., the Board has to have made its decision) **during** the Suspension Period, so the application would have to be received well in advance of the end of the Suspension Period. The NZRAB interprets the rule to the benefit of the Applicant, and allows an application to be made up to and including the last day of the Suspension Period.

⁸ Refer to the section on Cancellation of Registration following Suspension, in paragraphs 33 to 36 for the cancellation process.

36. After the expiry of at least 28 working days after the notification,⁹ the Executive records the cancellation in the Register and includes the information required by section 21(2) of the Act.

Interactive Assessments

37. Where an interactive assessment is required under rule 26, the Candidate must meet their own costs.
38. 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, signed by both Assessors and dated, to a Convenor, for peer review, as per paragraph 39 below.
39. All Evaluation Panel reports on 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

40. Architects not due to have a Competence Review may have one on request if they have met the requirements of the NZRAB's CPD policies. 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 16 above.
41. Architects who have met the requirements of the NZRAB's CPD policies in four years or less may be invited by the Board to have an early competence review. Architects are free to decline the invitation. If the architect accepts the invitation, the process for an early Competence Review by invitation of the Board 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 16 above.

Early Competence Review—Competence concern

42. Where NZRAB Panel members have considered a [Competence Concern, Complaint or Architectural Service Concern](#) and indicate to the NZRAB their reasonable grounds to be concerned about the architect's competence, or where the Board otherwise has reasonable grounds to be concerned about an architect's competence, the Board may require an architect to undergo an early Competence Review.
43. The process for an early Competence Review required by the Board 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 16 above. In addition, the Board requires that the architect will have an interactive assessment with the Evaluation Panel at which, in addition to any other information, the complaint/concern information referred to in paragraph 42 will be discussed and will form part of the Evaluation Panel's assessment.

Early Competence Review—Disciplinary Matter

44. Where an architect has been subject to a disciplinary penalty under section 26 of the Act, they must undergo a competence review within 12 months after the Board's decision to take the section 26 action.
45. The process for an early Competence Review following a disciplinary penalty is the same as that set out in this Policy, as if the architect were a Candidate who had been

⁹ This needs to be at least 28 clear working days.

notified as described in paragraph 16 above. In addition, the Board requires that the architect will have an interactive assessment with the Evaluation Panel.

46. The Investigating Panel's Report or Investigating Committee's Report, as the case may be, that led to the disciplinary action being taken by the Board will be made available to the Evaluation Panel for discussion with the architect and will form part of the Evaluation Panel's assessment.

Voluntary Suspension

47. Architects may notify the NZRAB in writing (via email to info@nzrab.org.nz) that they require their registration to be suspended (Voluntary Suspension). The Voluntary Suspension notification must be sent to the NZRAB at least seven working days before the commencement of the Voluntary Suspension (rule 41 of the Rules).¹⁰
48. The Voluntary Suspension can only be for 12-month periods, up to a maximum of five years (rule 42). There is no requirement that the 12-month period(s) run from 1 July to 30 June, but this is the most practical period, given that an architect's ACR will not expire until the close of 30 June in their current year.
49. Competence Reviews are offered to people in Voluntary Suspension in the normal timeframe, as if the person were still on the Register. The process is the same as that set out in this Policy, as if the person were a Candidate who had been notified as described in paragraph 16 above. Therefore, while in Voluntary Suspension, people should participate in and record CPD activities to maintain their professional development and to help them meet their continuing registration requirements should they have a Competence Review while in Voluntary Suspension.
50. At the end of the Voluntary Suspension period, a person can revive their registration as an architect simply by contacting the NZRAB (info@nzrab.org.nz) and paying for their ACR, provided less than five years have elapsed since they were first registered or since their last successful Competence Review.
51. However if, by the time a person wishes to revive their registration, their five-yearly Competence Review period has already passed, they must have a Competence Review in accordance with the process in this Policy, as if the person were a Candidate who had been notified as described in paragraph 16 above. In addition, the Board requires that the person has an interactive assessment with the Evaluation Panel.

Expiry

52. As described in paragraphs 6 to 10 above, if the annual fee for an ACR is not paid (and the payment processed by the NZRAB Executive) by the close of 30 June in any year, the architect's registration expires. The Act and Rules do not contemplate late payment of ACRs, nor architects sitting on the Register as 'expired'. The statutory expectation is that architects either remain registered (with a current ACR), have had their registration suspended by the Board, have gone into Voluntary Suspension under rule 41, or have had their registration cancelled under section 14 of the Act.
53. Strict compliance with the Act and Rules would likely require the NZRAB to treat people whose ACR has expired as Former New Zealand Registered Architects, if they wish to be registered again (see [Pathway 4](#) on the NZRAB website under the Initial Registration tab). This seems unduly harsh, so the Board has established a **grace**

¹⁰ See section 35 of the Interpretation Act 1999 for the days that are and are not counted. Note that "working day" is defined in rule 3(1) of the Rules.

period for payment of the annual ACR fee before the person will be treated as a Former New Zealand Registered Architect. However, the onus is on each architect to ensure that they always hold a current ACR, as they cannot legally practice as an architect without one.

54. To be clear then, if an architect's annual ACR fee has not been paid (and processed by the NZRAB Executive) by 31 December in any year, the person will need to apply for registration under the procedure for [Pathway 4: For Former New Zealand Registered Architects](#). As the NZRAB's offices close down over the Christmas and New Year holiday period, the practical effect is that the grace period ends by mid-December or possibly earlier if the financial staff are on leave earlier than the office close down.
55. Finally, as a further **final grace period**, a person who the NZRAB has been unable to contact may be on the Register as 'expired' for up to a year. During that time, the person should make every effort to remedy the situation by reviving their registration or going into Voluntary Suspension. Note that if the grace period referred to in paragraphs 53 and 54 above has passed, in order to revive their registration the person will need to apply for registration under the Pathway 4 procedure.
56. After the year of the final grace period has passed, a person showing on the Register as 'expired' risks the NZRAB cancelling their registration and removing their name from the Register.