

Kia ora anō koutou katoa,

In this newsletter, we have updates on a protection of title prosecution, a new trilateral recognition agreement, two advisory notes, and our submission on 'granny flats'.

Snapshot statistics as at 30 June 2024

- 2,328 architects are registered in New Zealand;
- the oldest registered architect is 92 years old;
- the youngest registered architect is 27 years old;
- 17% of the profession is 65 years of age or older and 51% is 50 years of age or older, down from 54% last year;
- our 2022 / 2023 Annual Report is now available on our website. Read more [here](#).

Protection of title prosecution resolved

In the 2022 / 2023 period, the Board commenced a prosecution case in the District Court for breach of s.7(2) (protection of title) of the Registered Architects Act. Ultimately the individual concerned accepted that their conduct could be construed as a breach of s.7. The Board received an apology, an agreement not to engage in similar conduct in the future, and a contribution to its legal costs. The Board then withdrew the prosecution.

Over the 2023 / 2024 period, the Board received 25 queries about misuse of the architect title. Misuse was not established in six instances. In 15 cases, after contact from the Board, the misuse was resolved after the parties involved made corrections. Of these cases, 43% involved individuals or practices, while 57% involved third parties such as media outlets, radio, television, real estate listings, and print articles.

The typically swift response to make corrections when alerted suggests that the misuse is more likely due to carelessness or outdated marketing materials rather than intentional deception or deliberate breaches of regulatory requirements.

Let us know about any misuse of the title by emailing info@nzrab.org.nz.

Trilateral agreement signed between NCARB, AACA, and NZRAB

Registered architects from Australia, the USA, and New Zealand will be able to work internationally more easily following the signing of a significant trilateral agreement.

On 21 August 2024, leaders of the Architects Accreditation Council of Australia (AACA), the USA National Council of Architect Registration Boards (NCARB), and the New Zealand Registered Architects Board (NZRAB) signed a new

Mutual Recognition Agreement at an event in the Beehive, Wellington, hosted by the Hon Chris Penk, Minister of Building and Construction.

The new agreement builds on an existing mutual recognition arrangement with the United States. The current requirement to work 6,000 hours after initial registration as an architect will be removed, allowing a newly registered architect in either country to apply. Changes such as the removal of a requirement to hold one of the three national passports, expanded eligibility qualifications, and streamlined data laws are expected to boost the number of U.S. states that participate in this agreement compared to the previous one.

In Australia, New Zealand, and most USA states no additional tests or examinations are needed after completing the MRA. However, some USA states may have more requirements.

Registered architects from the three countries can apply for fast-tracked cross-border recognition of their qualifications from 6 November 2024.



From left to right: Ken Van Tine (NCARB President), Rt Hon Chris Penk (Minister for Building and Construction), Gina Jones (NZRAB Board Chair), Dr Giorgio Marfella (AACA President), image courtesy of Woolf Photography Ltd

New Advisory Notes issued

Advisory Note 16: Learnings from a complaint case — clear agreements, defined roles, and transparent billing

A recent complaint against an architect highlighted breaches of Rule 58A (Terms of appointment) of the Registered Architects Rules 2006. The clients raised issues about the lack of written terms of appointment and insufficient details in the agreement about responsibilities, limitations, and billing procedures.

Set the foundation right: Craft clear, comprehensive, and tailored terms of appointment for every project. Clear and detailed agreements pave the way for successful collaborations and safeguard your professional integrity.

Read more [here](#).

Advisory Note 17: Learnings from a complaint case — building work without consent and reporting failures

An architect was recently found to have breached Rule 49 (Skill, care, and diligence) of the Registered Architects Rules 2006 and section 25(1)(c) of the Registered Architects Act 2005. The breach involved negligent or incompetent practice in the following areas:

1. assisting the client in proceeding with building work despite knowing that no building consent had been approved;
2. failing to advise the client that they could not proceed without the necessary building consent;
3. failing to promptly inform the Council when learning that building work had started without consent.

Ensure you fully understand building consent requirements: Provide clients with explicit guidance on legal necessities and report any non-compliance immediately to avoid serious repercussions and to uphold professional integrity.

Read more [here](#).

MBIE 'granny flat' consultation

The Board recently made a submission on the Ministry of Business, Innovation and Employment (MBIE) and the Ministry for the Environment (MfE) discussion document, *'Making it easier to build granny flats'*.

Key to our submission was that consenting costs are a small overall percentage of a house's cost. For the consenting processes as described to be viable and derisked, and for the right people to be doing the work, the Board believes that regulation needs to be extended. Regulation should provide:

1. a single tiered independent registration entity for architects, LBPs (Design), architectural registration assessments and decisions, protects titles at each tier, administers public registers and investigates complaints;
2. a single building-sector disciplinary tribunal to conduct hearings into serious complaints;

3. Restricted Building Work (RBW) being extended to cover all buildings, with this being delineated into permissible levels based on complexity, difficulty and risk.

This extended regulation would include:

1. a requirement to hold Professional Indemnity or other appropriate insurance to an appropriate level, as set out in legislation;
2. having the power to award costs for remediation;
3. to use only approved construction contracts in all instances;
4. a registered entity to issue the Code of Compliance and Code Compliance Certificate.

Our submission also covered the following topics:

- the title – no reason to change from Minor Residential Units – NZRAB considers ‘granny flats’ to be inappropriate for New Zealand legislation to describe a small house of maximum net internal area of 60m²;
- risks of owner builders;
- building type not tied to practitioners' skill level or the Area of Practice for LBPs;
- environmental effects;
- infrastructure issues;
- heritage;
- contractor in receivership or liquidation;
- notification requirements;
- appropriate regulatory regime.

Read more [here](#).

Noho ora mai,



Gina Jones
Board Chair