

30 September 2009

New Zealand Registered Architects Board

Newsletter 4/2009

To NZ Architects

Greetings from the NZRAB. This newsletter is a round-up of recent news.

Lost architects?

Starting in June, we've now just about issued all the 2009/10 Certificates of Registration. Compared to past years, we put a lot more effort into contacting the small number of architects who haven't paid for their certificates or that we seem to have lost touch with. These architects are recorded on the on-line register as "expired" or "expired for more than one year". I've spent hours on the phone and the internet trying to find these folk. Most of the remaining names seem to be "gone no address".

The next step in searching for these people will be to seek your help. So soon you'll get another email listing all the architects who as "expired" or "expired for more than one year" and asking if you know where any of them are. The architect fraternity in New Zealand is small, so someone is likely to be able to tell us that "Bill now lives in Tibet" or whatever the story is.

Of course, on this list there may be a few architects who aren't lost at all, but just "Can't pay? Won't pay!" Yes, the economic downturn has made things very tough for many architects. We've been saying to architects who are currently unemployed "Go into voluntary suspension". That way you don't have to pay the \$551.25 annual fee until you find work again. We can reactivate an architect's registration at any time very quickly, as soon as the architect wants it.

There may also be one or two architects who are working, but don't want to be bothered with annual registration. It's important to remember what registration is for. The annual fee pays the running costs of the NZRAB. If there was no architects' registration then anyone could use the title and anyone soon would. Before long the status and value of the word "architect" would be discredited and lost. So your annual fee protects your brand. Though it is a harsh thing to say, if a working architect doesn't hold an annual certificate, then he or she is freeloading off other architects. That's because the unregistered architect is benefiting from the brand "architect" without contributing to its upkeep.

CPD Points Policy

At its last meeting, the NZRAB Board adopted a new CPD Points Policy, which you can read at <http://www.nzrab.org.nz/assets/cpd%20points%20policy.pdf>.

The policy does not radically alter the way CPD points are allocated, but it does make things much more explicit. The policy states a set of principles to be used in allocating CPD points. It then has attached a series of detailed tables which annotate how many CPD points will be awarded for different kinds of CPD activities. This is much more comprehensive than in the past. We've done this so architects can select and undertake CPD, including individual CPD, with more confidence as to the points that will be allocated.

The policy explains that architects know their own CPD needs best and the allocation of points needs to be neutral, so that architects do the CPD that's best for them. Thus the policy doesn't favour one kind of CPD over another.

Last year we surveyed architects' views of the current CPD services available. A clear theme to emerge was that specialist and provincial architects feel left out. Specialist and provincial architects can arrange their own individual CPD, but uncertainty about points' allocation seems to be a strong disincentive. We hope that this policy, with its much greater clarity and specificity, will help fix this problem.

Also, as things evolve, the points tables will be added to or amended when new issues and opportunities arise.

Submission to Real Estate Agents Authority

As architects keep pointing out, the real estate industry has a bad habit of advertising second-hand houses as designed by a named architect when the person named is not an architect. We've complained to the real estate agents, the Real Estate Institute, the media that runs the ads, the Advertising Standards Authority and the Commerce Commission, all with not much effect.

However, maybe our time has come. The government is imposing on real estate agents a registration regime rather similar to architects'. The new Real Estate Agents Authority is currently drafting a code of conduct for real estate agents. The NZRAB has made a submission that a clause be included which says:

"When advertising a property for sale, a licensee must ensure that the information in the advertisement is accurate and cannot have the effect of deceiving a potential buyer."

If we can get this inserted, then of course every time a real estate agent tries to talk up the price of a house by falsely saying it was designed by an architect, we will lay a complaint. So this may be a new lever for us.

Changing the law

One of the tasks we have set ourselves is to reform our complaints and discipline procedures, so that decisions about complaints can be obtained quicker. At the moment our procedures are so convoluted that getting a complaint fully dealt with in 12 months is very difficult.

The current procedure has the following steps, assuming the case goes all the way.

- 1) the complaint is received
- 2) the Investigating Committee investigates
- 3) the Investigating Committee recommends to Board that a Disciplinary Committee hearing is required
- 4) the Board decides in principle that it accepts Investigating Committee recommendation.
- 5) the architect makes a written submission to Board re recommendation
- 6) Board considers submission and decides Disciplinary Committee hearing is required.
- 7) Disciplinary Committee hears the case and recommends to the Board
- 8) Board considers recommendation, and maybe finds the architect at fault and imposes a penalty.

As you can see, this is a real stretch. Instead, the Board wants:

- 1) the complaint is received
- 2) the Investigating Committee investigates
- 3) the Investigating Committee recommends to Board there is a case to answer
- 4) the Board hears the case, and maybe finds the architect at fault and imposes a penalty.

To implement this simpler procedure, numerous changes to the Registered Architects Rules will be required. However, first of all and much harder, the Registered Architects Act 2005 needs to change. That's because hidden in sections 67(2)(j) & (k) is the requirement that the Registered Architects Rules include rules governing "an investigating committee" and a "disciplinary committee". The reference of a disciplinary committee has to go. We have ministerial support, but getting to the front of the parliamentary queue isn't easy. We'll keep you posted.

That's our news.

Any concerns, do get in touch.

Cheers

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