

Regulatory Impact Statement

Simplifying the complaints and discipline process in the Registered Architects Act 2005

Agency Disclosure Statement

This Regulatory Impact Statement has been prepared by the Department of Building and Housing.

The Statement provides an analysis of options to address the current complex, time consuming and expensive complaints and discipline process set out in the Registered Architects Act 2005.

The only options considered were the status quo and a streamlined complaints process proposed by the Registered Architects Board.

We consider the analysis of the status quo and proposed change that has been undertaken to be comprehensive considering the magnitude of the problem to be addressed.

The proposed change relates to amending a statutory complaints and discipline process and subsequently amending the Registered Architects Rules 2010. The proposed change is unlikely to have a significant regulatory impact.

The Department of Building and Housing confirms that the proposal will have the effect of reducing the compliance burden upon business and certifies that the proposal is consistent with the Government Statement on Regulation.

Adrian Regnault
Manager Regulatory Policy
Department of Building and Housing.



[Signature of person]

[Date] 15/4/2010

Status quo and problem definition

The Registered Architects Act 2005 (the Act) requires the Registered Architects Board (the Board) to take a complaint through an investigation committee and then, following agreement of the Board, to a Disciplinary Committee, before being referred back to the Board for a final decision.

Under this complaints process a single complaint can take 18 months to process and in one instance took two years. This process is overly complex, time consuming, costly and raises risks of procedural mistakes and legal challenges.

Objectives

- To amend the complaints and discipline process in the Act to better align them with Government objectives of better and less regulation and in doing so
- To reduce complexity to provide more efficient regulation that will:
 - reduce the time taken to process a complaint against a registered architect
 - protect the natural justice rights of the practitioner complained about
 - reduce the costs associated with progressing a complaint.

Option proposed

The only option considered is the one put forward by the Board. This would see the removal of the disciplinary committee in favour of the Board making a decision based on the report of the investigation committee and the submission from the accused, as shown in Table 1.

Table 1 – Current and proposed complaints process

Status quo	Proposed complaints process
Complaint received by the Complaints Officer and referred to the Chair of the Investigating Committee	No change
Chair of Investigation Committee determines whether the complaint needs to be investigated	No change
Investigating Committee convenes, interviews protagonists and makes recommendations to the Board	No change
The Board decides in principle whether or not the complaint should go before a Disciplinary Committee	Board holds Discipline Hearing, considers report of Investigation Committee and provides the opportunity for the accused to be heard either in person or in writing and then makes a determination.
Architect makes submission to Board	
Board considers submission and Investigating Committee report	
Disciplinary Committee holds hearing and makes recommendations to Board	
Board considers Disciplinary Committee report and make determination	
Cost \$33,300	Cost \$19,100

Regulatory impact analysis

Government – will make changes to the Act followed by changes to the subordinate Registered Architects Rules 2010. This will be funded from within existing baselines.

The Board – will need to undertake work to change the Rules and communicate changes to registered architects. The proposed new process will:

- deliver savings for the Board estimated at \$13,900 per hearing
- involve less administrative work for the Board's secretariat which would deliver further savings.

Architects – will still pay the same fees, and the time taken to process a complaint will at least halve. This will give the architect in question more certainty about their future.

Consultation

Consultation has been with the Ministry of Economic Development, and the Registered Architects Board.

Conclusions and recommendations

It is recommended that the proposed complaints process is followed.

Implementation

Once the Registered Architects Act 2005 has been amended the Registered Architects Rules 2010 will be updated. The Board will then implement the new institutional arrangements.

Monitoring, evaluation and review

The Department of Building and Housing will assess the impact of the changes as part of its wider review of occupational regulation. The wider review is currently being scoped and is expected to be completed by mid-2011.