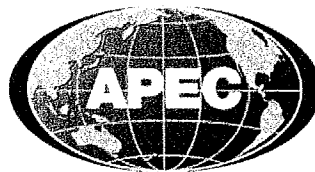


APEC ARCHITECT

**MEMORANDUM OF COOPERATION ON
REGISTERED/LICENSED ARCHITECTS**

**IN
JAPAN AND NEW ZEALAND**

**TO
FACILITATE MOBILITY OF ARCHITECTS
IN THE PROVISION OF ARCHITECTURAL SERVICES**



**Asia-Pacific
Economic Cooperation**

INDEX

Section	Page number
Introduction	4
1. Definitions	5
2. Application of the APEC Architect Framework	6
3. Purpose of this Memorandum	7
4. Reciprocal Acceptance Provisions	8
5. Implementation	10
6. Discipline and Enforcement, Disclosure by an Applicant for Registration/Licensure	11
7. Immigration and Visa Issues	11
8. Exchange of Information	12
9. Consultations	12
10. Terms of the Cooperation under this Memorandum	12
Signatures of Participants	13

ANNEXURE: APEC Architect Operations Manual 2008

THIS MEMORANDUM is made the *14* day of *July* 2009.

BETWEEN:

**THE MINISTRY OF LAND, INFRASTRUCTURE, TRANSPORT AND TOURISM,
JAPAN**

2-1-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-8918, Japan, in the first part

AND:

THE JAPAN APEC ARCHITECT PROJECT MONITORING COMMITTEE

2-14-1 Kyobashi Chuo-ku Tokyo 104-0031, Japan, in the second part

AND:

NEW ZEALAND REGISTERED ARCHITECTS BOARD

Level 3, Dominion Building, 78 Victoria Street, Wellington, New Zealand, in the third part

AND:

THE NEW ZEALAND APEC ARCHITECT MONITORING COMMITTEE

C/- The New Zealand Registered Architects Board, Level 3, Dominion Building, 78 Victoria Street, Wellington, New Zealand, in the fourth part.

INTRODUCTION

- A. *The Ministry of Land, Infrastructure, Transport and Tourism (MLIT)* is the government body responsible for establishing and maintaining standards for Kenchikushi in Japan. It has the power to grant the title of 1st-class Kenchikushi in Japan in accordance with Kenchikushi Law.
- B. The *Japan APEC Architect Project Monitoring Committee* is an independent committee established in Japan in accordance with the APEC Architect Operations Manual with delegated authority of the Central Council to maintain a section of the APEC Architect Register in Japan and to act as a nominating body for the Central Council.
- C. *The New Zealand Registered Architects Board (NZRAB)* is the national organisation responsible for registering, monitoring and, if need be, disciplining architects in New Zealand.
- D. The *New Zealand APEC Architect Monitoring Committee* is an independent committee established in New Zealand in accordance with the APEC Architect Operations Manual with delegated authority of the Central Council to maintain a section of the APEC Architect Register in New Zealand and to act as a nominating body for the Central Council.
- E. The participants acknowledge that the primary purpose of this Memorandum is to facilitate APEC Architects to become registered to practice independently in a host economy as defined by reference to the APEC Architects Operations Manual 2008 annexed to this Memorandum and marked with the Letter A and as amended by the Central Council from time to time ('the Manual').
- F. The participants acknowledge that the *Japan APEC Architect Project Monitoring Committee* and the *New Zealand APEC Architect Monitoring Committee* have been authorized by the APEC Architect Central Council to operate a section of the APEC Architect Register in their respective economies, and both economies have established and maintain a section of the APEC Architect Register in their respective economies.
- G. The participants acknowledge that each economy shares the recognition that APEC Architects who are on the APEC Architect Register in its economy meet all the requirements for registration/licensure as an Architect of their respective economies in accordance with their mutual commitment to the provisions of the APEC Architect Reciprocal Recognition Framework, subject to the conditions and exceptions set out in this Memorandum.

AFFIRMING their common interest in the implementation and ongoing administration of the APEC Architect Framework in their respective economies **THE PARTICIPANTS HAVE DECIDED** as follows:

1. Definitions

1.1 The Definitions detailed in the Manual apply in this Memorandum.

1.2 In this Memorandum, unless the contrary intention appears:

"APEC Architect" refers to an Architect whose name appears on the APEC Architect Register in their Home Economy;

"Japanese Participants" means MLIT and the Japan APEC Architect Project Monitoring Committee;

"New Zealand Participants" means NZRAB and the New Zealand APEC Architect Monitoring Committee;

"Home Economy" means the economy of permanent residence and primary registration/licensure as an Architect;

"Host Economy" means the economy where it is intended to apply for secondary registration/licensure in compliance with this Memorandum;

"the participants" refers to the Japanese Participants and the New Zealand Participants;

"1st-class Kenchikushi" means a person who is licensed by MLIT to design buildings and supervise construction work etc. in Japan, under the title of 1st-class Kenchikushi;

"New Zealand Architect" means a person who is a New Zealand Registered Architect under the Registered Architects Act 2005 which entitles that person to use the title "Registered Architect" and/or to use the title "architect" when offering or providing architectural services in New Zealand;

"Registration" also means licensure, certification – legal admission to the right to practice as an architect/1st-class Kenchikushi;

"Regulatory authority" means the authority responsible for the registration/licensure or acceptance of persons permitted to offer professional services as an architect/1st-class Kenchikushi.

2. Application of the APEC Architect Framework

- 2.1 The participants decide that the Manual forms part of this Memorandum.
- 2.2 The participants decide that the Manual forms the basis upon which:
 - 2.2.1 the reciprocal acceptance of 1st-class Kenchikushi in New Zealand is to be carried out;
 - 2.2.2 the reciprocal acceptance of New Zealand Architects in Japan is to be carried out;
 - 2.2.3 the mobility of 1st-class Kenchikushi in the provision of architectural services as New Zealand Architects in New Zealand is to be facilitated; and
 - 2.2.4 the mobility of New Zealand Architects in the provision of architectural services as 1st-class Kenchikushi in Japan is to be facilitated.
- 2.3 The participants decide that this Memorandum applies to 1st-class Kenchikushi and New Zealand Architects whose names appear on the APEC Architect Register of each home economy.
- 2.4 The participants decide that nothing in this Memorandum or the Manual is intended to discriminate against an APEC Architect on the basis of the 1st-class Kenchikushi or New Zealand Architect's place of origin or place of education.
- 2.5 The participants decide that this Memorandum will not apply to 1st-class Kenchikushi or New Zealand Architects:
 - whose home economies are other than the ones of this Memorandum; and
 - who have obtained registration/licensure by means of a mutual recognition agreement outside the framework of this Memorandum.

3. Purpose of this Memorandum

3.1 The participants decide that the purpose of this Memorandum is:

3.1.1 to facilitate the registration/licensure of a 1st-class Kenchikushi as an New Zealand Architect and a New Zealand Architect as a 1st-class Kenchikushi consistent with the APEC Architect Reciprocal Recognition Framework.

3.1.2 to set out standards, criteria, procedures and measures which:

- . are assessed on objective and transparent measures, such as professional competence and ability to provide a service;
- . are not more burdensome than necessary to ensure that the standards of architectural practice are maintained in the Host Economy; and
- . do not constitute an unreasonable restriction on the cross-border provision of any architectural services between Japan and New Zealand.

3.2 The participants decide that differences relating to the standards and processes for registration/licensure are to be addressed by reference to the APEC Architect Framework. The participants decide to allow those qualified through the APEC Architect Framework to offer professional services in the host economy under such circumstances that the health, safety and welfare of the public are protected, the architectural culture and heritage are respected, and the relevant laws or regulations of the jurisdiction are observed in relation to the services performed.

4. Reciprocal Acceptance Provisions

4.1 Current Registration/Licensure Procedures

4.1.1 In Japan, MLIT regulates the assessment/registration process of 1st-class Kenchikushi based on Kenchikushi Law.

4.1.2 In New Zealand, registration as an architect is the responsibility of NZRAB under the Registered Architects Act 2005.

4.2 In Japan, a person who is a 1st-class Kenchikushi may legally and exclusively engage in the design and the superintendence of construction work using the title 1st-class Kenchikushi and may also engage in other related works in accordance with Kenchikushi Law.

4.3 In New Zealand, only a person who is registered as an architect may legally provide architectural services using the title 'architect' or describe him or herself as a "Registered Architect".

4.4 The participants decide that the primary qualification for registration/licensure in the host economy pursuant to this Memorandum is to be registered as an APEC Architect in the home economy.

4.5 The participants decide that applicants are entitled to obtain registration/licensure in the host economy by satisfying the following conditions:

4.5.1 Registration/licensure in Japan:

- a) Enroll in the APEC Architects Registry.
- b) Successfully pass the domain specific test imposed in Japan which will result in the award of the certification of Minister of Land, Infrastructure, Transport and Tourism. This certification evidences that the applicant has met the minimum standards necessary for registration as a 1st-class Kenchikushi.
- c) Agree to:
 - i) abide by the laws, rules and regulations in Japan;
 - ii) satisfy the requirements to assure the continuing competency imposed in Japan;
 - iii) observe any relevant code of professional conduct, conform to ethical standards of truth, honesty and integrity as the basis for ethical practice including, at a minimum, abiding by the ethical standards in Japan including Kenchikushi Law; and
 - iv) provide any information in accordance with 6.2 of this Memorandum.
- d) Complete an application form for registration at MLIT or the designated registration body and pay the required fee.

4.5.2 Registration/licensure in New Zealand

- a) Enroll in the APEC Architects Registry.
 - b) Successfully pass the domain specific test imposed in New Zealand which will be followed by a recommendation to the Board of NZRAB that the applicant meets the applicable minimum standards for registration in New Zealand.
 - c) Agree to:
 - i) abide by the laws, rules and regulations in New Zealand;
 - ii) satisfy the requirements to assure continuing competency as imposed by the Registered Architects Act 2005;
 - iii) conform to ethical standards of truth, honesty and integrity as the basis for ethical practice including, at a minimum, abiding by the New Zealand Code of Minimum Standards of Ethical Conduct for Registered Architect as required by the Registered Architects Rules 2006; and
 - iv) provide any information in accordance with 6.2 of this Memorandum.
 - d) Complete an application form for registration and pay the required fee.
- 4.6 The participants decide that fees for the above process should be reasonable and cover the costs only of assessing the applicant.
- 4.7 The participants decide that each economy will make its own arrangement for domain specific assessment and publicize information on such specific examination/assessment.
- 4.8 Nothing in this Memorandum will preclude an applicant from pursuing registration/licensure in a host economy through the exercise of alternative procedures.

5. Implementation

- 5.1 The participants decide that the cooperation under this Memorandum will commence when
 - 5.1.1 MLIT and the Japan APEC Architect Project Monitoring Committee have signed this Memorandum; and
 - 5.1.2 NZRAB and the New Zealand APEC Architect Monitoring Committee have signed this Memorandum.
- 5.2 The Monitoring Committees of both economies will exchange information on the number of applicants who have applied pursuant to the terms of this Memorandum annually.
- 5.3 Both economies resolve to provide to each other with regular reports dealing with matters relating to the implementation of this Memorandum, in addition to the information to be provided in accordance with 5.2 of this Memorandum.

6. Discipline and Enforcement, Disclosure by an Applicant for Registration/Licensure

6.1 The participants recognize that

6.1.1 MLIT is responsible for any appropriate disciplinary action within the scope of and in accordance with the provisions under Article 9 and 10 of Chapter 2 and Chapter 10 of the Kenchikushi Law where a 1st-class Kenchikushi fails to fulfill the conditions stated in 4.5.1(c) i)-iii) of this Memorandum; and

6.1.2 NZRAB is responsible for any appropriate disciplinary action within the scope of and in accordance with the provisions under Article 26, Chapter 2 of the Registered Architects Act 2005 where a Registered Architect fails to fulfill the conditions stated in 4.5.2(c) i)-iii) of this Memorandum.”

6.2 The participants decide that any application for registration/licensure under this Memorandum is required to include the information by the applicants concerning any sanctions that have been imposed against them related to the practice of the 1st-class Kenchikushi/architect in any other country and any APEC economy. The participants acknowledge that the information may be considered by the regulatory authority in the host economy as part of the registration/licensure process.

6.3 The participants decide that an application for registration/licensure in the host economy under this Memorandum is required to include the applicant’s written permission to distribute and exchange information regarding sanctions between both economies.

7. Immigration and Visa Issues

7.1 The participants decide that registration/licensure in a host economy does not avoid the need to comply with applicable immigration and visa requirements of the host economy.

8. Exchange of Information

- 8.1 The participants decide to notify each other and provide copies of any major changes in policy, criteria, procedures and programs that might affect this Memorandum.

9. Consultations

- 9.1 The participants will at all times endeavor to have common recognition on the interpretation and implementation of the cooperation under this Memorandum, and will make every attempt through co-operation and consultation to arrive at a mutually satisfactory resolution of any matter that might affect its operation.
- 9.2 A participant to this Memorandum may request in writing consultations with any participants on the other side regarding any actual or proposed measure or any other matter that it considers might affect the operation of this Memorandum. A participant who has received a consultation request should endeavor to reply immediately unless there is good reason for a delay in answer.

10. Term of the cooperation under this Memorandum

- 10.1 The participants to the Memorandum decide that they will, at least every five (5) years, review and update the status of implementation and report on the effectiveness of the Memorandum, and recommend changes where appropriate.
- 10.2 The participants decide that the cooperation under this Memorandum may be terminated by any participant by giving to the other participants at least six (6) months prior written notice. A participants' leave from the Memorandum will not affect a status of the APEC Architects to practice in a host economy obtained through the cooperation under this Memorandum.
- 10.3 The participants decide that the cooperation under this Memorandum will be automatically terminated if the Monitoring Committee in either economy ceases to be authorized by the APEC Architect Central Council to operate an APEC Architect Register.

SIGNED.....**3**..... day of**JULY**....., 2009.

The Ministry of Land, Infrastructure, Transport and Tourism of Japan

(signature)

Hiroto Izumi

.....
Hiroto Izumi, Director-General, Housing Bureau

The Japan APEC Architect Project Monitoring Committee

(signature)

Fumihiko Maki

.....
Fumihiko Maki, Chair

SIGNED.....^{14th}..... day of^{JULY}....., 2009.

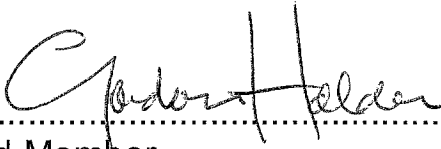
NZRAB: New Zealand Registered Architects Board

(signature)



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Ron Pynenburg, Chair

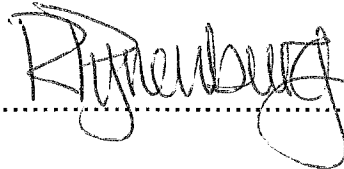
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.....
Prof. Gordon Holden, Board Member

The New Zealand APEC Architect Monitoring Committee

(signature)



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Ron Pynenburg, Chair