

## **RULES OF THE ASEAN ARCHITECT COUNCIL**

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### **1.0 INTRODUCTION**

### **1.1 LEGAL BASIS**

These Rules have been developed and will be applied in accordance with the provisions of the ASEAN Mutual Recognition Arrangement (MRA) on Architectural Services CPC 8671, and are intended to be read in conjunction with those provisions. Should the requirements of the Rules and those of the MRA be found to be inconsistent, the requirements of the MRA will prevail.

### **1.2 ASEAN Architect (AA)**

- i. Under the MRA - an Architect or practitioner who holds the nationality of an ASEAN Member States and possesses qualifications and experience that complies with the requirements specified in the Assessment Statement may apply to be emplaced on the registered ASEAN Architect (AA) and accorded the title of ASEAN Architect (AA).
- ii. An AA shall practise architecture where he/she has been adjudged to be competent under this arrangement.

### **1.3 The ASEAN Architect Council (AAC)**

- i. The ASEAN Architect Council (AAC) shall be established and shall have the authority to confer and withdraw the title of ASEAN Architect (AA). This authority may be delegated in writing from time to time by the ASEAN Architect Council (AAC) to the authorised Monitoring Committee (MC) in each participating ASEAN Member States. Members of the ASEAN Architect Council (AAC) shall comprise of one appointed representative from each Monitoring Committee (MC) of the participating ASEAN Member States.
- ii. The functions of the ASEAN Architect Council (AAC) shall include:
  - a) facilitating the development and maintenance of authoritative and reliable Registers of ASEAN Architects (AA);
  - b) accepting the ASEAN Architects (AAs) in each participating ASEAN Member States as possessing general technical and professional competence that is substantially equivalent to that of Architects registered or licensed in the Country of Origin;
  - c) developing, monitoring, maintaining and promoting mutually acceptable standards and criteria for facilitating practice by ASEAN Architects (AAs) throughout the participating ASEAN Member States;
  - d) seeking to gain a greater understanding of existing barriers to such practice and to develop and promote strategies to help governments and licensing authorities reduce those barriers and manage their processes in an effective and non-discriminatory manner;
  - e) encouraging the relevant governments and licensing authorities, through the mechanisms available within ASEAN, to adopt and implement streamlined procedures for granting rights to practice to ASEAN Architects (AAs);
  - f) identifying and encouraging the implementation of best practice for the preparation and assessment of architects intending to practise at the professional level; and
  - g) Continuing mutual monitoring and information exchange by whatever means that are considered most appropriate, including but not limited to:
    - 1) regular communication and sharing of information concerning assessment procedures, criteria, systems, manuals, publications and lists of recognised practitioners;

- 2) informing all Professional Regulatory Authorities (PRAs) when it has been notified that an ASEAN Architect (AA) is no longer qualified to undertake independent professional architectural practice in the Country of Origin, has not complied with the Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level, or has seriously violated technical, professional or ethical standards either in the Country of Origin or the Host Country, whereby such violations have led to deregistration or suspension from practice or withdrawal from the ASEAN Architect Register;
  - 3) informing the Monitoring Committee of the Country of origin when it has been notified that an architect from the Country of Origin who has undertaken practice of architecture in a Host Country is not a registered ASEAN Architect (AA);
  - 4) verifying the operation of the procedures of participating ASEAN Member States; and
- iii. The ASEAN Architect Council (AAC) may, whenever it deems appropriate, invite the non- participating ASEAN Member States or non- ASEAN countries to attend as observers to its meetings.
  - iv. [Each ASEAN Member State shall have only one vote and that the Chairman shall not have an additional casting vote]

## **2.0 CHAIRMANSHIP AND ORGANISATION**

- 2.1 Chairmanship shall be rotated every two years and shall be coming from the Member State hosting the AAC Secretariat.
- 2.2 Members of the AAC shall comprise of one appointed official representative from each Monitoring Committee (MC) of the participating ASEAN Member States. Other delegates from participating and non participating ASEAN Member States may also attend the meeting as observers.
- 2.3 The organisational structure of the AAC shall comprise of:
  - i. Chairman;
  - ii. Secretary (to be appointed by the Chairman);
  - iii. One appointed representative of each of the participating ASEAN Member States and
- 2.4 One appointed representative from the non-participating ASEAN Member States may attend as observers

## **3.0 AAC SECRETARIAT**

- 3.1 The administration of the ASEAN Architect Council (AAC) shall be facilitated by a Secretariat. The establishment and funding of the Secretariat shall be decided by the ASEAN Architect Council (AAC).
- 3.2 The host of the AAC Secretariat shall be rotated every two (2) years, Member States can volunteer to serve as the subsequent Secretariat. In the event that there is no volunteer, the subsequent Secretariat will be the next Member States in alphabetical order. The subsequent secretariat shall be determined six months prior to expiry of the tenure of the current Secretariat.
- 3.3 The Secretariat shall be headed by a Secretary appointed by the Chairman of the AAC.
- 3.4 The AAC Secretariat shall :
  - i. facilitate the administration of the ASEAN Architect Council (AAC)
  - ii. process and maintain an ASEAN Architect Register
  - iii. maintain website

- iv. convene meeting
- v. issue publications
- vi. perform other relevant functions.

#### **4.0 AAC MEETINGS**

- 4.1 General Meetings of the ASEAN Architect Council (AAC) shall be held at least once a year to deal with applications by Monitoring Committees seeking authorisation to initiate Registers and/or authorisation to review the Guidelines on Criteria and Procedures, Assessment Statement and other related guidelines, procedures and documentation, and recommend any amendments to all the Professional Regulatory Authorities (PRAs).
- 4.2 Meeting of AAC may be held if needs arise. The Secretariat shall circulate an invitation signed by the Chairman to call for an AAC meeting giving reasonable notice prior to the date of the meeting. The invitation shall specify the agenda, time and venue of the meetings. Confirmation from participating member states to participate in the AAC meeting shall be received by the Secretariat fourteen (14) days before the meeting. The meeting shall have a quorum of at least five (5) Member States.
- 4.3 Decision on any matter shall be made in the ASEAN spirit of cooperation among members attending the meeting.
- 4.4 The Agenda of the meeting shall include, among others, report of the Monitoring Committee update of the Register, financial statement and any other matters relating to the operation of the MRA's.
- 4.5 In the event of the Chairman of the AAC is unable to chair the meeting, the chairman shall delegate a person who he/she deems fit to chair the meeting.

#### **5.0 REVIEW PROCEDURES**

##### **5.1 Assessment Statement**

- i. The Monitoring Committee (MC) of each participating ASEAN Member States seeking authorisation to initiate a Register for the purpose of the registered ASEAN Architect (AA) shall prepare an Assessment Statement setting out the criteria and procedures for assessing compliance with the qualifications set out at Article 3.1 of the MRA for Architect applicants.
- ii. The proposed statement shall be reviewed and approved by the ASEAN Architect Council (AAC). Guidelines on criteria and procedures and examples are set out in Appendices B, C and D of the MRA.

##### **5.2 Conferment and Withdrawal**

- i. Conferment shall be issued based on the endorsed Assessment Statement of the respective MC. The operation of the procedures may be verified from time to time as and when required.
- ii. The PRA of the Host Country shall notify the AAC Secretariat promptly in writing when a Registered Foreign Architect (RFA) has contravened the MRA, or has seriously violated technical, professional or ethical standards in the Host Country whereby such violations have led to deregistration or suspension from practice.
- iii. MC of the Country of Origin shall notify the AAC Secretariat promptly in writing when an ASEAN Architect (AA):
  - a) has contravened the MRA, or
  - b) is no longer qualified to undertake independent professional architectural practice in the Country of Origin,
  - c) has not complied with Continuing Professional Development (CPD) policy of the Country of Origin to a satisfactory level, or

- d) has seriously violated technical, professional or ethical standards in the Country of Origin whereby such violations have led to deregistration or suspension from practice.
- iv. Where Article 5.2.ii. and 5.2.iii. above is applicable, the respective MC shall withdraw and deregister the said AA from the ASEAN Architect Register (AAR).
- v. AAC shall inform all PRAs when it has been notified that an AA is deregistered or suspended from practice or withdrawn from the AAR

## **6.0 CERTIFICATES**

- 6.1 The registration as an AA is attested by a certificate signed by the Chairman of MC of the Country of Origin on behalf of AAC.
- 6.2 The AA Certificate will be issued once by the MC of the applicant's country and shall be valid for a period of 2 (two) years and shall be renewed upon expiry and with the fees paid to the respective Monitoring Committee.
- 6.3 The AA title may be retained as long as the holder remains registered.

## **7.0 REPORTING**

The ASEAN Architect Council (AAC) shall report its progress of work to ASEAN Coordinating Committee on Services (CCS) as and when required.

## **8.0 FINANCES**

The Secretariat financial expenditure shall be borne by the respective participating Member States that host the Secretariat, unless otherwise decided.

## **9.0 APPEALS AND DISPUTE SETTLEMENT**

The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at Vientiane, Lao PDR on the 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under this Arrangement.

## **10.0 RULES AMENDMENT**

- 10.1 Any MC of the Participating Member States may request in writing any amendment to all or any part of this Rules.
- 10.2 The provisions of this Rules may only be modified through amendments mutually agreed upon in writing by the MC of all the Participating Member States in a General Meeting of AAC, provided that the proposal has been received by the Secretariat at least three calendar months prior to the Meeting and disseminated to all AAC members at least two months prior to the Meeting. Any such amendment agreed to shall be reduced in writing and shall form part of this rules and shall come into force on such date as may be determined by all the Participating Member States.
- 10.3 Any amendment shall not prejudice the rights and obligations arising from or based on this Rules prior or up to the date of such amendment.