

Chartered Professional Engineers of New Zealand Rules (No 2) 2002

Pursuant to section 40 of the Chartered Professional Engineers of New Zealand Act 2002, the Institution of Professional Engineers New Zealand Incorporated makes the following rules (which, in the case of the rules containing CPEng standards, have been prepared, and approved by the Chartered Professional Engineers Council, in accordance with section 41 of that Act).

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Rules

1 Title

These rules are the Chartered Professional Engineers of New Zealand Rules (No 2) 2002.

2 Commencement

These rules come into force on 1 January 2003.

3 Interpretation

In these rules, unless the context otherwise requires,—

Act means the Chartered Professional Engineers of New Zealand Act 2002

applicant's registration date has the meaning set out in rule 18

assessment means an assessment of whether or not the person met—

- (a) the minimum standard for registration; or
- (b) the minimum standard for continued registration

assessment panel means an assessment panel appointed under Part 5

assessor means an assessor appointed under Part 5

chief executive means the chief executive of the Registration Authority

code of ethical conduct means the minimum standards contained in Part 3

Competency Assessment Board means the Competency Assessment Board appointed under Part 5

complaints research officer means a complaints research officer appointed under Part 5

complex engineering activities has the meaning set out in rule 7

complex engineering problems has the meaning set out in rule 7

CPEng equivalence means a qualification or title that the Registration Authority determines requires the holder to have competence at least equivalent to the competence required to be a chartered professional engineer

disciplinary committee means a disciplinary committee appointed under Part 5

investigating committee means an investigating committee appointed under Part 5

material conflict of interest means, in relation to any matter, a financial or other interest that is likely to affect a person's judgement on that matter

meeting method means meeting—

- (a) by assembling together at a place; or
- (b) by means of audio, audio and visual, or electronic communication by which the participants can simultaneously communicate with each other throughout the meeting

minimum standard for continued registration means the minimum standard set out in rule 20

minimum standard for registration means the minimum standard set out in rule 6

notify means send a written notice (by post, email, fax, or other similar means of communication) to the last known address of the person concerned

practice area means an engineer's area of practice, as determined by—

- (a) the area within which he or she has engineering knowledge and skills; and
- (b) the nature of his or her professional engineering activities.

Part 1

Title of chartered professional engineer

4 Title of chartered professional engineer

- (1) A person may represent himself or herself as a chartered professional engineer by using—
 - (a) the words “chartered professional engineer”; or
 - (b) the abbreviation “CPEng”.
- (2) Subclause (1) does not limit any other words, initials, and abbreviations that may be used to represent a person as a chartered professional engineer.

5 Use of title of chartered professional engineer in representing overseas qualifications

A person may use a qualification or title awarded by an overseas agency that contains the title “chartered professional engineer” (or words, initials, or abbreviations of that title) only if the person also states the jurisdiction of the overseas agency in full or by a widely accepted abbreviation in parentheses afterwards.

**Part 2
Registration of chartered professional engineers****Subpart 1—Assessment for initial registration***Minimum standard for registration***6 Minimum standard for registration as chartered professional engineer**

- (1) To meet the minimum standard for registration, a person must demonstrate that he or she is able to practise competently in his or her practice area to the standard of a reasonable professional engineer.
- (2) The extent to which the person is able to do each of the following things in his or her practice area must be taken into account in assessing whether or not he or she meets the overall standard in subclause (1):
 - (a) comprehend, and apply his or her knowledge of, accepted principles underpinning—
 - (i) widely applied good practice for professional engineering; and
 - (ii) good practice for professional engineering that is specific to New Zealand; and
 - (b) define, investigate, and analyse complex engineering problems in accordance with good practice for professional engineering; and
 - (c) design or develop solutions to complex engineering problems in accordance with good practice for professional engineering; and
 - (d) exercise sound professional engineering judgement; and
 - (e) be responsible for making decisions on part or all of 1 or more complex engineering activities; and

- (f) manage part or all of 1 or more complex engineering activities in accordance with good engineering management practice; and
- (g) identify, assess, and manage engineering risk; and
- (h) conduct his or her professional engineering activities to an ethical standard at least equivalent to the code of ethical conduct; and
- (i) recognise the reasonably foreseeable social, cultural, and environmental effects of professional engineering activities generally; and
- (j) communicate clearly to other engineers and others that he or she is likely to deal with in the course of his or her professional engineering activities; and
- (k) maintain the currency of his or her professional engineering knowledge and skills.

7 Definitions for purpose of minimum standard for registration

For the purposes of rule 6,—

complex engineering activities means engineering activities or projects that have some or all of the following characteristics:

- (a) involve the use of diverse resources (and, for this purpose, **resources** includes people, money, equipment, materials, and technologies):
- (b) require resolution of significant problems arising from interactions between wide-ranging or conflicting technical, engineering, and other issues:
- (c) have significant consequences in a range of contexts:
- (d) involve the use of new materials, techniques, or processes or the use of existing materials, techniques, or processes in innovative ways

complex engineering problems means engineering problems that have some or all of the following characteristics:

- (a) involve wide-ranging or conflicting technical, engineering, and other issues:
- (b) have no obvious solution and require originality in analysis:
- (c) involve infrequently encountered issues:
- (d) are outside problems encompassed by standards and codes of practice for professional engineering:

- (e) involve diverse groups of stakeholders with widely varying needs;
- (f) have significant consequences in a range of contexts;
- (g) cannot be resolved without in-depth engineering knowledge.

Applications for registration

8 How to apply for registration

- (1) A person may apply to the Registration Authority for registration in accordance with this rule.
- (2) The application must—
 - (a) be made in a form containing the information set out in Schedule 1; and
 - (b) contain or be accompanied by all of the supporting information set out in rule 9; and
 - (c) contain or be accompanied by—
 - (i) a statement signed by the applicant to the effect that all the information is accurate and any evidence provided is genuine; and
 - (ii) a statement of the applicant's agreement to be bound by the rules as amended from time to time; and
 - (d) be accompanied by the registration application charge set out in Schedule 2.
- (3) The applicant must provide all information in writing and must provide 3 copies of that information.

9 Information that must be provided to support application

An applicant must provide the following information in or with an application:

- (a) evidence of the following (if applicable):
 - (i) academic and other relevant qualifications; and
 - (ii) current registration on other professional engineering registers; and
 - (iii) results from other relevant competency assessments; and
 - (iv) professional development activities undertaken; and

- (b) a chronological summary of the applicant's work history (including a description of previous employment positions and professional engineering activities); and
- (c) any other information that the applicant wishes to be considered (which may include a statement of self-review reflecting on development as a professional engineer and work samples from recent professional engineering activities); and
- (d) annotations explaining how the information demonstrates that the applicant meets the minimum standard for registration.

Way in which application for registration must be evaluated and decisions made and implemented

10 Assessment panel must evaluate application

An assessment panel must evaluate each application for registration to assess—

- (a) whether or not the applicant has demonstrated that he or she meets the minimum standard for registration; and
- (b) if so, whether the applicant's continued registration should be assessed by the end of the fifth year from 31 December of the year of this assessment, or in an earlier year.

11 Way in which assessment panel must evaluate application

- (1) The assessment panel must evaluate the application in the following way:
 - (a) carry out a preliminary evaluation of the information provided and assess whether or not the panel needs more information to complete the assessment; and
 - (b) do both of the following, unless the panel thinks it unnecessary (in which case, it may carry out an interactive assessment only or do neither):
 - (i) carry out an interactive assessment with the applicant by any meeting method; and
 - (ii) require the applicant to carry out a written assignment; and
 - (c) if the panel thinks it necessary, invite the applicant to provide, within a specified period,—
 - (i) any additional supporting information:

- (ii) up to 2 further referees; and
 - (d) in evaluating the information provided, assess—
 - (i) the extent to which the applicant is able to do the things in subclause (2) of the minimum standard for registration; and
 - (ii) whether or not the applicant meets the overall standard in subclause (1) of the minimum standard for registration, taking its evaluation under subparagraph (i) into account; and
 - (iii) any other matters the panel considers necessary to carry out the assessment; and
 - (e) have regard to any advice provided by a member of the Competency Assessment Board for the purposes of moderating between assessments; and
 - (f) make recommendations to the Competency Assessment Board on the application.
- (2) The assessment panel may take these steps in a different order, repeat or combine any steps, or take additional steps to carry out the assessment.

12 Competency Assessment Board must make decision on application

- (1) The Competency Assessment Board must, after considering the assessment panel's recommendations and section 8 of the Act,—
- (a) decide to register the applicant or to decline the application; and
 - (b) if it decides to register the applicant, determine whether the applicant's continued registration must be assessed by the end of the fifth year from 31 December of the year of this assessment, or in an earlier year.
- (2) However, the Competency Assessment Board may only decide—
- (a) to decline an application after complying with rule 13; and
 - (b) to reject or vary a recommendation of the assessment panel after complying with rule 14.

13 Competency Assessment Board must give applicant opportunity to respond

If the Competency Assessment Board proposes to decline an application, the Board must—

- (a) notify the applicant of the information on which the proposed decision is based; and
- (b) give the applicant a reasonable opportunity to make written submissions on the matter.

14 Competency Assessment Board must meet additional requirements if rejecting or varying recommendation

The Competency Assessment Board may only reject or vary a recommendation of the assessment panel if first—

- (a) the Board requires the assessment panel to reconsider its recommendation for the reasons given by the Board; and
- (b) the assessment panel reconsiders its recommendation, carries out any further steps it considers necessary under rule 11, and reports back on whether or not its recommendation should be amended; and
- (c) the Board considers the reconsidered recommendation.

15 Registration Authority must notify and implement decision

The Registration Authority must—

- (a) notify the applicant of the decisions under rule 12 and the reasons for those decisions; and
- (b) if the decision is to register the applicant,—
 - (i) register him or her; and
 - (ii) issue a registration certificate to him or her; and
- (c) rebate to the applicant any part of the registration application charge for which a rebate applies under Schedule 2 (if not already rebated).

Subpart 2—Registration certificates

16 How to apply for registration certificates

A person may apply to the Registration Authority for a registration certificate by paying the applicable registration certificate charge set out in Schedule 2.

17 Issue of registration certificates

The Registration Authority must issue a registration certificate to a person who applies in accordance with rule 16 if he or she is currently registered.

18 Term for which registration certificates issued

- (1) Registration certificates are issued for a year, or part of a year, that—
 - (a) begins on 1 January or, if the applicant is not currently registered on 1 January, the applicant's registration date under subclause (2); and
 - (b) ends on 31 December.
- (2) The **applicant's registration date** is the date on which the applicant is registered under section 8 of the Act or on which the applicant's registration revives after a period of suspension or abeyance (whichever is applicable).

19 Registration Authority may require cancelled or suspended registration certificates to be returned or destroyed

- (1) A person must, if required by the Registration Authority, return, or notify the Registration Authority that the person has destroyed, a cancelled registration certificate.
- (2) A person must, if required by the Registration Authority, return a registration certificate for the period of any suspension of his or her registration.

Subpart 3—Assessment for continued registration

*Minimum standard for continued registration***20 Minimum standard for continued registration as chartered professional engineer**

To meet the minimum standard for continued registration, a person must demonstrate that—

- (a) he or she—
 - (i) is still able to practise competently in his or her current practice area to the standard of a reasonable professional engineer; or

- (ii) if the person's practice area has changed materially since the last assessment, meets the minimum standard for registration within his or her current practice area; and
- (b) he or she has taken reasonable steps to maintain the currency of his or her professional engineering knowledge and skills within his or her current practice area since the last assessment.

Minimum frequency of assessments of continued registration

21 Minimum frequency of assessment of continued registration

- (1) The Registration Authority must assess whether or not a person meets the minimum standard for continued registration within 5 years from 31 December of the year of the person's last assessment.
- (2) Subclause (1) does not limit the Registration Authority's power under section 11 of the Act to carry out an assessment at any earlier time (including, without limitation, in a year fixed on the person's last assessment).

Commencement of assessment

22 Registration Authority must notify chartered professional engineers of assessment

- (1) Before undertaking an assessment of a person's continued registration, the Registration Authority must notify the person (the **candidate**)—
 - (a) that it intends to carry out the assessment; and
 - (b) that the candidate must provide the information required under rule 23 by a specified date; and
 - (c) of the consequences of not providing the information.
- (2) The specified date for providing information must be at least 3 months after the notice under subclause (1).

23 Information that must be provided to demonstrate current competence

- (1) Each candidate who receives a notice under rule 22 must provide to the Registration Authority, by the specified date,—

- (a) a form containing the information set out in Schedule 1; and
 - (b) the supporting information set out in subclause (2); and
 - (c) a statement signed by the applicant to the effect that all the information is accurate and any evidence provided is genuine.
- (2) A candidate must provide the following supporting information:
- (a) evidence of the following (if applicable):
 - (i) academic and other relevant qualifications obtained since his or her last assessment; and
 - (ii) current registration on other professional engineering registers; and
 - (iii) results from other relevant competency assessments since his or her last assessment; and
 - (iv) professional development activities undertaken since his or her last assessment; and
 - (b) a chronological summary of the candidate's work history since his or her last assessment (including a description of employment positions and professional engineering activities in that period); and
 - (c) any other information that the candidate wishes to be considered (which may include a statement of self-review reflecting on development as a professional engineer and work samples from recent professional engineering activities); and
 - (d) annotations explaining how the information demonstrates that the candidate meets the minimum standard for continued registration.
- (3) The candidate must provide all information in writing and must provide 3 copies of that information.

Way in which continued registration must be evaluated and decisions made and implemented

24 Assessment panel must evaluate continued registration

- (1) An assessment panel must evaluate each candidate for continued registration to assess—
- (a) whether or not the candidate has demonstrated that he or she meets the minimum standard for continued registration; and

- (b) if so, whether the candidate's continued registration should next be assessed by the end of the fifth year from 31 December of the year of this assessment, or in an earlier year; and
 - (c) if not, whether the candidate's registration should be suspended or removed.
- (2) However, if the candidate does not provide the information required under rule 23 by the specified date,—
- (a) only 1 assessor must evaluate the candidate's continued registration; and
 - (b) this subpart applies as if the assessor were the assessment panel (with any necessary modifications).

25 Way in which assessment panel must evaluate continued registration

- (1) The assessment panel must evaluate the candidate's continued registration in the following way:
- (a) carry out a preliminary evaluation of the information provided and assess whether or not the panel needs more information to complete the assessment; and
 - (b) if the panel thinks it necessary, do both of the following or only an interactive assessment:
 - (i) require the candidate to pay the interactive assessment charge set out in Schedule 2 and carry out an interactive assessment with the candidate by any meeting method;
 - (ii) require the candidate to carry out a written assignment; and
 - (c) if the panel thinks it necessary, invite the candidate to provide, within a specified period,—
 - (i) any additional supporting information;
 - (ii) up to 2 further referees; and
 - (d) evaluate the information provided and any other information that the Registration Authority has on the candidate; and
 - (e) have regard to any advice provided by a member of the Competency Assessment Board for the purposes of moderating between assessments; and
 - (f) make recommendations to the Competency Assessment Board on the candidate's continued registration.

- (2) The assessment panel may take these steps in a different order, repeat or combine any steps, or take additional steps to carry out the assessment.

26 Competency Assessment Board must make decision on continued registration

- (1) The Competency Assessment Board must, after considering the assessment panel's recommendations and section 11 of the Act,—
- (a) decide to confirm the candidate's continued registration, or to remove or suspend the candidate's registration; and
 - (b) if it decides to confirm the candidate's continued registration, determine whether the candidate's continued registration must next be assessed by the end of the fifth year from 31 December of the year of this assessment, or in an earlier year.
- (2) However, the Competency Assessment Board may only decide—
- (a) to remove or suspend a candidate's registration after complying with rule 27; or
 - (b) to reject or vary a recommendation of the assessment panel after complying with rule 28.

27 Competency Assessment Board must give candidate opportunity to respond

If the Competency Assessment Board proposes to remove or suspend the candidate's registration, the Board must—

- (a) notify the candidate of the information on which the proposed decision is based; and
- (b) give the candidate a reasonable opportunity to make written submissions on the matter.

28 Competency Assessment Board must meet additional requirements if rejecting or varying recommendation

The Competency Assessment Board may only reject or vary a recommendation of the assessment panel if first—

- (a) the Board requires the assessment panel to reconsider its recommendation for the reasons given by the Board; and

- (b) the assessment panel reconsiders its recommendation, carries out any further steps it considers necessary under rule 25, and reports back on whether or not its recommendation should be amended; and
- (c) the Board considers the reconsidered recommendation.

29 Registration Authority must notify and implement decision

- (1) The Registration Authority must—
 - (a) notify the candidate of the decisions under rule 26 and the reasons for those decisions; and
 - (b) if the decision is to remove or suspend the candidate's registration, remove or suspend that registration; and
 - (c) if the candidate paid an interactive assessment charge, rebate to the candidate any part of the charge for which a rebate applies under Schedule 2 (if not already rebated).
- (2) However, the Registration Authority must not remove or suspend a candidate's registration until the expiry of a period of at least 28 days after the notification of the decision.

30 Complaints arising from assessment of continued registration

If an assessment panel or Competency Assessment Board considers, in the course of carrying out an assessment of continued registration, that there is reason to suspect that the candidate may come within any of the grounds for discipline in section 21 of the Act, the panel or Board must refer the matter to the Registration Authority for consideration under rule 55.

**Subpart 4—Review of registration
assessment procedures**

31 Request for review of assessment procedures

- (1) A person may, in accordance with this rule, apply to the Registration Authority for a review on the ground that the assessment was not carried out in accordance with the procedures set out in the Act or these rules.

- (2) The application must be—
- (a) made in writing within 14 days after the applicant is notified of the assessment decision; and
 - (b) accompanied by—
 - (i) a statement of how the applicant considers that the assessment was not carried out in accordance with the procedures set out in the Act or these rules; and
 - (ii) any evidence that the applicant wishes to be considered in the review; and
 - (c) accompanied by the charge for reviews set out in Schedule 2.

32 Competency assessment reviewer must carry out review of assessment procedures

A competency assessment reviewer must, as soon as practicable after receiving an application under rule 31, review the procedures followed in carrying out the assessment and—

- (a) refer the matter back to be reassessed from the stage he or she considers necessary if he or she considers that—
 - (i) the assessment was not carried out in accordance with the procedures set out in the Act or these rules; and
 - (ii) this has disadvantaged the applicant; or
- (b) dismiss the application.

33 Registration Authority must notify and implement decision

The Registration Authority must—

- (a) notify the applicant of the decision under rule 32 and the reasons for that decision; and
- (b) if a matter is referred back to be reassessed, implement that decision and refund the charge for the review to the applicant.

34 Subpart does not limit statutory rights of appeal

Nothing in this subpart limits the rights of appeal under the Act.

Subpart 5—Suspensions, removals, or abeyances of
registration for other non-disciplinary reasons

*Way in which suspensions, removals, and abeyances for
other non-disciplinary reasons must be decided on
and implemented*

**35 Registration Authority must give person opportunity to
respond**

If the Registration Authority proposes to suspend or remove a person's registration or to place a person's registration in abeyance under section 9, section 10, or section 23 of the Act, the Registration Authority must—

- (a) notify the person of the information on which the proposed decision is based; and
- (b) give that person a reasonable opportunity to make written submissions on the matter.

36 Registration Authority must notify decision

(1) If the Registration Authority suspends or removes a person's registration under section 9, section 10, or section 23 of the Act, the Registration Authority must—

- (a) notify a person of its decision and the reasons for that decision; and
- (b) remove or suspend that registration.

(2) However, the Registration Authority must not remove or suspend a person's registration until the expiry of a period of at least 28 days after the notification of the decision.

Voluntary abeyances

37 How to voluntarily place registration into abeyance

A person may require that his or her registration be placed in abeyance by written notice to the Registration Authority that—

- (a) states the required period of abeyance; and
- (b) is given no less than 7 days before the commencement of that period; and
- (c) is accompanied by the charge for the abeyance period set out in Schedule 2.

38 Minimum and maximum periods of voluntary abeyances

A person may require that his or her registration be placed in abeyance only if the period of abeyance—

- (a) consists of 1 or more periods of 12 months; and
- (b) will expire before the end of the year in which the person's next assessment of continued registration must be carried out.

Subpart 6—Register**39 Additional matters to be shown in register**

In addition to the matters required by section 18 of the Act, the register must contain, for each registered person, the year by the end of which the person's next assessment must be carried out.

40 Form of register

The register is an electronic register.

41 Amendment of register

The Registration Authority must amend the register to—

- (a) reflect any changes, or correct any errors, in the information shown in the register as soon as reasonably practicable after being notified, or otherwise becoming aware, of the change or error; and
- (b) on the written request of any person, remove the contact details of that person.

Subpart 7—Miscellaneous**42 Retention and disposal of assessment information**

- (1) The Registration Authority must keep at least 1 copy of the information provided for each assessment until—
 - (a) the time limit for an appeal under sections 35 and 38 of the Act has expired without an appeal being made; or
 - (b) all appeals on the assessment decision are completed.
- (2) The Registration Authority must then destroy or return all copies to the person assessed, as directed by that person.

Part 3 Code of ethical conduct

General obligations to society

- 43 Take reasonable steps to safeguard health and safety**
A chartered professional engineer must, in the course of his or her engineering activities, take reasonable steps to safeguard the health and safety of people.
- 44 Have regard to effects on environment**
- (1) A chartered professional engineer must, in the course of his or her engineering activities,—
- (a) have regard to reasonably foreseeable effects on the environment from those activities; and
 - (b) have regard to the need for sustainable management of the environment.
- (2) In this rule, **sustainable management** means management that meets the needs of the present without compromising the ability of future generations (including at least the future generations within the anticipated lifetime of the end products and by-products of activities) to meet their own reasonably foreseeable needs.
- 45 Act with honesty, objectivity, and integrity**
A chartered professional engineer must act honestly and with objectivity and integrity in the course of his or her engineering activities.

General professional obligations

- 46 Not misrepresent competence**
A chartered professional engineer must—
- (a) not misrepresent his or her competence; and
 - (b) undertake engineering activities only within his or her competence; and
 - (c) not knowingly permit engineers whose work he or she is responsible for to breach paragraph (a) or paragraph (b).

- 47 Not misrepresent chartered professional engineer status**
A chartered professional engineer must not (in connection with a business, trade, employment, calling, or profession) make a false or misleading representation, or knowingly permit another to make a false or misleading representation, that services are supplied by a chartered professional engineer.
- 48 Inform others of consequences of not following advice**
- (1) A chartered professional engineer who considers that there is a risk of significant consequences in not accepting his or her professional advice must take reasonable steps to inform persons who do not accept that advice of those significant consequences.
- (2) In this rule, **significant consequences** means consequences that involve—
- (a) significant adverse effects on the health or safety of people; or
 - (b) significant damage to property; or
 - (c) significant damage to the environment.
- 49 Not promise, give, or accept inducements**
A chartered professional engineer must not—
- (a) promise or give to any person anything of substantial value intended to improperly influence that person's decisions that relate to the chartered professional engineer's activities; or
 - (b) accept from any person anything of substantial value intended to improperly influence his or her professional engineering decisions.

Obligations to employers and clients

- 50 Not disclose confidential information**
- (1) A chartered professional engineer must not disclose confidential information of an employer or client without the agreement of the employer or client.
- (2) Subclause (1) does not apply if—
- (a) the failure to disclose information would place the health or safety of people at significant and immediate risk; or

- (b) the engineer is required by law to disclose that information.

51 Not misuse confidential information for personal benefit

A chartered professional engineer who obtains another person's confidential information in connection with one purpose in the course of his or her professional engineering activities must not use that information for another purpose that is to his or her own personal benefit.

52 Disclose conflicts of interest

A chartered professional engineer must disclose to an employer or client any financial or other interest that is likely to affect his or her judgement on any engineering activities he or she is to carry out for that employer or client.

Obligations owed to other engineers

53 Not review other engineers' work without taking reasonable steps to inform them and investigate

- (1) A chartered professional engineer who reviews another professional engineer's work for the purpose of commenting on that work must take reasonable steps to—
 - (a) inform that engineer of the proposed review before starting it; and
 - (b) investigate the matters concerned before commenting.
- (2) Subclause (1) does not apply if taking those steps would result in there being a significant and immediate risk of harm to the health or safety of people, damage to property, or damage to the environment.

Part 4

Disciplining of chartered professional engineers

Complaints and inquiries

54 How to complain about chartered professional engineers

- (1) A person may complain to the Registration Authority about the conduct of a chartered professional engineer or former chartered professional engineer in accordance with this rule.
- (2) The complaint must be made in writing and contain the complainant's name and contact details.

- (3) The Registration Authority must give all reasonable assistance that is necessary in the circumstances to enable a person who wishes to make a complaint to put the complaint in writing.

55 Registration Authority may inquire into matters on own motion

- (1) The Registration Authority may inquire into any matter on its own motion under this Part if it has reason to suspect that a chartered professional engineer or former chartered professional engineer may come within any of the grounds for discipline in section 21 of the Act.
- (2) If subclause (1) applies, the Registration Authority may—
- (a) appoint an investigating committee under rule 84 and refer the matter to that committee; or
 - (b) if a complaint on that matter has already been made, continue to inquire into the matter even if the complaint is subsequently withdrawn.

Initial investigation of complaint

56 Registration Authority must refer complaint to investigating committee unless grounds for not doing so

The Registration Authority must, as soon as practicable after receiving a complaint, carry out an initial investigation of the complaint in accordance with rule 58 and—

- (a) refer the complaint to an investigating committee; or
- (b) dismiss the complaint on a ground in rule 57.

57 Grounds for not referring complaint to investigating committee

The Registration Authority may dismiss a complaint without referring it to an investigating committee if the chairperson of investigating committees decides under rule 58 that—

- (a) there is no applicable ground of discipline under section 21(1)(a) to (d) of the Act; or
- (b) the subject matter of the complaint is trivial; or
- (c) the complaint is frivolous or vexatious or is not made in good faith; or
- (d) the person alleged to be aggrieved does not wish action to be taken or continued; or

- (e) the complainant does not have a sufficient personal interest in the subject matter of the complaint; or
- (f) an investigation of the complaint is no longer practicable or desirable given the time elapsed since the matter giving rise to the complaint.

58 Way in which decision on whether or not to refer complaint to investigating committee must be made

The Registration Authority must carry out an initial investigation of a complaint against the grounds in rule 57 in the following way:

- (a) the Registration Authority must notify the person complained about of the general nature of the complaint before commencing the investigation; and
- (b) a complaints research officer must carry out the initial investigation of the complaint and recommend to the chairperson of investigating committees that the complaint proceed or be dismissed on a ground in rule 57; and
- (c) the complaints research officer, or chairperson of investigating committees, may seek to verify the information provided in the complaint by a statutory declaration from the complainant; and
- (d) after considering the complaints research officer's recommendation, the chairperson must decide whether the complaint should proceed or should be dismissed on a ground in rule 57.

59 Registration Authority must notify and implement decision

The Registration Authority must—

- (a) notify the complainant and the person complained about of the decision under rule 58 and the reasons for the decision; and
- (b) unless the chairperson of investigating committees decides that the complaint should be dismissed, appoint an investigating committee under rule 84 and refer the complaint to that committee.

*Investigation of complaint or inquiry by
investigating committee*

60 Investigating committee must determine whether or not to refer complaint or inquiry to disciplinary committee

An investigating committee must, as soon as practicable after receiving a complaint or inquiry, investigate the matter and—

- (a) refer the matter to a disciplinary committee; or
- (b) dismiss the matter.

61 Powers of investigating committee

An investigating committee may—

- (a) make, or appoint a person to make, any preliminary inquiries it considers necessary;
- (b) engage counsel, who may be present at a hearing of the committee, to advise the committee on matters of law, procedure, and evidence;
- (c) request the person complained about or the complainant to provide to the committee, within a specified period of at least 14 days that the committee thinks fit, any documents, things, or information that are in the possession or control of the person and that are relevant to the investigation;
- (d) take copies of any documents provided to it;
- (e) request the person complained about or the complainant to attend before the committee, at that person's own cost, on at least 14 days' notice;
- (f) receive any evidence that it thinks fit;
- (g) receive evidence on oath and otherwise in accordance with section 27 of the Act;
- (h) require a person giving evidence to verify a statement by oath or statutory declaration;
- (i) use the powers to summon witnesses under section 28 of the Act;
- (j) provide information to assist the complainant and the person complained about in obtaining counsel or other advocacy assistance.

62 Investigating committee may explore alternative dispute resolution for complaints

- (1) Before making the decision under rule 60 on a complaint, the investigating committee may explore, with the complainant

and the person complained about, the possibility of the complaint being referred to conciliation, mediation, arbitration, or another dispute resolution process.

- (2) If a complaint is referred to a dispute resolution process under subclause (1) and the complainant and person complained about fail to resolve the dispute within 60 days of the reference, or within any other time period that the investigating committee thinks fit, the investigating committee must make the decision under rule 60 on the complaint.

63 Investigating committee must give person complained about opportunity to respond

If the investigating committee proposes to refer a complaint or inquiry to a disciplinary committee, the investigating committee must—

- (a) notify the person complained about of the information on which the proposed decision is based; and
- (b) give the person complained about a reasonable opportunity to make submissions on the matter.

64 Way in which investigating committee's decision must be made

The investigating committee's decision under rule 60 on a complaint or inquiry must be made in the following way:

- (a) the committee must make its decision as soon as practicable, but may delay making the decision until the outcome is known of any other legal proceedings that may affect its findings; and
- (b) if the committee is not unanimous, the decision of the majority of the committee is the decision of the committee (but dissenting members may issue dissenting views).

65 Registration Authority must notify and implement decision

The Registration Authority must—

- (a) notify the complainant and the person complained about of the decision under rule 60, the reasons for the decision, and any dissenting views; and

- (b) if the decision is to refer the complaint or inquiry to a disciplinary committee, appoint a disciplinary committee in accordance with rule 85 and refer the matter to that committee.

Disciplinary committee

66 Disciplinary committee must determine complaint or inquiry

A disciplinary committee must, as soon as practicable after receiving a complaint or inquiry, hear the matter and decide—

- (a) whether or not there are grounds for disciplining the person complained about under section 21 of the Act; and
- (b) if so, whether and how to exercise the Registration Authority's powers under section 22 of the Act.

67 Powers of disciplinary committee

A disciplinary committee may—

- (a) make, or appoint a person to make, any preliminary inquiries it considers necessary;
- (b) engage counsel, who may be present at a hearing of the committee, to advise the committee on matters of law, procedure, and evidence;
- (c) request the person complained about or the complainant to provide to the committee, within a specified period of at least 14 days that the committee thinks fit, any documents, things, or information that are in the possession or control of the person and that are relevant to the investigation;
- (d) take copies of any documents provided to it;
- (e) request the person complained about or the complainant to attend before the committee, at that person's own cost, on at least 14 days' notice;
- (f) receive any evidence that it thinks fit;
- (g) receive evidence on oath and otherwise in accordance with section 27 of the Act;
- (h) require a person giving evidence to verify a statement by oath or statutory declaration;
- (i) use the powers to summon witnesses under section 28 of the Act;

- (j) provide information to assist the complainant and the person complained about in obtaining counsel or other advocacy assistance.

68 Way in which disciplinary committee must consider disciplinary matter

- (1) Before making the decision under rule 66 on a complaint or inquiry, the disciplinary committee must—
 - (a) send details of the complaint or inquiry to the person complained about; and
 - (b) invite him or her to respond in writing to the complaint or inquiry within a specified period (which must be at least 14 days); and
 - (c) give the complainant, the person complained about, and any person alleged to be aggrieved (if not the complainant) at least 28 days' notification of—
 - (i) the time and place of the hearing; and
 - (ii) the right of those persons to be heard and represented at the hearing; and
 - (d) advise each of the persons in paragraph (c) that the person must notify the committee within a specified period (which must be at least 14 days) if the person wishes to be heard by the committee on the complaint or inquiry.
- (2) The complainant, the person complained about, and any person alleged to be aggrieved have the right to be heard and represented at the hearing.

69 Way in which disciplinary committee's decision must be made

The disciplinary committee's decision under rule 66 on a complaint or inquiry must be made in the following way:

- (a) the committee must make its decision as soon as practicable, but may delay making the decision until the outcome is known of any other legal proceedings that may affect its findings; and
- (b) if the committee is not unanimous, the decision of the majority of the committee is the decision of the committee (but dissenting members may issue dissenting views).

70 Registration Authority must notify and implement decision

- (1) The Registration Authority must—
 - (a) notify the complainant and the person complained about of the committee's decision under rule 66, the reasons for that decision, any dissenting views, and their rights of appeal under the Act; and
 - (b) implement any of those decisions that require actions by it.
- (2) However, the Registration Authority must not implement an order made under section 21 of the Act until the expiry of a period of at least 28 days after notifying the complainant of the decisions.

Part 5
Persons carrying out delegated functions and powers under rules

General provisions

71 Persons carrying out delegated functions and powers under rules

- (1) The Registration Authority may delegate to the following persons, under section 43 of the Act, the functions and powers given to those persons by these rules:
 - (a) assessors and assessment panels appointed under rule 75:
 - (b) the Competency Assessment Board appointed under rule 77:
 - (c) competency assessment reviewers appointed under rule 80:
 - (d) complaints research officers appointed under rule 81:
 - (e) the chairperson and the alternate chairperson of investigating committees appointed under rule 83:
 - (f) investigating committees appointed under rule 84:
 - (g) the chairperson and the alternate chairperson of disciplinary committees appointed under rule 83:
 - (h) disciplinary committees appointed under rule 85.
- (2) This rule does not limit section 43 of the Act.

72 General provisions about procedures of persons carrying out decision-making functions

- (1) Every person or body that carries out decision-making functions under these rules must—
 - (a) give reasons for its decisions under these rules; and
 - (b) observe the rules of natural justice.
- (2) Except as otherwise provided in the Act or these rules, that person or body of persons may regulate its own procedure as it thinks fit.

73 Rules do not limit Registration Authority's power to carry out delegated functions and powers

The fact that the rules give a function or power to a person does not prevent the Registration Authority from performing the function or exercising the power.

74 General provisions about appointments, revocations of appointments, and resignations under this Part

- (1) The Registration Authority may appoint a person to a role under this Part by written notice to him or her.
- (2) The Registration Authority may, at any time,—
 - (a) revoke a person's appointment to a role under this Part by written notice to him or her;
 - (b) reconstitute any body of persons appointed under this Part by written notice to that body.
- (3) Any person appointed to a role under this Part may resign from that role by written notice to the Registration Authority.

*Persons with delegated functions relating to registration***75 Assessment panels and assessors**

- (1) The Registration Authority may appoint, for a particular case or class of cases,—
 - (a) an assessor; or
 - (b) 2 or more assessors as an assessment panel.
- (2) The Registration Authority must—
 - (a) only appoint assessors who are chartered professional engineers or who have CPEng equivalence; and

- (b) include in each assessment panel at least 1 assessor who has knowledge or experience relevant to the practice area in which the person is being assessed.

76 Procedures of assessment panel

- (1) An assessment panel of 2 members must act unanimously in making decisions.
- (2) If an assessment panel of 3 or more members is not unanimous, the decision of the majority of the panel is the decision of the panel.

77 Competency Assessment Board

- (1) The Registration Authority must appoint a Competency Assessment Board consisting of—
 - (a) 4 or more voting members; and
 - (b) 1 member of the Board of the Registration Authority who has no right to vote.
- (2) The Registration Authority must appoint members who are chartered professional engineers or who have CPEng equivalence and, in appointing members, must have regard to—
 - (a) the extent of their experience in, and knowledge of, professional engineering; and
 - (b) their experience in competency assessments and quality assurance of competency assessments; and
 - (c) achieving a varied representation of geographical areas.
- (3) An appointment—
 - (a) is for the term specified by the Registration Authority on making the appointment, up to a maximum term of 2 years for voting members and 1 year for the non-voting member; and
 - (b) may be renewed, but no person may be appointed for more than 3 consecutive terms.

78 Chairperson of Competency Assessment Board

- (1) The Registration Authority may appoint one of the members of the Competency Assessment Board to be the chairperson.
- (2) The chairperson must preside at all meetings of the Competency Assessment Board at which he or she is present.

- (3) In the absence of the chairperson, the members present must appoint one of their number to be the chairperson for the purposes of that meeting.

79 Meetings and procedures of Competency Assessment Board

- (1) The chairperson may convene meetings of the Competency Assessment Board and determine the date, time, and place on which, and the method by which, meetings are held.
- (2) The quorum necessary for the transaction of business at a meeting is a majority of all members (and the non-voting member may be counted in the quorum).
- (3) All questions arising at any meeting of the Competency Assessment Board must be decided by a majority of votes of the voting members who are present and voting.
- (4) The chairperson has a deliberative vote and, in the case of an equality of votes, also has a casting vote.
- (5) A resolution signed or assented to in writing (whether sent by post, delivery, or electronic transmission) by all voting members is as valid and effectual as if it had been passed at a meeting of the Competency Assessment Board duly called and constituted.
- (6) The resolution may consist of several documents containing the same resolution, each signed or assented to in writing by 1 or more voting members.

80 Competency assessment reviewer

- (1) The Registration Authority may appoint, for a particular case or class of cases, a competency assessment reviewer.
- (2) The Registration Authority must appoint competency assessment reviewers who—
 - (a) are chartered professional engineers or who have CPEng equivalence; or
 - (b) have other qualifications or experience that the Registration Authority considers relevant to the subject matter of the case.

*Persons with delegated functions relating to
disciplinary matters*

81 Complaints research officers

- (1) The Registration Authority may appoint, for a particular case or class of cases, a complaints research officer.
- (2) The Registration Authority must appoint complaints research officers who—
 - (a) are chartered professional engineers or who have CPEng equivalence; or
 - (b) have other qualifications or experience that the Registration Authority considers relevant to the subject matter of the case.
- (3) In appointing a complaints research officer for a case or class of cases, the Registration Authority must endeavour to select a person who does not have a material conflict of interest on the case or class of cases.

82 Registration Authority must keep list of persons who may be members of committees

- (1) The Registration Authority must keep a list of persons who may be members of investigating committees and disciplinary committees.
- (2) The Registration Authority must select persons for the list who are chartered professional engineers or who have CPEng equivalence and, in selecting persons, must have regard to—
 - (a) the extent of their experience in, and knowledge of, professional engineering; and
 - (b) their experience in competency assessments; and
 - (c) their experience in investigating and hearing complaints relating to professional engineering or other professions.

83 Chairpersons and alternate chairpersons of investigating and disciplinary committees

- (1) The Registration Authority must appoint persons from the list kept under rule 82 to be—
 - (a) the chairperson of investigating committees, and the alternate chairperson of investigating committees; and
 - (b) the chairperson of disciplinary committees, and the alternate chairperson of disciplinary committees.

- (2) An appointment—
 - (a) is for the term specified by the Registration Authority on making the appointment, up to a maximum term of 2 years; and
 - (b) may be renewed, but no person may be appointed for more than 3 consecutive terms.
- (3) The alternate chairperson has all the functions, duties, and powers of the chairperson under these rules if—
 - (a) there is no chairperson or, for any reason, the chairperson is unable to perform and exercise his or her functions, duties, and powers as chairperson; or
 - (b) in relation to a particular matter,—
 - (i) the Registration Authority refers the matter to the alternate chairperson instead of the chairperson; or
 - (ii) the chairperson considers it not proper or desirable to participate personally in relation to the matter.

84 Investigating committee

- (1) The Registration Authority may appoint, for a particular case or class of cases, an investigating committee consisting of—
 - (a) the chairperson or alternate chairperson of investigating committees; and
 - (b) 2 other persons from the list kept under rule 82.
- (2) In appointing a member to a committee for a case or class of cases, the Registration Authority must endeavour to select a person who does not have a material conflict of interest on the case or class of cases.

85 Disciplinary committee

- (1) The Registration Authority may appoint, for a particular case or class of cases, a disciplinary committee consisting of—
 - (a) the chairperson or the alternate chairperson of disciplinary committees; and
 - (b) 2 other persons from the list kept under rule 82; and
 - (c) 2 persons who are not engineers, one of whom must be nominated by the Registration Authority and the other by a body that the Registration Authority considers to be representative of consumer interests.

- (2) In appointing a member to a disciplinary committee for a case or class of cases, the Registration Authority must endeavour to select a person who does not have a material conflict of interest on the case or class of cases.

Part 6 Rule-making procedure

86 Procedure for making, amending, or revoking rules

- (1) Before the Registration Authority makes a rule, it must—
- (a) publish—
 - (i) the terms of the proposed rule; and
 - (ii) the reasons for its proposal; and
 - (b) give persons a reasonable opportunity to make submissions on the proposal; and
 - (c) in the case of a rule containing a CPEng standard, obtain the approval of the Council to the proposed rule in accordance with section 41 of the Act.
- (2) In this rule, **publish** means publish by all or any of the following means:
- (a) on a website maintained by the Registration Authority;
 - (b) by specifically notifying chartered professional engineers and, if practicable, other professional engineers;
 - (c) in journals for professional engineering;
 - (d) by any other means that the Registration Authority considers necessary or desirable to give notice to professional engineers and other persons whom it reasonably considers to be representative of other persons or classes of persons affected by the proposed rule.
- (3) The requirements of this rule that apply to making a rule apply also to any amendment or revocation of a rule.

87 Exception for cases of urgency

Rule 86(1)(a) and (b) does not apply if the Registration Authority considers that it is necessary or desirable in the public interest that the rule be made urgently, but in this case it must comply with those paragraphs to the extent it considers practicable given the urgency.

Part 7
Miscellaneous

**88 Revocation of Chartered Professional Engineers of New
Zealand Rules 2002**

The Chartered Professional Engineers of New Zealand Rules
2002 (SR 2002/358) are revoked.

rr 8, 23

Schedule 1
Information that must be contained in form
for assessments

An assessment form for an applicant for registration or candidate for continued registration must contain the following information:

- (a) the full name of the person; and
 - (b) the persons's contact details for matters relating to the assessment and for ongoing matters relating to his or her registration; and
 - (c) whether or not the person consents to his or her contact details being included on the register and, if so, the appropriate contact details; and
 - (d) whether the assessment is for initial registration or continued registration; and
 - (e) the practice area in which the person wishes to be assessed; and
 - (f) the contact details of 2 referees who are chartered professional engineers or who have CPEng equivalence; and
 - (g) any criminal convictions of the person.
-

Schedule 2 Charges

rr 8, 16, 25, 31, 37

Initial registration

Charge or rebate	Amount (excl GST)
Registration application charge:	\$1,275
<i>less any of the following rebates that apply:</i>	
if there is no interactive assessment:	\$575
for each assessor (if any) who is not remunerated for an assessment during which there is an interactive assessment:	\$400
for each assessor (if any) who is not remunerated for an assessment during which there is no interactive assessment:	\$200
if the applicant applies for registration within 6 months after achieving CPEng equivalence:	\$350
if the applicant applies for registration within 24 months (but later than 6 months) after achieving CPEng equivalence:	\$125
if the applicant has enrolled in a graduate competence development programme recognised by the Registration Authority for at least 3 years before making the application for registration, but has not achieved CPEng equivalence:	\$150

Registration certificates

Charge	Amount (excl GST)
Registration certificate charge for a certificate issued for 1 year commencing 1 January:	\$250
Registration certificate charge for each calendar month, or part of a calendar month, for which a certificate is issued if issued for less than 1 year:	\$21

Continued registration

Charge or rebate	Amount (excl GST)
Interactive assessment charge:	\$675
<i>less the following rebate if it applies:</i>	
for each assessor (if any) who is not remunerated for the interactive assessment	\$225

Review of registration decision procedures

Charge	Amount (excl GST)
Charge for review of decision procedures	\$400

Voluntary abeyance

Charge	Amount (excl GST)
Charge for each 12-month period of abeyance	\$141.67

Dated at Wellington this 3rd day of December 2002.

The Common Seal of the Institution of Professional Engineers New Zealand Incorporated was affixed in the presence of:

[L.S.]

John Webster,
President.

A. C. Cleland,
Chief Executive.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 1 January 2003, provide for—

- how the title of “chartered professional engineer” should be used;
- matters relating to the registration of chartered professional engineers;
- a code of ethical conduct for chartered professional engineers;
- a complaints and disciplinary process for chartered professional engineers;
- various other matters relating to the Registration Authority’s functions, for example, appointments of persons to carry out functions under the rules and the rule-making procedure.

Part 1 provides for the use of the title of “chartered professional engineer”. Under the Chartered Professional Engineers of New Zealand Act 2002 (the **Act**), only chartered professional engineers (and persons with overseas qualifications or titles if doing so in accordance with the rules) may use that title. This Part provides that—

- the preferred form of the title is “chartered professional engineer” or the abbreviation “CPEng”;
- persons may use overseas qualifications or titles that contain the words “chartered professional engineer” if they also state

the jurisdiction of the overseas awarding agency in brackets afterwards, for example, “chartered engineer (UK)”.

Part 2 provides for matters relating to the registration of chartered professional engineers, including—

- the initial registration of chartered professional engineers under section 8 of the Act, including—
 - the minimum standard for registration as a chartered professional engineer:
 - how to apply for registration and how assessments of applications are carried out and their charges:
- annual registration certificates issued under section 9 of the Act, and the application requirements, process, and charges for certificates:
- the assessment of continued registration of chartered professional engineers under section 11 of the Act, including—
 - the minimum standard for continued registration as a chartered professional engineer:
 - the minimum frequency of assessments, which is at least every 5 years for each chartered professional engineer:
 - how assessments are carried out and their charges:
- an ability for persons to obtain an internal review of the procedures used in assessing initial registration or continued registration:
- process requirements that apply if the Registration Authority suspends, removes, or places a registration in abeyance under the Act for a failure to hold a current registration certificate, to pay registration charges, or to pay fines or costs for disciplinary matters:
- how a person may voluntarily require his or her registration to be placed into abeyance and the permitted periods of abeyance:
- the additional matters to be shown in the register, the form of the register, and requirements for amendments to the register.

Rights of appeal for decisions on registration are contained in section 35 of the Act.

Part 3 contains the code of ethical conduct that applies to all chartered professional engineers. Under the Act, a breach of the code is a ground for disciplining a chartered professional engineer. The code sets minimum standards of ethical conduct, which can be broadly grouped into 4 categories. These are—

- general duties that benefit all society, for example, to take reasonable steps to safeguard the health and safety of people:
- general duties that focus more on the engineer's professional status, for example, a prohibition on misrepresenting competence:
- duties that primarily benefit employers and clients, for example, a duty to disclose conflicts of interest:
- a duty owed to other professional engineers to, if reviewing their work for the purpose of commenting on it, take reasonable steps to inform them and investigate the matters concerned.

Part 4 contains the disciplinary process for chartered professional engineers. The grounds for disciplining chartered professional engineers and the possible disciplinary orders are contained in sections 21 and 22 of the Act. Rights of appeal are contained in section 35 of the Act. This Part includes—

- how to complain about a chartered professional engineer and when the Registration Authority may inquire into something on its own:
- requirements for an initial investigation of each complaint to determine whether it should proceed, and the grounds for not proceeding at this stage:
- if the complaint proceeds, requirements for an investigating committee to investigate and decide on whether the complaint should be referred to a full disciplinary committee. The investigating committee may explore alternative dispute resolution processes as part of this investigation:
- requirements for the disciplinary committee to hear each complaint referred to it and the way in which it must do so.

Part 5 provides for the appointment and some general procedures of the various persons that carry out functions under the rules, and to whom the Registration Authority will delegate these responsibilities.

Part 6 contains the requirements for making, amending, and revoking rules.

Part 7 revokes the Chartered Professional Engineers of New Zealand Rules 2002, which are now replaced by these rules. The rules are unchanged except for—

- the inclusion of the minimum standard for registration, minimum standard for continued registration, minimum frequency at which assessments of continued registration must be carried out, and code of minimum standards of ethical conduct. These minimum standards have been approved by the Chartered Professional Engineers Council under section 41 of the Act; and
- the removal of the requirement for a formal statutory declaration verifying information provided for assessments for registration and for continued registration; and
- the removal of the requirement to republish a proposed rule, and the reasons for it, after consultation and 28 days before the rule is made.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 5 December 2002.

These rules are administered by the Institution of Professional Engineers of New Zealand Incorporated.
