

Institution of Professional Engineers New Zealand Incorporated

Regulations for Competence Registers

These Regulations are made by the Board of the Institution of Professional Engineers New Zealand Incorporated (the Institution) on 21 March 2007, in accordance with Rules 22 and 29 of the Rules of the Institution. Amendments were made to the following on 1 December 2011:

Regulations 2, 9, 11, 12, 13, 22, 24, 25, 26, 27, 32, 35, 57, 58, 59, 61, 62, 73, 104 and Schedules 2 and 3.

Part 1. Establishment of Competence Registers

1 Commencement

The regulations as amended below came into force on 1 January 2012.

2. Interpretation

In these regulations, unless the context otherwise requires,—

applicant's registration date has the meaning set out in clause 19

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 Institution

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

disciplinary committee means a disciplinary committee appointed under Part 5

engineer means Professional Engineer, Engineering Technology Practitioner or Engineering Technician as appropriate to the circumstances

engineering means engineering activities undertaken by a Professional Engineer, Engineering Technology Practitioner or Engineering Technician as appropriate to the circumstances

engineering activities has the meaning set out in clause 7 and Schedule 2

engineering problems has the meaning set out in clause 7 and Schedule 2

equivalent competence means a qualification or title that the Institution determines requires the holder to—

- (a) have demonstrated competence at least equivalent to the minimum standard for registration on the register applied for under these regulations; and
- (b) be bound by a code of ethical conduct that is substantially equivalent to the code of ethical conduct for the register applied for under these regulations.

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 clause 21

minimum standard for registration means the minimum standard set out in clause 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

postnominal means the abbreviation that may be used after his or her name by registered persons as set out in Schedule 2, provided that the person's registration is not in abeyance or suspension

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 engineering activities.

registered person means a person who is registered on one or more particular registers

registers means competence registers created under these Regulations

registers under review means those registers for which an assessment of a person for continued registration is to be carried out by an assessment panel

registration decision means a decision made by the Competency Assessment Board in regard to either an application for registration, or in regard to the continued registration of a candidate.

relevant registers means those registers applied for by an applicant and in addition any other registers for which an assessment panel chooses to assess the applicant

specifications means the specifications of a particular register as set out in Schedule 2

title means the title that a registered person on a particular register may use, as set out in Schedule 2

3. Creation, Name and Specification of the Competence Registers

The competence registers (hereinafter called the **registers**), named in Schedule 1 and with the **specifications** set out in Schedule 2 are created under Rule 29 of the Rules of the Institution of Professional Engineers New Zealand Incorporated, and are subject to that Rule and all other Rules of the Institution, and in addition, these regulations.

4. Management of the Registers

The Board of the Institution shall be responsible for the management of the registers.

5. Rights of and Obligations on Registered Persons

- (1) Each person who is registered on a particular register and whose registration on that register is not suspended or in abeyance may represent themselves as being registered on the particular register, and may do so by using the **title** for that register stated in Schedule 2 and/or the **postnominal** for that register stated in Schedule 2.
- (2) Although registration does not require Membership of the Institution, each person seeking registration on any register must signify in writing their agreement to abide by these Regulations and the Rules of the Institution (insofar as they apply to the register), and any subsequent amendment to either the Regulations or the Rules.
- (3) Payment of the annual registration fee for any register is deemed to signify continued acceptance by the person of these Regulations and the Rules of the Institution (insofar as they apply to the register), as may have been amended from time to time.

Part 2. Registration of registered persons

Subpart 1—Assessment for initial registration

Minimum standard for registration

6 Minimum standard for registration on a register

- (1) The **minimum standard** for registration on each register is set out in Schedule 2.
- (2) For each register, the extent to which the person is able to satisfy each of the **competence elements** set out in Schedule 2 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).

7 Definitions for purpose of minimum standard for registration

For the purposes of interpreting Clause 6, definitions of types of **engineering activities** and **engineering problems** to assist in interpreting the competence elements for each register are set out in Schedule 2.

Applications for registration

8 How to apply for registration

- (1) A person may apply to the Institution for registration on one or more registers in accordance with this clause.
- (2) The application must—
 - (a) be made in a form containing the information set out in Schedule 3; and
 - (b) contain or be accompanied by all of the supporting information set out in clause 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 these Regulations and the Rules of the Institution (insofar as they apply to the registers) as amended from time to time; and
 - (iii) consent from the applicant for the applicant's name to be published on the Institution's Internet site for a period not exceeding 21 days, along with an invitation to the public to provide evidence about whether the applicant meets the minimum standard for registration; and
 - (d) be accompanied by the registration application charge set out in Schedule 2.
- (3) The applicant may provide information in hard copy (in which case 3 copies must be provided) or in electronic form.

9 Information that must be provided to support application

- (1) 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 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 engineering activities); and
 - (c) any evidence provided by the public in response to the invitation described in clause 8(2)(c)(iii), along with any statement by the applicant in reply; and
 - (d) a statement of self-review explaining how the applicant meets the minimum standard for registration; and
 - (e) work samples from recent engineering activities with annotations explaining how the samples demonstrate that the applicant meets the minimum standard for registration; and
 - (f) any other information that the applicant wishes to be considered.
- (2) The Institution may excuse an applicant from having to provide the information described in clause 9(1)(d) or 9(1)(e) if either of the following applies:
- (a) the applicant has previously been registered on a register he or she is applying for; or
 - (b) the applicant has equivalent competence to that required for registration on a register he or she is applying for;.

10 Information missing from application

- (1) The Institution may request an applicant to provide additional information if the application received by the Institution does not contain, or is not accompanied by, all of the obligatory statements and information set out in clauses 8 and 9.
- (2) An application lapses if additional information is requested under subclause (1) or clause 12(1) and that information is not received by, as appropriate, the Institution or the assessment panel before the expiry of 6 months after the date of the request.
- (3) If an application lapses, the Institution must—
 - (a) return the application and all of the supporting information that accompanied it to the applicant; and
 - (b) refund half of the registration application charge that accompanied the application, unless the application has been given to an assessment panel for evaluation in which case no refund may be made.

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

11 Assessment panel must evaluate application

- (1) An assessment panel must decide the **relevant registers** for the application which must include all the registers applied for by the applicant, but may include other registers at the discretion of the panel
- (2) The assessment panel must evaluate each application for registration on each relevant register to assess—
 - (a) whether or not the applicant has demonstrated that he or she meets the minimum standard for registration on the register; and
 - (b) if so, whether the applicant's continued registration should be assessed by the end of the sixth year from 31 December of the year of this assessment, or in an earlier year.

12 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 all of the following, unless the panel thinks it unnecessary (in which case, it may carry out one or more, or none, of the following):
 - (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
 - (iii) carry out an assessment of the applicant's engineering knowledge by any method the panel considers appropriate; and
 - (c) if the panel thinks it necessary, invite the applicant to provide, within a specified period, any or all of the following:
 - (i) other information:
 - (ii) the applicant's information in another form:
 - (iii) the contact details of up to 2 further independent referees; and
 - (d) in evaluating the information provided, assess—
 - (i) the extent to which the applicant is able to satisfy the competence elements for the relevant registers; and
 - (ii) whether or not the applicant meets the overall minimum standard for registration on the relevant registers, 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) have regard to any other relevant information held by the Institution in relation to the applicant.
- (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.
- (3) After completing the actions required by subclause (1), the assessment panel must make a separate recommendation to the Competency Assessment Board on the application in respect of each relevant register.

13 Competency Assessment Board must make decision on application

- (1) In respect of each relevant register, the Competency Assessment Board must, after considering the assessment panel's recommendations in respect of that register, and ensuring that the applicant has agreed to abide by these Regulations and the relevant Rules of the Institution,—
- (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 sixth 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 clause 14; and
 - (b) to reject or vary a recommendation of the assessment panel after complying with clause 15.

14 Competency Assessment Board must give applicant opportunity to respond

If the Competency Assessment Board proposes to decline an application in respect of a particular register, the Board must—

- (a) notify the applicant of the reasons for the proposed decision; and
- (b) give the applicant a reasonable opportunity to make written submissions on the matter.

15 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 in respect of a particular register 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 clause 12, and reports back on whether or not its recommendation should be amended; and
- (c) the Board considers the reconsidered recommendation.

16 Institution must notify and implement decision

- (1) In respect of each register applied for by the applicant, the Institution must—
 - (a) notify the applicant of the decisions under clause 14 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.
 - (c) rebate to the applicant any part of the registration application charge for which a rebate applies under Schedule 2 (if not already rebated).
- (2) In respect of other relevant registers, the Institution must—
 - (a) notify the applicant of the decisions under clause 13 and the reasons for those decisions; and
 - (b) if the decision is to register the applicant, and within 28 days of sending the notification under subclause (a) the person agrees to be registered,—
 - (i) register him or her; and
 - (ii) issue a registration certificate to him or her.

Subpart 2—Registration certificates

17 How to apply for registration certificates

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

18 Issue of registration certificates

The Institution must issue a registration certificate to a person who applies in accordance with clause 17 if he or she is currently registered on the register concerned.

19 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** in respect of any register is the date on which the applicant is registered under these Regulations or on which the applicant's registration revives after a period of suspension or abeyance (whichever is applicable).

20 Institution may require cancelled or suspended registration certificates to be returned or destroyed

- (1) A person must, if required by the Institution, return, or notify the Institution that the person has destroyed, a cancelled registration certificate.
- (2) A person must, if required by the Institution, 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

21 Minimum standard for continued registration

To meet the **minimum standard for continued registration** on a particular register, a person must demonstrate that—

- (a) he or she—
 - (i) is still able to practise competently in his or her current practice area to a standard exceeding the minimum standard for registration on that register; or
 - (ii) if the person's practice area has changed materially since the last assessment, meets the minimum standard for registration on that register within his or her current practice area; and
- (b) he or she has taken reasonable steps to maintain the currency of his or her engineering knowledge and skills within his or her current practice area since the last assessment.

Minimum frequency of assessments of continued registration

22 Minimum frequency of assessment of continued registration

- (1) In respect of each particular register the Institution must assess whether or not a person meets the minimum standard for continued registration within 6 years from 31 December of the year of the person's last assessment.
- (2) Notwithstanding subclause (1), the Institution may carry out an assessment at any earlier time in respect to one or more registers (including, without limitation, in a year fixed on the person's last assessment) if it so chooses.

Commencement of assessment

23 Institution must notify candidate of assessment

- (1) Before undertaking an assessment of a person's continued registration, the Institution must notify the person (the **candidate**)—
 - (a) that it intends to carry out the assessment;
 - (b) the registers in respect of which the assessment will be carried out (the **registers under review**), and
 - (c) that the candidate must provide the information required under clause 24 by a specified date; and
 - (d) 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).

24 Information that must be provided to demonstrate current competence

- (1) Each candidate who receives a notice under clause 23 must provide to the Institution, by the specified date,—
 - (a) a form containing the information set out in Schedule 3; and
 - (b) the supporting information set out in subclause (2); and
 - (c) a statement signed by the candidate to the effect that all the information is accurate and any evidence provided is genuine; and
 - (d) consent from the candidate for the candidate's name to be published on the Institution's Internet site for a period not exceeding 21 days, along with an invitation to the public to provide evidence about whether the candidate meets the minimum standard for continued registration.
- (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 engineering registers; and
 - (iii) results from other relevant competence 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 engineering activities in that period); and
 - (c) any evidence provided by the public in response to the invitation described in subclause (1)(d), along with any statement by the candidate in reply; and
 - (d) 2 or more work samples from recent engineering activities with annotations explaining how the samples demonstrate that the candidate meets the minimum standard for continued registration; and
 - (e) any other information that the candidate wishes to be considered.
- (3) The candidate may provide information in hard copy (in which case 3 copies must be provided) or in electronic form.

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

25 Assessment panel must evaluate continued registration

- (1) An assessment panel must evaluate each candidate for continued registration on each register under review 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 sixth 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 clause 24 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).

26 Way in which assessment panel must evaluate continued registration

- (1) The assessment panel must evaluate the candidate's continued registration on each register under review 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) conduct an interactive assessment with the candidate by any meeting method; and
 - (c) if the panel thinks it necessary, do both of the following or only a further interactive assessment:
 - (i) require the candidate to pay the further interactive assessment charge set out in Schedule 2 and carry out a further interactive assessment with the candidate by any meeting method:
 - (ii) require the candidate to carry out a written assignment; and
 - (d) if the panel thinks it necessary, invite the candidate to provide, within a specified period, any or all of the following information:
 - (i) other information (which may include a statement of self-review explaining how the candidate meets the minimum standard for continued registration):
 - (ii) the candidate's information in another form:
 - (iii) the contact details of up to 2 further independent referees; and
 - (e) evaluate the information provided and any relevant information that the Institution has about the candidate; and
 - (f) have regard to any advice provided by a member of the Competency Assessment Board for the purposes of moderating between assessments.
- (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.
- (3) After completing the actions required by subclause (1), the assessment panel must make a recommendation to the Competency Assessment Board on the candidate's continued registration.

27 Competency Assessment Board must make decision on continued registration

- (1) In respect of each register under review the Competency Assessment Board must, after considering the assessment panel's recommendations—
 - (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 sixth 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 in respect of a particular register after complying with clause 28; or
 - (b) to reject or vary a recommendation of the assessment panel in respect of a particular register after complying with clause 29.

28 Competency Assessment Board must give candidate opportunity to respond

If the Competency Assessment Board proposes to remove or suspend the candidate's registration in respect of a particular register, 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.

29 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 in respect of a particular register 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 clause 26, and reports back on whether or not its recommendation should be amended; and
- (c) the Board considers the reconsidered recommendation.

30 Institution must notify and implement decision

- (1) In respect of each register under review the Institution must—
- (a) notify the candidate of the decisions under clause 27 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 Institution must not remove or suspend a candidate's registration on a particular register until the expiry of a period of at least 28 days after the notification of the decision.

31 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 set out in clause 55, the panel or Board must refer the matter to the Institution for consideration under clause 58.

Subpart 4—Appeals on registration decisions

32 Request for review

- (1) A person may, in accordance with this clause, apply to the Institution for a review of a **registration decision** on only one of the two following grounds:
 - (a) that the assessment was not carried out in accordance with the procedures set out in these Regulations, or
 - (b) that the decision reached by the Competency Assessment Board is manifestly at odds with the evidence presented in the application.
- (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 these regulations and/or the decision reached by the Competency Assessment Board is manifestly at odds with the evidence presented with the application; 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.
- (3) A person may apply only once under this clause for review of a particular registration decision, and the decision made under these Regulations in respect of the application shall be final and binding on both the Institution and the person concerned.

33 Competency assessment reviewer must carry out review

A competency assessment reviewer must, as soon as practicable after receiving an application under clause 32, review the procedures followed in carrying out the assessment and/or the decision making process of the Competency Assessment Board, and—

- (a) cancel the registration decision of the Competency Assessment Board and 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 these Regulations; and
 - (ii) this has disadvantaged the applicant; or
- (b) cancel the registration decision of the Competency Assessment Board and refer the matter back to the Competency Assessment Board with reasons for cancellation of its decision; or
- (c) dismiss the application.

34 Institution must notify and implement decision

The Institution must—

- (a) notify the applicant of the decision under clause 33 and the reasons for that decision; and
- (b) if a registration decision is to be cancelled, implement the decision of the competency assessment reviewer and refund the charge for the review to the applicant.

Subpart 5—Suspensions, removals, or abeyances of registration

Suspensions, removals, and abeyances

35 Grounds for suspension, removal or abeyance

- (1) The Institution may place the registration of a person in respect of a particular register in abeyance if the annual registration charge for the register concerned remains unpaid 90 days after falling due on 1 January of the year in question.
- (2) The Institution may suspend the registration of a person on a particular register when the person has been assessed for continued registration on that register, and has failed to satisfy the Institution that he or she meets the minimum standard for continued registration, but may not do so until 28 days after notifying the person.
- (3) The Institution may remove the registration of a person on a particular register in the following circumstances:
 - (a) the registration has been placed in abeyance for non-payment of annual registration charges, and the charges remain unpaid 12 months after the due date, or
 - (b) the registration has been suspended for failure to demonstrate that the person meets the minimum standard for continued registration, and the person has been unable to demonstrate that he or she meets the minimum standard within 12 months of the date on which the suspension was notified, or
 - (c) the person dies, or

- (d) the person requires it by written notice to the Institution.
- (4) If a person registered on a particular register has his or her registration suspended or removed from another register of equivalent competence that is administered by IPENZ, whether under these regulations or not:
 - (a) the Institution shall correspondingly and at the same time suspend or remove the registration of the person on the particular register; and
 - (b) clauses 36 and 37 shall not apply to that latter suspension or removal.

36 Institution must give person opportunity to respond

If the Institution proposes, in respect of a particular register, to suspend or remove a person's registration or to place a person's registration in abeyance the Institution must—

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

37 Institution must notify decision

- (1) If the Institution suspends or removes a person's registration on a particular register the Institution must—
 - (a) notify a person of its decision and the reasons for that decision; and
 - (b) remove or suspend that registration.
- (2) However, the Institution 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

38 How to voluntarily place registration into abeyance

A person may require that his or her registration on a particular register be placed in abeyance by written notice to the Institution 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.

39 Minimum and maximum periods of voluntary abeyances

A person may require that his or her registration on a particular register 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 on that register must be carried out.

Subpart 6—Register

40 Matters to be shown in register

The register for each particular register must contain, for each registered person:

- (a) the name of the person; and
- (b) if the person consents, address details (including the electronic address if applicable) of the person; and
- (c) the following matters on the status and history of the person's registration
 - (i) the date on which the person was registered; and
 - (ii) the year by the end of which the person's next assessment must be carried out; and
 - (iii) any order made on a disciplinary matter in the last three years; and
 - (iv) any current suspension or placing of registration in abeyance, the reasons for that suspension or abeyance, and any conditions for its termination.

41 Form of register

The register for each particular register is an electronic register.

42 Amendment of register

The Institution must amend each 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

43 Retention of assessment information

- (1) The Institution must keep at least 1 copy of the information provided for each assessment until—
 - (a) the time limit for an appeal under these regulations has expired without an appeal being made; or
 - (b) all appeals on the assessment decision are completed.
- (2) The Institution may continue to hold 1 copy of the information after the dates in subclause (1) provided that it holds that information in compliance with the Privacy Act.

Part 3 Code of ethical conduct

General obligations to society

44 Take reasonable steps to safeguard health and safety

A registered person must, in the course of his or her engineering activities, take reasonable steps to safeguard the health and safety of people.

45 Have regard to effects on environment

- (1) A registered person 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 clause, **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.

46 Act with honesty, objectivity, and integrity

A registered person must act honestly and with objectivity and integrity in the course of his or her engineering activities.

General professional obligations

47 Not misrepresent competence

A registered person 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).

48 Not misrepresent registered person status

A registered person 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 registered person.

49 Inform others of consequences of not following advice

- (1) A registered person 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 clause, **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.

50 Not promise, give, or accept inducements

A registered person 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 registered person's activities; or
- (b) accept from any person anything of substantial value intended to improperly influence his or her engineering decisions.

Obligations to employers and clients

51 Not disclose confidential information

- (1) A registered person 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.

52 Not misuse confidential information for personal benefit

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

53 Disclose conflicts of interest

A registered person 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

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

- (1) A registered person who reviews another 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 registered persons

Grounds for discipline and penalties

55 Grounds for discipline

The Institution may (in relation to a matter raised by a complaint or by its own enquiries) make an order if it is satisfied that a registered person:

- (a) has breached the code of ethical conduct set out in clauses 44 to 54; or

- (b) has failed to undertake engineering activities in a sufficiently careful and competent manner; or
- (c) has acted in a manner that in the view of the Institution makes the person unfit to practice engineering; or
- (d) has acted in breach of these Regulations in that he or she:
 - (i) either orally or in writing made a declaration or representation knowing it to be false; or
 - (ii) in the view of the Institution deliberately misled the Institution in regard to any matter over which these Regulations have jurisdiction.

56 Disciplinary penalties

- (1) In any case where clause 55 applies, the Institution may order that
 - (a) the person's registration be removed (in respect of one or more particular registers) and that the person may not reapply for registration on any register so concerned before the expiry of a specified period;
 - (b) the person's registration (in respect of one or more particular registers) be suspended for a period of no more than 12 months or until the person meets specified conditions relating to the registration (but in any case, not for a period of more than 12 months);
 - (c) the person be censured, but remain registered (in respect of one or more particular registers);
 - (d) the person be required to pay a fine not exceeding \$5000.00
 - (e) the person be required to pay costs incidental to the enquiry by the Institution;
 - (f) the person be publicly named and a description of the matters from which the disciplinary action arose be published in any way that the Institution thinks fit.
- (2) In applying subclause (1) the Institution may only apply one order of the types in subclause (1)(a) to (1)(c), but in addition may make as many orders as it chooses from subclause (1)(d), (1)(e) and (1)(f).
- (3) No order made under this clause may be implemented until either the time limit for the person to appeal has expired or the person has unsuccessfully exhausted his or her rights to appeal under these Regulations.

Complaints and inquiries

57 How to complain about registered persons

- (1) A person may complain to the Institution about the conduct of a registered person in accordance with this clause.

- (2) The complaint must be made in writing and contain the complainant's name and contact details.
- (3) The Institution 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.

58 Institution may inquire into matters on own motion

- (1) The Institution may inquire into any matter on its own motion under this Part if it has reason to suspect that a registered person may come within any of the grounds for discipline in clause 55.
- (2) If subclause (1) applies, the Institution may—
 - (a) carry out an investigation of the matter in accordance with clauses 61 and 62 (other than notifying the complainant under clause 61(a)) as if it were a complaint; 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

59 Institution must refer complaint to investigating committee unless grounds for not doing so

The Institution must, as soon as practicable after receiving a complaint, carry out an initial investigation of the complaint in accordance with clause 61 and—

- (a) refer the complaint to an investigating committee in accordance with subclause 62(b); or
- (b) dismiss the complaint on a ground in clause 60.

60 Grounds for not referring complaint to investigating committee

The Institution may dismiss a complaint without referring it to an investigating committee if the chairperson of investigating committees decides under clause 61 that—

- (a) there is no applicable ground of discipline under clause 55; or
- (b) the subject matter of the complaint is trivial; or
- (c) the alleged misconduct is insufficiently grave to warrant further investigation; or
- (d) the complaint is frivolous or vexatious or is not made in good faith; or
- (e) the person alleged to be aggrieved does not wish action to be taken or continued; or
- (f) the complainant does not have a sufficient personal interest in the subject matter of the complaint; or

- (g) an investigation of the complaint is no longer practicable or desirable given the time elapsed since the matter giving rise to the complaint; or
- (h) the person complained about is no longer registered on any register to which these Regulations apply.

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

The Institution must carry out an initial investigation of a complaint against the grounds in clause 60 in the following way:

- (a) the Institution must notify the registered 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 clause 60; 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 may explore (with the complainant and the person complained about) the possibility of the complaint being referred to conciliation, mediation, or another dispute resolution process for 60 days or any other time period that the chairperson thinks fit; and
- (e) if alternative dispute resolution is not used or if it fails to resolve the dispute within the requisite time period, the chairperson must decide whether the complaint should be—
 - (i) referred to an investigating committee in accordance with subclause 62(b); or
 - (ii) dismissed on a ground in clause 60.

62 Institution must notify and implement decision

The Institution must—

- (a) notify the complainant and the registered person complained about of the decision under subclause 61(e) 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 clause 101 and refer the complaint to that committee.

Investigation of complaint or inquiry by investigating committee

63 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 on a ground in subclauses (a) to (h) of clause 60.

64 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 registered 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 registered 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) request a person giving evidence to verify a statement by statutory declaration;
- (h) provide information to assist the complainant and the registered person complained about in obtaining counsel or other advocacy assistance.

65 Investigating committee may explore alternative dispute resolution for complaints

- (1) Before making the decision under clause 63 on a complaint, the investigating committee may explore, with the complainant and the registered 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 registered 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 clause 63 on the complaint.

66 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 registered person complained about of the reasons for the proposed decision; and
- (b) give the registered person complained about a reasonable opportunity to make submissions on the matter.

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

The investigating committee's decision under clause 63 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).

68 Institution must notify and implement decision

The Institution must—

- (a) notify the complainant and the registered person complained about of the decision under clause 63, 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 clause 102 and refer the matter to that committee.

Disciplinary committee

69 Disciplinary committee must determine complaint or inquiry

- (1) A disciplinary committee must, as soon as practicable after receiving a complaint or inquiry, hear the matter and decide whether or not there are grounds for disciplining the registered person complained about under clause 55.
- (2) If the disciplinary committee decides under sub clause (1) that there are no grounds for disciplining the registered person complained about under clause 55, the Institution must dismiss the complaint.
- (3) If the disciplinary committee decides under sub clause (1) that there are grounds for disciplining the registered person complained about under clause 55, the disciplinary

committee must decide whether and how to exercise the Institution's powers under clause 56 and make any orders it considers necessary

70 Powers of disciplinary committees

A disciplinary committee may—

- (a) make, or appoint a person to make, any preliminary inquiries it considers necessary; and
- (b) engage counsel, who may be present at a hearing of the committee, to advise the committee on matters of law, procedure, and evidence; and
- (c) request the registered 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 complaint or inquiry; and
- (d) request the investigating committee to provide its report into the complaint and copies of the evidence it considered; and
- (e) take copies of any documents provided to it; and
- (f) request the registered person complained about or the complainant to attend before the committee, at that person's own cost, on at least 14 days' notice; and
- (g) request that one or more members of the investigating committee attend before the committee, on at least 14 days notice; and
- (h) receive any evidence that it thinks fit; and
- (i) request a person giving evidence to verify a statement by statutory declaration; and
- (j) provide information to assist the complainant and the registered person complained about obtaining counsel or other advocacy assistance.

71 Way in which disciplinary committee must consider disciplinary matter

- (1) Before making the decision under clause 69 on a complaint or inquiry, the disciplinary committee must—
 - (a) send details of the complaint or inquiry to the registered 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 registered 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, and to present evidence 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 or present evidence (including the calling of witnesses) by the committee on the complaint or inquiry.
- (2) The complainant, registered person complained about, and any person alleged to be aggrieved have the right to be heard and represented, and to present evidence at the hearing.

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

The disciplinary committee's decision under clause 69 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).

73 Institution must notify and implement decision

The Institution must—

- (a) notify the complainant and the registered person complained about of the committee's decision under clause 69, the reasons for that decision, any dissenting views, and their rights of appeal under these Regulations; and
- (b) implement any of those decisions that require actions by it, but must allow at least 28 days after notifying the registered person complained about of the decisions before an order made under clause 56 takes effect.

Appeals Committee

74 Lodging of appeals

Either the complainant or the registered person complained of may lodge a request for an appeal against the decision or any penalty imposed by a disciplinary committee to be heard, provided that-

- (a) the request for hearing of the appeal is lodged in writing with the Chief Executive within 28 days of notification of the decision of the disciplinary committee; and
- (b) the grounds for the appeal are provided with the request.

75 Appeal committee

Upon receipt of an appeal under clause 74 the Institution must appoint an appeals committee under clause 103 and refer the request for hearing of an appeal to that committee.

76 Appeal committee may deny request to hear an appeal

The appeal committee must, as soon as practicable after receiving a request to hear an appeal against a decision of a disciplinary committee, decide:

- (a) whether there are grounds for hearing of an appeal under clause 77; or
- (b) whether the request for an appeal to be heard should be dismissed.

77 Grounds for granting a request to hear an appeal

The appeal committee must grant a request to hear an appeal against a disciplinary committee decision if it considers that one or more of the following grounds exist:

- (a) new evidence of a decisive nature that could not reasonably have been available at the time of the disciplinary committee hearing is now available;
- (b) in determining the matter the disciplinary committee did not follow the procedures set out in these Regulations;
- (c) the penalty imposed by the disciplinary committee is unfair in the light of the gravity of the breach concerned; or
- (d) the decision reached by the disciplinary committee is manifestly at odds with the evidence presented at the hearing.

78 Notification of decision to allow appeal to be heard

The Institution must notify the complainant and the registered person complained about of the committee's decision under clause 76.

79 Determination of appeal

The appeal committee must, as soon as practicable after making the decision to hear an appeal under clause 76(a), hear the matter and decide whether to confirm, vary, or reverse the decision or any order of the disciplinary committee and may, in addition, make any decision or order that the disciplinary committee is empowered to make, as well as such order for the payment of the costs of the appeal as it thinks fit.

80 Powers of appeal committee

The appeal committee may—

- (a) engage counsel, who may be present at a hearing of the committee, to advise the committee on matters of law, procedure, and evidence; and

- (b) request the registered 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; and
- (c) take copies of any documents provided to it; and
- (d) request the registered person complained about or the complainant to attend before the committee, at that person's own cost, on at least 14 days' notice; and
- (e) receive any evidence that it thinks fit; and
- (f) request a person giving evidence to verify a statement by statutory declaration; and
- (g) provide information to assist the complainant and the registered person complained about obtaining counsel or other advocacy assistance.

81 Way in which appeal committee must consider appeal

- (1) Before making the decision under clause 79 on a complaint or inquiry, the appeal committee must—
 - (a) give the complainant, the registered 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
 - (b) advise each of the persons in paragraph (a) 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, registered person complained about, and any person alleged to be aggrieved have the right to be heard and represented at the hearing and to make written submissions.
- (3) Unless the appeal committee otherwise directs, it is not permissible to recall witnesses who gave evidence before the disciplinary committee or to call other witnesses and the material before the appeal committee must be the record of the proceedings of the disciplinary committee and its report and any documents which supported it together with any additional submissions made in respect of the appeal.

82 Way in which appeal committee's decision must be made

The appeal committee's decision under clause 79 on an appeal 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).

83 Institution must notify and implement decision

The Institution must notify the complainant and the registered person complained about of the appeal committee's decision under clause 79 which is final and binding. The Institution must take the steps necessary to implement any orders made.

84 Notification of orders to the Board

In all cases where any order or orders are made under these regulations the Chief Executive must report to the Board of the Institution, with particulars of such order or orders.

85 Payment of fines and costs

- (1) Any fine or costs ordered to be paid under these Regulations is immediately due, recoverable as a civil debt, and the order continues to apply whether or not a registered person is suspended or expelled under these Regulations, or resigns after the order is made.
- (2) The existence of a debt described in subclause (1) is sufficiently proved by the production of:
 - (a) The Rules of the Institution and these Regulations; and
 - (b) The declaration of the registered person on his/her form of application for registration; and
 - (c) A copy of either—
 - (i) The decision or order of the disciplinary committee setting out the fine or costs to be paid, such decision or order to be certified as a true and correct record by affixing to it the signatures of a majority of members of the disciplinary committee (including the chairperson), present when the decision or order was made; or
 - (ii) In the case of an appeal, the decision of the appeal committee duly certified as a true copy by the Chief Executive of the Institution.

86 Grants towards costs

The Institution is not liable for any expense by way of travelling, engagement of counsel, calling of any witness or in any other matter connected with the investigation, incurred either by the registered person whose conduct is under investigation or by the person or persons making the complaint; but the Board may, at its discretion, and without being deemed to make any admission of liability by so doing, make a grant to such person(s) to cover the whole or any part of such expense.

87 Enforcement of orders

- (1) If a registered person against whom an order has been made fails to comply with that order within a period of 30 days from the date at which proceedings under these Regulations are complete, or such other time as may be specified by the Chief Executive as reasonable in the circumstances for the particular order, the Chief Executive may suspend the registered person from all registers on which the person is registered until the order is complied with.
- (2) If the registered person against whom the order is made fails to comply within a further period of 30 days from the date at which the period specified in clause (1) has expired, the Chief Executive may remove the registered person from all registers on which the person is registered,
- (3) The Chief Executive must publish the fact of any action taken under clause 85 and the name of the registered person concerned on the registers on which the person was registered.

Part 5 Persons carrying out delegated functions and powers under regulations

General provisions

88 Persons carrying out delegated functions and powers under regulations

- (1) The Institution may delegate to the following persons the functions and powers given to those persons by these Regulations:
- (a) assessors and assessment panels appointed under clause 92:
 - (b) the Competency Assessment Board appointed under clause 94:
 - (c) competency assessment reviewers appointed under clause 97:
 - (d) complaints research officers appointed under clause 98:
 - (e) the chairperson and alternate chairpersons of investigating committees appointed under clause 100:
 - (f) investigating committees appointed under clause 101:
 - (g) the chairperson and alternate chairpersons of disciplinary committees appointed under clause 100:
 - (h) disciplinary committees appointed under clause 102;
 - (i) appeal committees appointed under clause 103.
- (2) The Board may delegate the authority to appoint persons to roles under subclause (1) to either a single member of the Board appointed for this purpose or, in the case of Complaint Research Officers, to the Chief Executive.

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

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

90 Regulations do not limit Institution's power to carry out delegated functions and powers

The fact that the regulations give a function or power to a person does not prevent the Institution from performing the function or exercising the power.

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

- (1) The Institution may appoint a person to a role under this Part by written notice to him or her.
- (2) The Institution may, at any time,—
 - (a) revoke a person’s appointment to a role under this Part by written notice to him or her;
 - (b) require a person appointed under this Part not to participate in a matter if the Institution considers that, due to a material conflict of interest or otherwise, it would be inappropriate for that person to participate in his or her role in respect of the matter;
 - (c) 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 Institution.

Persons with delegated functions relating to registration

92 Assessment panels and assessors

- (1) The Institution 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 Institution must—
 - (a) only appoint assessors who are either registered on at least one of the relevant registers (in the case of assessing applications for registration) or registered on at least one of the registers under review (in the case of assessments for continued registration), or persons who have at least equivalent competence; 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.

93 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.

94 Competency Assessment Board

- (1) The Institution must appoint a Competency Assessment Board consisting of—
 - (a) 4 or more voting members; and
 - (b) 1 member of the Board of the Institution who has no right to vote.
- (2) The Institution must appoint members who are registered persons or who have equivalent competence and, in appointing members, must have regard to—
 - (a) the extent of their experience in, and knowledge of, 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 Institution on making the appointment, up to a maximum term of 2 years for voting members and 1 year for the nonvoting member; and
 - (b) may be renewed, but no person may be appointed for more than 3 consecutive terms.

95 Chairperson of Competency Assessment Board

- (1) The Institution 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.

96 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.

97 Competency assessment reviewer

- (1) The Institution may appoint, for a particular case or class of cases, a competency assessment reviewer.
- (2) The Institution must appoint competency assessment reviewers who—
 - (a) are registered persons or who have equivalent competence; or
 - (b) have other qualifications or experience that the Institution considers relevant to the subject matter of the case.

Persons with delegated functions relating to disciplinary matters

98 Complaints research officers

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

99 Institution must keep list of persons who may be members of committees

- (1) The Institution must keep a list of persons who may be members of investigating committees and disciplinary committees.
- (2) The Institution must select persons for the list who are registered persons or who have equivalent competence and, in selecting persons, must have regard to—
 - (a) the extent of their experience in, and knowledge of, engineering; and
 - (b) their experience in competency assessments; and

- (c) their experience in investigating and hearing complaints relating to engineering or other professions.

100 Chairpersons and alternate chairpersons of investigating and disciplinary committees

- (1) The Institution must appoint persons from the list kept under clause 99 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) The Institution may appoint more than one—
 - (a) alternate Chairperson of Investigation Committees; and
 - (b) alternate Chairperson of Disciplinary Committees.
- (3) An appointment—
 - (a) is for the term specified by the Institution 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 2-year terms.
- (4) An 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, the Institution refers the matter to the alternate Chairperson instead of the Chairperson.

101 Investigating committee

- (1) The Institution 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 clause 99.
- (2) In appointing a member to a committee for a case or class of cases, the Institution must endeavour to select a person who does not have a material conflict of interest on the case or class of cases.

102 Disciplinary committee

- (1) The Institution may appoint, for a particular case or class of cases, a Disciplinary Committee consisting of—
 - (a) the chairperson or an alternate chairperson of disciplinary committees; and
 - (b) 1 other person from the list kept under clause 99; and
 - (c) 1 person who—
 - (i) is not an engineer; and
 - (ii) is nominated by a body that the Institution considers to be representative of consumer interests.

- (2) The Institution may appoint a further 2 persons to a disciplinary committee for a particular case or class of cases if it considers it appropriate or necessary in the circumstances.
- (3) Any 2 persons appointed under subclause (2) must consist of—
 - (a) 1 person from the list kept under clause 99; and
 - (b) 1 person who—
 - (i) is not an engineer; and
 - (ii) is nominated by the Institution.
- (4) In appointing a member to a disciplinary committee for a case or class of cases, the Institution must endeavour to ensure that the member does not have a material conflict of interest on the case or class of cases.

103 Appeal Committee

- (1) The Institution may appoint for a particular case or class of cases, an appeal committee consisting of-
 - (a) 2 Institution representatives, being either the President and one Past-President, or two Past-Presidents, and
 - (b) a barrister of the High Court of New Zealand.
- (2) In appointing a member to an appeal committee for a case or class of cases, the Institution must endeavour to ensure that the member does not have a material conflict of interest on the case or class of cases.

Part 6 Regulation-making procedure

104 Procedure for making, amending, or revoking these regulations

- (1) Before the Institution makes a regulation, it must—
 - (a) publish on the Institution's Internet site:
 - (i) the terms of the proposed regulation; and
 - (ii) the reasons for its proposal; and
 - (b) give persons a reasonable opportunity to make submissions on the proposal
- (2) In this regulation, **publish** means publish by all or any of the following means:
 - (a) on a website maintained by the Institution:
 - (b) by specifically notifying registered persons and, if practicable, other engineers:
 - (c) in journals for engineering:
 - (d) by any other means that the Institution 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 regulation.
- (3) The requirements of this clause that apply to making a regulation apply also to any amendment or revocation of a regulation.

105 Exception for cases of urgency

Clause 104(1)(a) and (b) does not apply if the Institution considers that it is necessary or desirable in the public interest that the regulation be made urgently, but in this case it must comply with those paragraphs to the extent it considers practicable given the urgency.

Schedule 1

Registers created under these regulations

New Zealand section of the International Professional Engineers Register

IPENZ Register of Engineering Technology Practitioners

New Zealand section of the International Engineering Technologist Register

IPENZ Register of Certified Engineering Technicians

Schedule 2

Specifications of Competence Registers named in Schedule 1

1. New Zealand section of the International Professional Engineers Register

Title:	International Professional Engineer
Post nominal	IntPE(NZ)
Minimum standard:	<p>To meet the minimum standard for registration on the register a person must:</p> <ul style="list-style-type: none">(a) demonstrate that he or she is able to practise competently in his or her practice area to the standard of a reasonable professional engineer, and(b) hold a qualification recognized under the Washington Accord, or an equivalent qualification as assessed according to the New Zealand assessment statement approved by the Engineers Mobility Forum, and(c) have undertaken professional engineering activities for a minimum of seven years following completion of the qualification recognized in (b), and(d) have taken responsibility for significant professional engineering activities for a period of at least two years, and(e) be either normally resident in New Zealand, or a New Zealand citizen resident in another jurisdiction that is not an EMF signatory
Competence elements	<ul style="list-style-type: none">(a) comprehend, and apply his or her knowledge of, accepted principles underpinning—<ul style="list-style-type: none">(i) widely applied good practice for professional engineering; and(ii) good practice for professional engineering that is specific to the jurisdiction in which he or she practises; 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.

Engineering activities

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

Engineering problems

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.

Charges

Initial registration

	Charge or rebate Amount (excl GST)
Registration application charge:	\$3,120
<i>less any of the following rebates that apply:</i>	
if there is no engineering knowledge assessment:	\$1,175
if there is no interactive assessment:	\$850
for each assessor (if any) who is not remunerated for an assessment during which there is an interactive assessment:	\$625
for each assessor (if any) who is not remunerated for an assessment during which there is no interactive assessment:	\$330
for applicants exempted under subclause 9(2) from having to provide certain information, if the assessment panel uses only a single interactive assessment	\$350

Registration certificates

	Charge Amount (excl GST)
Registration certificate charge for a certificate issued for 1 year commencing 1 January:	\$270
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:	\$22.50

Continued registration

Charge or rebate Amount (excl GST)

Further interactive assessment charge: \$850

less the following rebate if it applies:

for each assessor (if any) who is not remunerated for the
interactive assessment: \$330

Review of registration decision procedures

Charge Amount (excl GST)

Charge for review of decision procedures: \$1000

Voluntary abeyance

Charge Amount (excl GST)

Charge for each 12-month period of abeyance: \$165

2. IPENZ Register of Engineering Technology Practitioners

Title	Engineering Technology Practitioner
Post nominal	ETPract
Minimum standard	To meet the minimum standard for registration on the register 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 engineering technology practitioner.
Competence elements	<ul style="list-style-type: none">(a) Comprehend and apply the detailed knowledge underpinning good practice as an engineering technologist.(b) Comprehend and apply knowledge underpinning good practice as an engineering technologist. that is specific to the jurisdictions in which he/she practices(c) Identify, clarify, and analyse broadly defined engineering problems in accordance with good engineering practice(d) Design or develop solutions to broadly defined engineering problems by applying accepted procedures or methodologies(e) Be responsible for making decisions on part or all of one or more broadly defined engineering activities(f) Manage part or all of one or more broadly defined engineering activities in accordance with good management practice(g) Identify risks and apply risk management techniques to broadly-defined engineering problems(h) Conduct engineering activities to an ethical standard at least equivalent to the relevant code of ethical conduct(i) Recognise the reasonably foreseeable social, cultural and environmental effects of broadly-defined engineering functions generally(j) Communicate clearly with others in the course of broadly defined engineering activities(k) Maintain the currency of engineering knowledge and skills(l) Exercise sound engineering judgement
Engineering activities	<p>Broadly defined engineering activities or projects have some or all of the following characteristics:</p> <ul style="list-style-type: none">(a) involve a variety of resources (and for this purposes resources includes people, money, equipment, materials, information and technologies)

- (b) require resolution of occasional interactions between technical, engineering and other issues, of which few are conflicting
- (c) involve the use of new materials, techniques or processes in innovative ways
- (d) have consequences that are most important locally, but may extend more widely
- (e) require a knowledge of normal operating procedures and processes

Engineering problems

Broadly-defined engineering problems have some or all of the following characteristics:

- (a) involve a variety of factors which may impose conflicting constraints
- (b) can be solved by application of well-proven analysis techniques
- (c) requires knowledge of principles and applied procedures or methodologies
- (d) belong to families of familiar problems which are solved in well-accepted ways
- (e) may be partially outside those encompassed by standards or codes of practice
- (f) involve several groups of stakeholders with differing and occasionally conflicting needs
- (g) have consequences which are important locally, but may extend more widely
- (h) are parts of, or systems within complex engineering problems

Charges

Initial registration

	Charge or rebate Amount (excl GST)
Registration application charge:	\$3,120
<i>less any of the following rebates that apply:</i>	
if there is no engineering knowledge assessment:	\$1,175
if there is no interactive assessment:	\$850
for each assessor (if any) who is not remunerated for an assessment during which there is an interactive assessment:	\$625

for each assessor (if any) who is not remunerated for an assessment during which there is no interactive assessment: \$330

for applicants exempted under subclause 9(2) from having to provide certain information, if the assessment panel uses only a single interactive assessment \$350

Registration certificates

Charge Amount (excl GST)

Registration certificate charge for a certificate issued for 1 year commencing 1 January: \$270

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: \$22.50

Continued registration

Charge or rebate Amount (excl GST)

Further interactive assessment charge: \$850

less the following rebate if it applies:

for each assessor (if any) who is not remunerated for the interactive assessment: \$330

Review of registration decision procedures

Charge Amount (excl GST)

Charge for review of decision procedures: \$1000

Voluntary abeyance

Charge Amount (excl GST)

Charge for each 12-month period of abeyance: \$165

3. New Zealand section of the International Engineering Technologist Register

Title	International Engineering Technologist
Post nominal	IntET(NZ)
Minimum standard	<p>To meet the minimum standard for registration on the register a person must:</p> <ul style="list-style-type: none">(a) demonstrate that he or she is able to practise competently in his or her practice area to the standard of a reasonable engineering technology practitioner, and(b) hold a qualification recognized under the Sydney Accord, or an equivalent qualification as assessed according to the New Zealand assessment statement approved by the Engineering Technologist Mobility Forum, and(c) have undertaken engineering activities for a minimum of seven years following completion of the qualification recognized in (b), and(d) have taken responsibility for significant engineering activities for a period of at least two years, and(e) be either normally resident in New Zealand, or a New Zealand citizen resident in another jurisdiction that is not an ETMF signatory
Competence elements	<ul style="list-style-type: none">(a) Comprehend and apply the detailed knowledge underpinning good practice as an engineering technologist.(b) Comprehend and apply knowledge underpinning good practice as an engineering technologist. that is specific to the jurisdictions in which he/she practices(c) Identify, clarify, and analyse broadly defined engineering problems in accordance with good engineering practice(d) Design or develop solutions to broadly defined engineering problems by applying accepted procedures or methodologies(e) Be responsible for making decisions on part or all of one or more broadly defined engineering activities(f) Manage part or all of one or more broadly defined engineering activities in accordance with good management practice(g) Identify risks and apply risk management techniques to broadly-defined engineering problems

- (h) Conduct engineering activities to an ethical standard at least equivalent to the relevant code of ethical conduct
- (i) Recognise the reasonably foreseeable social, cultural and environmental effects of broadly-defined engineering functions generally
- (j) Communicate clearly with others in the course of broadly defined engineering activities
- (k) Maintain the currency of engineering knowledge and skills
- (l) Exercise sound engineering judgement

Engineering activities

Broadly defined engineering activities or projects have some or all of the following characteristics:

- (a) involve a variety of resources (and for this purposes resources includes people, money, equipment, materials, information and technologies)
- (c) require resolution of occasional interactions between technical, engineering and other issues, of which few are conflicting
- (c) involve the use of new materials, techniques or processes in innovative ways
- (d) have consequences that are most important locally, but may extend more widely
- (e) require a knowledge of normal operating procedures and processes

Engineering problems

Broadly-defined engineering problems have some or all of the following characteristics:

- (a) involve a variety of factors which may impose conflicting constraints
- (b) can be solved by application of well-proven analysis techniques
- (c) requires knowledge of principles and applied procedures or methodologies
- (d) belong to families of familiar problems which are solved in well-accepted ways
- (e) may be partially outside those encompassed by standards or codes of practice
- (f) involve several groups of stakeholders with differing and occasionally conflicting needs

(g) have consequences which are important locally, but may extend more widely

(h) are parts of, or systems within complex engineering problems

Charges

Initial registration

	Charge or rebate Amount (excl GST)
Registration application charge:	\$3,120
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for applicants exempted under subclause 9(2) from having to provide certain information, if the assessment panel uses only a single interactive assessment	\$350

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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:	\$22.50

Continued registration

	Charge or rebate Amount (excl GST)
Further interactive assessment charge:	\$850
<i>less the following rebate if it applies:</i>	
for each assessor (if any) who is not remunerated for the interactive assessment:	\$330

Review of registration decision procedures

	Charge Amount (excl GST)
Charge for review of decision procedures:	\$1000

Voluntary abeyance

	Charge Amount (excl GST)
Charge for each 12-month period of abeyance:	\$165

4. IPENZ Register of Certified Engineering Technicians

Title	Certified Engineering Technician
Post nominal	CertETn
Minimum standard	To meet the minimum standard for registration on the register 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 engineering technician.
Competence elements	<ul style="list-style-type: none">(a) Comprehend and apply detailed knowledge underpinning good practice as an engineering technician,(b) Comprehend and apply knowledge underpinning good practice as an engineering technician that is specific to the jurisdiction/s in which he/she practices.(c) Identify, state and analyse well-defined engineering problems in accordance with good practice for engineering(d) Design or develop solutions to well-defined engineering problems by applying accepted procedures and methodologies(e) Be responsible for making decisions on part or all of one or more well-defined engineering activities(f) Manage part or all of one or more well-defined engineering activities in accordance with good engineering management practice(g) Identify risk and apply risk management techniques to well-defined engineering problems(h) Conduct engineering activities to an ethical standard at least equivalent to the relevant code of ethical conduct(i) Recognise the reasonably foreseeable social, cultural and environmental effects of well-defined engineering activities generally,(j) Communicate clearly with others in the course of his or her well defined engineering activities(k) Maintain the currency of engineering knowledge and skills(l) Exercise sound judgement
Engineering activities	Well-defined engineering activities means engineering activities or projects that have some or all of the following characteristics:

- (a) Involve a limited range of resources (and for this purpose resources includes people, money, equipment, materials, information and technologies)
- (b) Require resolution of interactions between limited technical and engineering issues with little or no impact of wider issues
- (c) Involve the use of existing materials techniques, or processes in new ways
- (d) Have consequences that are locally important and not far-reaching
- (e) Require a knowledge of practical procedures and practices for widely-applied operations and processes

Engineering problems

Well-defined engineering problems means engineering problems having some or all of the following characteristics:

- (a) involve several issues, but with few of these exerting conflicting constraints,
- (b) can be solved in standardised ways,
- (c) can be resolved using limited theoretical knowledge but normally requires extensive practical knowledge,
- (d) are frequently encountered and thus familiar to most practitioners in the practice area,
- (e) are encompassed by standards and/or documented codes of practice,
- (f) involve a limited range of stakeholders with differing needs
- (g) have consequences which are locally important and not far-reaching
- (h) are discrete components of engineering systems

Charges

Initial registration

	Charge or rebate Amount (excl GST)
Registration application charge:	\$3,120
<i>less any of the following rebates that apply:</i>	
if there is no engineering knowledge assessment:	\$1,175
if there is no interactive assessment:	\$850

for each assessor (if any) who is not remunerated for an assessment during which there is an interactive assessment:	\$625
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Registration certificate charge for a certificate issued for 1 year commencing 1 January:	\$270
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Continued registration

	Charge or rebate Amount (excl GST)
Further interactive assessment charge:	\$850
<i>less the following rebate if it applies:</i>	
for each assessor (if any) who is not remunerated for the interactive assessment:	\$330

Review of registration decision procedures

	Charge Amount (excl GST)
Charge for review of decision procedures:	\$1000

Voluntary abeyance

	Charge Amount (excl GST)
Charge for each 12-month period of abeyance:	\$165

Schedule 3

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 person'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 the fields of engineering within which the practice area lies; and
- (f) the contact details of 2 independent referees who are registered on one or more of the relevant registers (in the case of an application for registration), or are registered on one or more of the registers under review (in the case of a candidate for continued registration), or who have equivalent competence; and
- (g) details of any convictions of the person by any court in New Zealand or elsewhere for an offence punishable by imprisonment for a term of 6 months or more.