

Reprint
as at 1 July 2016



**Chartered Professional Engineers of New Zealand Rules
(No 2) 2002**
(SR 2002/389)

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

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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

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Rules

- 1 Title**
These rules are the Chartered Professional Engineers of New Zealand Rules (No 2) 2002.
- 2 Commencement**
These rules come into force on 1 January 2003.
- 3 Interpretation**
In these rules, unless the context otherwise requires,—
- Act** means the Chartered Professional Engineers of New Zealand Act 2002
- applicant’s registration date** has the meaning set out in rule 18
- assessment** means an assessment of whether or not the person met—
- (a) the minimum standard for registration; or
- (b) the minimum standard for continued registration
- assessment panel** means an assessment panel appointed under Part 5
- assessor** means an assessor appointed under Part 5
- chief executive** means the chief executive of the Registration Authority
- code of ethical conduct** means the minimum standards contained in Part 3
- Competency Assessment Board** means the Competency Assessment Board appointed under Part 5
- complaints research officer** means a complaints research officer appointed under Part 5
- complex engineering activities** has the meaning set out in rule 7
- complex engineering problems** has the meaning set out in rule 7

CPEng equivalence means a qualification or title that the Registration Authority determines requires the holder to—

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

disciplinary committee means a disciplinary committee appointed under Part 5

investigating committee means an investigating committee appointed under Part 5

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

meeting method means meeting—

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

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

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

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

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

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

Rule 3 **CPEng equivalence**: replaced, on 1 January 2012, by rule 4 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Rule 3A: inserted, on 26 September 2014, by rule 4 of the Chartered Professional Engineers of New Zealand Amendment Rules 2014 (LI 2014/312).

Part 1

Title of chartered professional engineer

4 Title of chartered professional engineer

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

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

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

Part 2

Registration of chartered professional engineers

Subpart 1—Assessment for initial registration

Minimum standard for registration

6 Minimum standard for registration as chartered professional engineer

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

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

7 Definitions for purpose of minimum standard for registration

For the purposes of rule 6,—

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

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

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

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

- (f) have significant consequences in a range of contexts;
- (g) cannot be resolved without in-depth engineering knowledge.

Applications for registration

8 How to apply for registration

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

Rule 8(2)(c): inserted, on 1 January 2012, by rule 5(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 8(3): replaced, on 1 January 2012, by rule 5(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

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 professional engineering registers; and
 - (iii) results from other relevant competency assessments; and
 - (iv) professional development activities undertaken; and

- (b) a chronological summary of the applicant's work history (including a description of previous employment positions and professional engineering activities); and
 - (ba) any evidence provided by the public in response to the invitation described in rule 8(2)(c)(iii), along with any statement by the applicant in reply; and
 - (bb) a statement of self-review explaining how the applicant meets the minimum standard for registration; and
 - (bc) work samples from recent engineering activities with annotations explaining how the samples demonstrate that the applicant meets the minimum standard for registration; and
 - (c) any other information that the applicant wishes to be considered.
 - (d) *[Revoked]*
- (2) The Registration Authority may excuse an applicant from having to provide the information described in rule 9(1)(bb) or 9(1)(bc) if either of the following applies:
- (a) the applicant has previously been registered; or
 - (b) the applicant has CPEng equivalence.

Rule 9(1)(ba): replaced, on 1 January 2012, by rule 6(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 9(1)(bb): inserted, on 1 January 2012, by rule 6(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 9(1)(bc): inserted, on 1 January 2012, by rule 6(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 9(1)(c): amended, on 1 January 2012, by rule 6(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 9(1)(d): revoked, on 1 January 2012, by rule 6(3) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 9(2): inserted, on 1 January 2012, by rule 6(4) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

9A Information missing from application

- (1) The Registration Authority may request an applicant to provide additional information if the application received by the Registration Authority does not contain, or is not accompanied by, all of the obligatory statements and information set out in rules 8 and 9.
- (2) An application lapses if additional information is requested under subclause (1) or rule 11(1) and that information is not received by, as appropriate, the Registration Authority or the assessment panel before the expiry of 6 months after the date of the request.
- (3) If an application lapses, the Registration Authority 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.

Rule 9A: inserted, on 1 January 2005, by rule 4 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

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

10 Assessment panel must evaluate application

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

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

Rule 10(b): amended, on 1 January 2012, by rule 7 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

11 Way in which assessment panel must evaluate application

- (1) The assessment panel must evaluate the application in the following way:
 - (a) carry out a preliminary evaluation of the information provided and assess whether or not the panel needs more information to complete the assessment; and
 - (b) do all of the following, unless the panel thinks it unnecessary (in which case, it may carry out 1 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 do the things in subclause (2) of the minimum standard for registration; and

- (ii) whether or not the applicant meets the overall standard in subclause (1) of the minimum standard for registration, taking its evaluation under subparagraph (i) into account; and
- (iii) any other matters the panel considers necessary to carry out the assessment; and
- (e) have regard to any advice provided by a member of the Competency Assessment Board for the purposes of moderating between assessments.
- (f) *[Revoked]*
- (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 application.

Rule 11(1)(b): substituted, on 1 January 2006, by rule 3 of the Chartered Professional Engineers of New Zealand Amendment Rules 2005 (SR 2005/262).

Rule 11(1)(c): replaced, on 1 January 2012, by rule 8(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 11(1)(e): amended, on 1 January 2012, by rule 8(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 11(1)(f): revoked, on 1 January 2005, by rule 5(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Rule 11(3): added, on 1 January 2005, by rule 5(3) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

12 Competency Assessment Board must make decision on application

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

Rule 12(1)(b): amended, on 1 January 2012, by rule 9 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

13 Competency Assessment Board must give applicant opportunity to respond

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

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

Rule 13(a): amended, on 1 January 2005, by rule 6 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

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

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

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

15 Registration Authority must notify and implement decision

The Registration Authority must—

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

Subpart 2—Registration certificates

16 How to apply for registration certificates

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

17 Issue of registration certificates

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

18 Term for which registration certificates issued

- (1) Registration certificates are issued for a year, or part of a year, that—
 - (a) begins on 1 January or, if the applicant is not currently registered on 1 January, the applicant's registration date under subclause (2); and

- (b) ends on 31 December.
- (2) The **applicant's registration date** is the date on which the applicant is registered under section 8 of the Act or on which the applicant's registration revives after a period of suspension or abeyance (whichever is applicable).

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

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

Subpart 3—Assessment for continued registration

Minimum standard for continued registration

20 Minimum standard for continued registration as chartered professional engineer

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

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

Minimum frequency of assessments of continued registration

21 Minimum frequency of assessment of continued registration

- (1) The Registration Authority must assess whether or not a person meets the minimum standard for continued registration within 6 years from 31 December of the year of the person's last assessment.
- (2) Subclause (1) does not limit the Registration Authority's power under section 11 of the Act to carry out an assessment at any earlier time (including, without limitation, in a year fixed on the person's last assessment).

Rule 21(1): amended, on 1 January 2012, by rule 10 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

*Commencement of assessment***22 Registration Authority must notify chartered professional engineers of assessment**

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

23 Information that must be provided to demonstrate current competence

- (1) Each candidate who receives a notice under rule 22 must provide to the Registration Authority, by the specified date,—
 - (a) a form containing the information set out in Schedule 1; and
 - (b) the supporting information set out in subclause (2); and
 - (c) a statement signed by the 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 Registration Authority'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 professional engineering registers; and
 - (iii) results from other relevant competency assessments since his or her last assessment; and
 - (iv) professional development activities undertaken since his or her last assessment; and
 - (b) a chronological summary of the candidate's work history since his or her last assessment (including a description of employment positions and professional engineering activities in that period); and

- (ba) 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
 - (bb) 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
 - (c) any other information that the candidate wishes to be considered.
 - (d) *[Revoked]*
- (3) The candidate may provide information in hard copy (in which case 3 copies must be provided) or in electronic form.

Rule 23(1)(c): amended, on 1 January 2012, by rule 11(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(1)(c): amended, on 1 January 2012, by rule 11(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(1)(d): inserted, on 1 January 2012, by rule 11(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(2)(ba): replaced, on 1 January 2012, by rule 11(3) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(2)(bb): inserted, on 1 January 2012, by rule 11(3) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(2)(c): amended, on 1 January 2012, by rule 11(4) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(2)(d): revoked, on 1 January 2012, by rule 11(5) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(3): replaced, on 1 January 2012, by rule 11(6) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

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

24 Assessment panel must evaluate continued registration

- (1) An assessment panel must evaluate each candidate for continued registration to assess—
- (a) whether or not the candidate has demonstrated that he or she meets the minimum standard for continued registration; and
 - (b) if so, whether the candidate's continued registration should next be assessed by the end of the 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 rule 23 by the specified date,—
- (a) only 1 assessor must evaluate the candidate's continued registration; and

- (b) this subpart applies as if the assessor were the assessment panel (with any necessary modifications).

Rule 24(1)(b): amended, on 1 January 2012, by rule 12 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

25 Way in which assessment panel must evaluate continued registration

- (1) The assessment panel must evaluate the candidate's continued registration in the following way:
 - (a) carry out a preliminary evaluation of the information provided and assess whether or not the panel needs more information to complete the assessment; and
 - (aa) conduct an interactive assessment with the candidate by any meeting method; and
 - (b) 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
 - (c) 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
 - (d) evaluate the information provided and any relevant information that the Registration Authority has about the candidate; and
 - (e) have regard to any advice provided by a member of the Competency Assessment Board for the purposes of moderating between assessments.
 - (f) *[Revoked]*
- (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.

Rule 25(1)(aa): inserted, on 1 January 2012, by rule 13(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(b): amended, on 1 January 2012, by rule 13(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(b)(i): amended, on 1 January 2012, by rule 13(3)(a) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(b)(i): amended, on 1 January 2012, by rule 13(3)(b) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(c): replaced, on 1 January 2012, by rule 13(4) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(d): replaced, on 1 January 2012, by rule 13(5) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(e): amended, on 1 January 2012, by rule 13(6) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(f): revoked, on 1 January 2005, by rule 8(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Rule 25(3): added, on 1 January 2005, by rule 8(3) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

26 Competency Assessment Board must make decision on continued registration

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

Rule 26(1)(b): amended, on 1 January 2012, by rule 14 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

27 Competency Assessment Board must give candidate opportunity to respond

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

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

Rule 27(a): amended, on 1 January 2005, by rule 9 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

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

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

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

29 Registration Authority must notify and implement decision

(1) The Registration Authority must—

- (a) notify the candidate of the decisions under rule 26 and the reasons for those decisions; and
- (b) if the decision is to remove or suspend the candidate's registration, remove or suspend that registration; and
- (c) if the candidate paid an interactive assessment charge, rebate to the candidate any part of the charge for which a rebate applies under Schedule 2 (if not already rebated).

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

30 Complaints arising from assessment of continued registration

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

Subpart 4—Review of registration assessment procedures**31 Request for review of assessment procedures**

- (1) A person may, in accordance with this rule, apply to the Registration Authority for a review on the ground that the assessment was not carried out in accordance with the procedures set out in the Act or these rules.
- (2) The application must be—
 - (a) made in writing within 14 days after the applicant is notified of the assessment decision; and
 - (b) accompanied by—

- (i) a statement of how the applicant considers that the assessment was not carried out in accordance with the procedures set out in the Act or these rules; and
 - (ii) any evidence that the applicant wishes to be considered in the review; and
- (c) accompanied by the charge for reviews set out in Schedule 2.

32 Competency assessment reviewer must carry out review of assessment procedures

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

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

33 Registration Authority must notify and implement decision

The Registration Authority must—

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

34 Subpart does not limit statutory rights of appeal

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

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

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

35 Registration Authority must give person opportunity to respond

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

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

Rule 35(a): amended, on 1 January 2005, by rule 10 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

36 Registration Authority must notify decision

- (1) If the Registration Authority suspends or removes a person's registration under section 9, section 10, or section 23 of the Act, the Registration Authority must—
 - (a) notify a person of its decision and the reasons for that decision; and
 - (b) remove or suspend that registration.
- (2) However, the Registration Authority must not remove or suspend a person's registration until the expiry of a period of at least 28 days after the notification of the decision.

Voluntary abeyances

37 How to voluntarily place registration into abeyance

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

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

38 Minimum and maximum periods of voluntary abeyances

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

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

Subpart 6—Register

39 Additional matters to be shown in register

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

40 Form of register

The register is an electronic register.

41 Amendment of register

The Registration Authority must amend the register to—

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

Subpart 7—Miscellaneous

42 Retention of assessment information

- (1) The Registration Authority must keep at least 1 copy of the information provided for each assessment until—
 - (a) the time limit for an appeal under sections 35 and 38 of the Act has expired without an appeal being made; or
 - (b) all appeals on the assessment decision are completed.
- (2) The Registration Authority 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 1993.

Rule 42 heading: amended, on 1 January 2005, by rule 11(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Rule 42(2): substituted, on 1 January 2005, by rule 11(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Part 3

Code of ethical conduct

Part 3: replaced, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42A Interpretation

In this Part,—

adverse consequences means—

- (a) significant harm, or an unacceptable likelihood of significant harm, to the health or safety of people; or
- (b) significant damage, or an unacceptable likelihood of significant damage, to the environment

engineering activities means activities for which a chartered professional engineer uses the engineer's engineering knowledge and skills

environment means—

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural resources and physical (man-made) resources.

Rule 42A: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

Obligations in public interest

Heading: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42B Take reasonable steps to safeguard health and safety

A chartered professional engineer must, in the course of the engineer's engineering activities, take reasonable steps to safeguard the health and safety of people.

Rule 42B: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42C Have regard to effects on environment

- (1) A chartered professional engineer must, in the course of the engineer's engineering activities,—
 - (a) have regard to reasonably foreseeable effects on the environment from those activities; and
 - (b) have regard to the need for sustainable management of the environment.
- (2) In this rule, **sustainable management** means management that meets the needs of the present without compromising the ability of future generations (including at least the future generations within the anticipated lifetime of the end products and by-products of activities) to meet their own reasonably foreseeable needs.

Rule 42C: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42D Report adverse consequences

A chartered professional engineer who has reasonable grounds to believe that an engineering matter has, or could have, adverse consequences must bring the matter to the notice of the relevant regulatory body unless the engineer, having made inquiries, is satisfied on reasonable grounds that the matter is being dealt with through an appropriate process or in an appropriate manner.

Rule 42D: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

Obligations relating to personal conduct

Heading: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42E Act competently

A chartered professional engineer—

- (a) must—

- (i) ensure that the engineer's relevant knowledge and skills are kept up to date; and
 - (ii) only undertake engineering activities that are within the engineer's competence; and
 - (iii) undertake engineering activities in a careful and competent manner; and
- (b) must not—
- (i) misrepresent, or permit others to misrepresent, the engineer's competence; or
 - (ii) knowingly permit other engineers for whose engineering activities the engineer is responsible to breach paragraph (a)(ii) or (iii) or subparagraph (i).

Rule 42E: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42F Behave appropriately

A chartered professional engineer, in performing, or in connection with, the engineer's engineering activities,—

- (a) must—
- (i) act with honesty, objectivity, and integrity; and
 - (ii) treat people with respect and courtesy; and
 - (iii) disclose and appropriately manage conflicts of interest; and
- (b) must not—
- (i) offer or promise to give to any person anything intended to improperly influence a decision relating to the engineer's engineering activities; or
 - (ii) accept from any person anything intended to improperly influence the engineer's engineering activities; or
 - (iii) otherwise engage in, or support, corrupt practices.

Rule 42F: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42G Inform others of consequences of not following advice

A chartered professional engineer who becomes aware that the engineer's professional advice may not be followed, and who considers that a failure to observe that advice may have adverse consequences, must inform the recipient of the advice of those adverse consequences.

Rule 42G: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42H Maintain confidentiality

- (1) A chartered professional engineer who obtains confidential information from clients or employers in the course of the engineer's engineering activities—
 - (a) must not use the information for any purpose other than the purpose for which the information was obtained; and
 - (b) must not disclose the information unless the disclosure is permitted by this rule.
- (2) A chartered professional engineer may disclose confidential information if, and to the extent that,—
 - (a) the engineer is required to disclose the information in order to comply with rule 42D or 42I and the engineer has first raised the matter with the person to whom confidentiality is owed; or
 - (b) the engineer is otherwise required by law to disclose the information; or
 - (c) the information is publicly available; or
 - (d) the disclosure is authorised by the person to whom confidentiality is owed.
- (3) Information disclosed under subclause (2)(a) or (b) may only be disclosed to the person or organisation to whom or to which the engineer is required to disclose it.

Rule 42H: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

42I Report breach of code

A chartered professional engineer who has reasonable grounds to believe that another chartered professional engineer has committed a significant breach of the code of ethical conduct must report the matter to the Registration Authority.

Rule 42I: inserted, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

General obligations to society

[Revoked]

Heading: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

43 Take reasonable steps to safeguard health and safety

[Revoked]

Rule 43: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

44 Have regard to effects on environment

[Revoked]

Rule 44: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

45 Act with honesty, objectivity, and integrity

[Revoked]

Rule 45: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

General professional obligations

[Revoked]

Heading: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

46 Not misrepresent competence

[Revoked]

Rule 46: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

47 Not misrepresent chartered professional engineer status

[Revoked]

Rule 47: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

48 Inform others of consequences of not following advice

[Revoked]

Rule 48: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

49 Not promise, give, or accept inducements

[Revoked]

Rule 49: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

Obligations to employers and clients

[Revoked]

Heading: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

50 Not disclose confidential information

[Revoked]

Rule 50: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

51 Not misuse confidential information for personal benefit

[Revoked]

Rule 51: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

52 Disclose conflicts of interest

[Revoked]

Rule 52: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

Obligations owed to other engineers

[Revoked]

Heading: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

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

[Revoked]

Rule 53: revoked, on 1 July 2016, by rule 4 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121).

Part 4**Disciplining of chartered professional engineers***Complaints and inquiries***54 How to complain about chartered professional engineers**

- (1) A person may complain to the Registration Authority about the conduct of a chartered professional engineer or former chartered professional engineer in accordance with this rule.
- (2) The complaint must be made in writing and contain the complainant's name and contact details.
- (3) The Registration Authority must give all reasonable assistance that is necessary in the circumstances to enable a person who wishes to make a complaint to put the complaint in writing.

55 Registration Authority may inquire into matters on own motion

- (1) The Registration Authority may inquire into any matter on its own motion under this Part if it has reason to suspect that a chartered professional engineer or former chartered professional engineer may come within any of the grounds for discipline in section 21 of the Act.
- (2) If subclause (1) applies, the Registration Authority may—

- (a) carry out an initial investigation of the matter in accordance with rules 58 and 59 (other than notifying the complainant under rule 59(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.

Rule 55(2)(a): substituted, on 1 January 2005, by rule 12 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Initial investigation of complaint

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

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

- (a) refer the complaint to an investigating committee in accordance with rule 59(b); or
- (b) dismiss the complaint on a ground in rule 57.

Rule 56(a): amended, on 1 January 2012, by rule 15 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

57 Grounds for not referring complaint to investigating committee

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

- (a) there is no applicable ground of discipline under section 21(1)(a) to (d) of the Act; or
- (b) the subject matter of the complaint is trivial; or
- (ba) the alleged misconduct is insufficiently grave to warrant further investigation; or
- (c) the complaint is frivolous or vexatious or is not made in good faith; or
- (d) the person alleged to be aggrieved does not wish action to be taken or continued; or
- (e) the complainant does not have a sufficient personal interest in the subject matter of the complaint; or
- (f) an investigation of the complaint is no longer practicable or desirable given the time elapsed since the matter giving rise to the complaint.

Rule 57(ba): inserted, on 1 January 2005, by rule 13 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

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

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

- (a) the Registration Authority must notify the person complained about of the general nature of the complaint before commencing the investigation; and
- (b) a complaints research officer must carry out the initial investigation of the complaint and recommend to the chairperson of investigating committees that the complaint proceed or be dismissed on a ground in rule 57; and
- (c) the complaints research officer, or chairperson of investigating committees, may seek to verify the information provided in the complaint by a statutory declaration from the complainant; and
- (d) after considering the complaints research officer's recommendation, the chairperson 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 rule 59(b); or
 - (ii) dismissed on a ground in rule 57.

Rule 58(d): replaced, on 1 January 2012, by rule 16 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 58(e): inserted, on 1 January 2012, by rule 16 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

59 Registration Authority must notify and implement decision

The Registration Authority must—

- (a) notify the complainant and the person complained about of the decision under rule 58(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 rule 84 and refer the complaint to that committee.

Rule 59(a): amended, on 1 January 2012, by rule 17 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Investigation of complaint or inquiry by investigating committee

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

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

- (a) refer the matter to a disciplinary committee; or
- (b) dismiss the matter on a ground in paragraphs (a) to (f) of rule 57.

Rule 60(b): amended, on 1 January 2005, by rule 14 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

61 Powers of investigating committee

An investigating committee may—

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

62 Investigating committee may explore alternative dispute resolution for complaints

- (1) Before making the decision under rule 60 on a complaint, the investigating committee may explore, with the complainant and the person complained about, the possibility of the complaint being referred to conciliation, mediation, arbitration, or another dispute resolution process.
- (2) If a complaint is referred to a dispute resolution process under subclause (1) and the complainant and person complained about fail to resolve the dispute

within 60 days of the reference, or within any other time period that the investigating committee thinks fit, the investigating committee must make the decision under rule 60 on the complaint.

63 Investigating committee must give person complained about opportunity to respond

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

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

Rule 63(a): amended, on 1 January 2005, by rule 15 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

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

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

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

65 Registration Authority must notify and implement decision

The Registration Authority must—

- (a) notify the complainant and the person complained about of the decision under rule 60, the reasons for the decision, and any dissenting views; and
- (b) if the decision is to refer the complaint or inquiry to a disciplinary committee, appoint a disciplinary committee in accordance with rule 85 and refer the matter to that committee.

Disciplinary committee

66 Disciplinary committee must determine complaint or inquiry

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

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

67 Powers of disciplinary committee

A disciplinary committee may—

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

68 Way in which disciplinary committee must consider disciplinary matter

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

- (2) The complainant, the person complained about, and any person alleged to be aggrieved have the right to be heard and represented at the hearing.

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

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

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

70 Registration Authority must notify and implement decision

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

Part 5

Persons carrying out delegated functions and powers under rules

General provisions

71 Persons carrying out delegated functions and powers under rules

- (1) The Registration Authority may delegate to the following persons, under section 43 of the Act, the functions and powers given to those persons by these rules:
- (a) assessors and assessment panels appointed under rule 75:
 - (b) the Competency Assessment Board appointed under rule 77:
 - (c) competency assessment reviewers appointed under rule 80:
 - (d) complaints research officers appointed under rule 81:
 - (e) the chairperson and the alternate chairpersons of investigating committees appointed under rule 83:
 - (f) investigating committees appointed under rule 84:
 - (g) the chairperson and the alternate chairpersons of disciplinary committees appointed under rule 83:

(h) disciplinary committees appointed under rule 85.

(2) This rule does not limit section 43 of the Act.

Rule 71(1)(e): amended, on 1 January 2005, by rule 16 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Rule 71(1)(g): amended, on 1 January 2005, by rule 16 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

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

(1) Every person or body that carries out decision-making functions under these rules must—

- (a) give reasons for its decisions under these rules; and
- (b) observe the rules of natural justice.

(2) Except as otherwise provided in the Act or these rules, that person or body of persons may regulate its own procedure as it thinks fit.

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

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

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

(1) The Registration Authority may appoint a person to a role under this Part by written notice to him or her.

(2) The Registration Authority may, at any time,—

- (a) revoke a person's appointment to a role under this Part by written notice to him or her;
- (ab) require a person appointed to a role under this Part not to participate in a matter if the Registration Authority 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 that matter;
- (b) reconstitute any body of persons appointed under this Part by written notice to that body.

(3) Any person appointed to a role under this Part may resign from that role by written notice to the Registration Authority.

Rule 74(2)(ab): inserted, on 1 January 2005, by rule 17 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

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

- (1) The Registration Authority may appoint, for a particular case or class of cases,—
 - (a) an assessor; or
 - (b) 2 or more assessors as an assessment panel.
- (2) The Registration Authority must—
 - (a) only appoint assessors who are chartered professional engineers or who have CPEng equivalence; and
 - (b) include in each assessment panel at least 1 assessor who has knowledge or experience relevant to the practice area in which the person is being assessed.

76 Procedures of assessment panel

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

77 Competency Assessment Board

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

78 Chairperson of Competency Assessment Board

- (1) The Registration Authority may appoint one of the members of the Competency Assessment Board to be the chairperson.
- (2) The chairperson must preside at all meetings of the Competency Assessment Board at which he or she is present.
- (3) In the absence of the chairperson, the members present must appoint one of their number to be the chairperson for the purposes of that meeting.

79 Meetings and procedures of Competency Assessment Board

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

80 Competency assessment reviewer

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

Persons with delegated functions relating to disciplinary matters

81 Complaints research officers

- (1) The Registration Authority may appoint, for a particular case or class of cases, a complaints research officer.
- (2) The Registration Authority must appoint complaints research officers who—

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

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

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

83 Chairpersons and alternate chairpersons of investigating and disciplinary committees

- (1) The Registration Authority must appoint persons from the list kept under rule 82 to be—
- (a) the chairperson of investigating committees, and the alternate chairperson of investigating committees; and
 - (b) the chairperson of disciplinary committees, and the alternate chairperson of disciplinary committees.
- (1A) The Registration Authority may appoint more than 1—
- (a) alternate chairperson of investigating committees; and
 - (b) alternate chairperson of disciplinary committees.
- (2) An appointment—
- (a) is for the term specified by the Registration Authority on making the appointment, up to a maximum term of 2 years; and
 - (b) may be renewed, but no person may be appointed for more than 3 consecutive terms.
- (3) 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,—
 - (i) the Registration Authority refers the matter to the alternate chairperson instead of the chairperson; or
 - (ii) the chairperson considers it not proper or desirable to participate personally in relation to the matter.

Rule 83(1A): inserted, on 1 January 2005, by rule 18(1) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Rule 83(3): amended, on 1 January 2005, by rule 18(2) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

84 Investigating committee

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

Rule 84(1)(a): amended, on 1 January 2005, by rule 19 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

85 Disciplinary committee

- (1) The Registration Authority may appoint, for a particular case or class of cases, a disciplinary committee consisting of—
 - (a) the chairperson or an alternate chairperson of disciplinary committees; and
 - (b) 1 other person from the list kept under rule 82; and
 - (c) 1 person who—
 - (i) is not an engineer; and
 - (ii) is nominated by a body that the Registration Authority considers to be representative of consumer interests.
- (1A) The Registration Authority 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.
- (1B) Any 2 persons appointed under subclause (1A) must consist of—
 - (a) 1 person from the list kept under rule 82; and
 - (b) 1 person who—

- (i) is not an engineer; and
 - (ii) is nominated by the Registration Authority.
- (2) In appointing a member to a disciplinary committee for a case or class of cases, the Registration Authority must endeavour to select a person who does not have a material conflict of interest on the case or class of cases.

Rule 85(1): substituted, on 1 January 2005, by rule 20 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Rule 85(1A): inserted, on 1 January 2005, by rule 20 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Rule 85(1B): inserted, on 1 January 2005, by rule 20 of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Part 6

Rule-making procedure

86 Procedure for making, amending, or revoking rules

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

Rule 86(2)(a): replaced, on 1 January 2012, by rule 18 of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

87 Exception for cases of urgency

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

**Part 7
Miscellaneous**

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

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

Schedule 1AA

Transitional, savings, and related provisions

r 3A

Schedule 1AA: inserted, on 26 September 2014, by rule 5 of the Chartered Professional Engineers of New Zealand Amendment Rules 2014 (LI 2014/312).

1 Initial registrations in progress at 1 January 2015

If an application for registration is made prior to 1 January 2015 but no decision is made until after that date, the Registration Authority must rebate to the applicant any part of the registration application charge for which a rebate applies under Schedule 2 (if not already rebated) as though the Chartered Professional Engineers of New Zealand Amendment Rules 2014 had not been made.

Schedule 1

Information that must be contained in form for assessments

rr 8, 23

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

- (a) the full name of the person; and
- (b) the persons's contact details for matters relating to the assessment and for on-going 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 chartered professional engineers or who have CPEng equivalence; 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.

Schedule 1 paragraph (e): amended, on 1 January 2005, by rule 21(a) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Schedule 1 paragraph (f): amended, on 1 January 2005, by rule 21(b) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Schedule 1 paragraph (g): substituted, on 1 January 2005, by rule 21(c) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Schedule 2

Charges

rr 8, 9, 15, 16, 25, 29, 31, 37

Schedule 2: replaced, on 1 January 2015, by rule 7 of the Chartered Professional Engineers of New Zealand Amendment Rules 2014 (LI 2014/312).

Initial registration

Charge or rebate	Amount (\$) (excl GST)
Registration application charge	3,253
<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	270
for each assessor (if any) who is not remunerated for an assessment during which there is an interactive assessment	513
for each assessor (if any) who is not remunerated for an assessment during which there is no interactive assessment	378
for applicants excused under rule 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	460
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	40

Continued registration

Charge or rebate	Amount (\$) (excl GST)
Further interactive assessment charge	640
<i>less the following rebate if it applies:</i>	
for each assessor (if any) who is not remunerated for the further interactive assessment	225

Review of registration decision procedures

Charge	Amount (\$) (excl GST)
Charge for review of decision procedures	1,000

Voluntary abeyance

Charge	Amount (\$) (excl GST)
Charge for each 12-month period of abeyance	289

Dated at Wellington this 3rd day of December 2002.

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

[Seal]

John Webster,
President.

A C Cleland,
Chief Executive.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 5 December 2002.

Chartered Professional Engineers of New Zealand Amendment Rules 2004

(SR 2004/413)

Pursuant to section 40(2) and (3) of the Chartered Professional Engineers of New Zealand Act 2002, the Institution of Professional Engineers New Zealand Incorporated, after complying with rule 86 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002, makes the following rules.

Rules

1 Title

- (1) These rules are the Chartered Professional Engineers of New Zealand Amendment Rules 2004.
- (2) In these rules, the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (SR 2002/389) are called “the principal rules”.

2 Commencement

These rules come into force on 1 January 2005.

23 Transitional provisions

- (1) Every application for registration under rule 8 of the principal rules that has, immediately before the commencement of these rules, been made, must be considered and determined as if these rules had not been made.
- (2) Every application for continued registration under rule 23 of the principal rules that has, immediately before the commencement of these rules, been made, must be considered and determined as if these rules had not been made.
- (3) Rule 9A(2) and (3) of the principal rules (as inserted by these rules) only applies to a request made (under subclause (1) of that rule) on or after 1 January 2005.
- (4) All inquiries, investigations, hearings, and disciplinary proceedings under the principal rules that have been commenced before the commencement of these rules and that have not been completed before that commencement are to be continued and completed as if these rules had not been made.
- (5) The principal rules, as amended by these rules, apply to any inquiry or complaint commenced or made on or after 1 January 2005 regardless of whether the matter that is the subject of the inquiry or complaint occurred before or after that date.

Dated at Wellington this 30th day of November 2004.

Reprinted as at
1 July 2016

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

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

I M Parton,
President.

A C Cleland,
Chief Executive.

Date of notification in *Gazette*: 2 December 2004.

Chartered Professional Engineers of New Zealand Amendment Rules 2011

(SR 2011/408)

Pursuant to section 40(2) of the Chartered Professional Engineers of New Zealand Act 2002, the Institution of Professional Engineers of New Zealand Incorporated, after complying with rule 86 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002, makes the following rules.

Rules

1 Title

These rules are the Chartered Professional Engineers of New Zealand Amendment Rules 2011.

2 Commencement

- (1) Rule 20 comes into force on 1 January 2013.
- (2) The rest of these rules come into force on 1 January 2012.

21 Transitional provisions

- (1) Every application for registration under rule 8 of the principal rules that has been made before the commencement of these rules must be considered and determined as if these rules had not been made.
- (2) Every application for continued registration under rule 23 of the principal rules that has been made before the commencement of these rules must be considered and determined as if these rules had not been made.
- (3) All inquiries, investigations, hearings, and disciplinary proceedings under the principal rules that have been commenced before the commencement of these rules and that have not been completed before that commencement are to be continued and completed as if these rules had not been made.
- (4) The principal rules, as amended by these rules, apply to any inquiry or complaint commenced or made on or after 1 January 2012, regardless of whether the matter that is the subject of the inquiry or complaint occurred before or after that date.

Dated at Wellington this 11th day of October 2011.

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

Reprinted as at
1 July 2016

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

[Seal]

Mr Stephen Reindler,
President.

Dr Andrew Cleland,
Chief Executive.

Date of notification in *Gazette*: 10 November 2011.

Reprints notes

1 *General*

This is a reprint of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 that incorporates all the amendments to those rules as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016 (LI 2016/121)

Chartered Professional Engineers of New Zealand Amendment Rules 2014 (LI 2014/312)

Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408)

Chartered Professional Engineers of New Zealand Amendment Rules 2005 (SR 2005/262)

Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413)