



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

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 after complying with—

- (a) section 41 of that Act; and
- (b) rule 86 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002.

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Part 3

Code of ethical conduct

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Rules

1 Title

These rules are the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 Amendment Rules 2016.

2 Commencement

These rules come into force on 1 July 2016.

3 Principal rules

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

4 Part 3 replaced

Replace Part 3 with:

Part 3 Code of ethical conduct

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.

Obligations in public interest

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.

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.

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.

*Obligations relating to personal conduct***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).

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.

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.

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.

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.

Dated at Wellington this 25th day of May 2016.

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

[Seal]

Elena Trout,
President.

Susan Freeman-Greene,
Chief Executive.

Explanatory note

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

These rules come into force on 1 July 2016. They replace Part 3 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002, which sets out the code of ethical conduct applying to chartered professional engineers, with a *new Part 3* containing an updated code. Significant changes to the code include—

- the addition of a requirement that an engineer report any engineering matter that has, or could have, adverse consequences:
- the addition of a definition of environment:
- the addition of a requirement that an engineer report significant breaches of the code by other engineers:
- the removal of a requirement that an engineer must inform another engineer, and investigate the matters concerned, before reviewing and providing comment on the engineer's work.

**Chartered Professional Engineers of New Zealand Rules
(No 2) 2002 Amendment Rules 2016**

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Issued under the authority of the Legislation Act 2012.

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

Wellington, New Zealand:

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