



## Chartered Professional Engineers of New Zealand Amendment Rules 2011

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.

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## **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.

### **3 Principal rules amended**

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

### **4 Interpretation**

Rule 3 is amended by revoking the definition of **CPEng equivalence** and substituting the following definition:

“**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”.

**5 How to apply for registration**

- (1) Rule 8(2)(c) is amended by adding the following subparagraph:
  - “(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”.
- (2) Rule 8 is amended by revoking subclause (3) and substituting the following subclause:
  - “(3) The applicant may provide information in hard copy (in which case 3 copies must be provided) or in electronic form.”

**6 Information that must be provided to support application**

- (1) Rule 9 is amended by revoking paragraph (ba) and substituting the following paragraphs:
  - “(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”.
- (2) Rule 9(c) is amended by omitting “(which may include work samples from recent professional engineering activities); and” and substituting “.”.
- (3) Rule 9(d) is revoked.
- (4) Rule 9 is amended by adding the following subclause as subclause (2):
  - “(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.”

- 7 Assessment panel must evaluate application**  
Rule 10(b) is amended by omitting “fifth” and substituting “sixth”.
- 8 Way in which assessment panel must evaluate application**  
(1) Rule 11(1) is amended by revoking paragraph (c) and substituting the following paragraph:  
“(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”.
- (2) Rule 11(1)(e) is amended by omitting “; and”.
- 9 Competency Assessment Board must make decision on application**  
Rule 12(1)(b) is amended by omitting “fifth” and substituting “sixth”.
- 10 Minimum frequency of assessment of continued registration**  
Rule 21(1) is amended by omitting “5” and substituting “6”.
- 11 Information that must be provided to demonstrate current competence**  
(1) Rule 23(1)(c) is amended by omitting “applicant” and substituting “candidate”.  
(2) Rule 23(1) is amended by adding “; and” and also by adding the following paragraph:  
“(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.”

- (3) Rule 23(2) is amended by revoking paragraph (ba) and substituting the following paragraphs:
  - “(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”.
- (4) Rule 23(2)(c) is amended by omitting “(which may include work samples from recent professional engineering activities); and” and substituting “.”.
- (5) Rule 23(2)(d) is revoked.
- (6) Rule 23 is amended by revoking subclause (3) and substituting the following subclause:
  - “(3) The candidate may provide information in hard copy (in which case 3 copies must be provided) or in electronic form.”

## **12 Assessment panel must evaluate continued registration**

Rule 24(1)(b) is amended by omitting “fifth” and substituting “sixth”.

## **13 Way in which assessment panel must evaluate continued registration**

- (1) Rule 25(1) is amended by inserting the following paragraph after paragraph (a):
  - “(aa) conduct an interactive assessment with the candidate by any meeting method; and”.
- (2) Rule 25(1)(b) is amended by omitting “an interactive” and substituting “a further interactive”.
- (3) Rule 25(1)(b)(i) is amended by—
  - (a) omitting “the interactive” and substituting “the further interactive”; and
  - (b) omitting “an interactive” and substituting “a further interactive”.
- (4) Rule 25(1) is amended by revoking paragraph (c) and substituting the following paragraph:

- “(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”.
  - (5) Rule 25(1) is amended by revoking paragraph (d) and substituting the following paragraph:
    - “(d) evaluate the information provided and any relevant information that the Registration Authority has about the candidate; and”.
  - (6) Rule 25(1)(e) is amended by omitting “; and”.
- 14 Competency Assessment Board must make decision on continued registration**  
Rule 26(1)(b) is amended by omitting “fifth” and substituting “sixth”.
- 15 Registration Authority must refer complaint to Investigating Committee unless grounds for not doing so**  
Rule 56(a) is amended by inserting “in accordance with rule 59(b)” after “committee”.
- 16 Way in which decision on whether or not to refer complaint to investigating committee must be made**  
Rule 58 is amended by revoking paragraph (d) and substituting the following paragraphs:
  - “(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.”

**17 Registration Authority must notify and implement decision**

Rule 59(a) is amended by omitting “58” and substituting “58(e)”.

**18 Procedure for making, amending, or revoking rules**

Rule 86(2) is amended by revoking paragraph (a) and substituting the following paragraph:

“(a) on the Registration Authority’s Internet site:”.

**19 New Schedule 2 substituted**

Schedule 2 is revoked and the Schedule 2 set out in the Schedule of these rules substituted.

**20 Schedule 2 amended**

Schedule 2 (as amended by rule 19) is amended by omitting “285” and substituting “340”.

**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.
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**Schedule**

r 19

**New Schedule 2 substituted****Schedule 2**rr 8, 9, 15, 16, 25, 29, 31,  
37**Charges**

## Initial registration

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

## Registration certificates

<b>Charge</b>	<b>Amount (excl GST) (\$)</b>
Registration certificate charge for a certificate issued for 1 year commencing 1 January	285
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	30

## Continued registration

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

Schedule 2—*continued*

Review of registration decision procedures

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

Voluntary abeyance

<b>Charge</b>	<b>Amount (excl GST) (\$)</b>
Charge for each 12-month period of abeyance	220

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:

[Seal]

Mr Stephen Reindler,  
President.

Dr Andrew Cleland,  
Chief Executive.

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## Explanatory note

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

These rules amend the Chartered Professional Engineers of New Zealand Rules (No 2) 2002. Except for *rule 20*, these rules come into force on 1 January 2012. Rule 20 comes into force on 1 January 2013.

The main changes made in these rules are—

- to amend the CPEng standard by making a change to the maximum allowable term until the next reassessment; and
- to enable the Registration Authority to publicly notify the names of candidates for assessment and reassessment and invite comments from the public; and
- to enable the greater use of modern technology in assessments and reassessments; and
- to enable the Registration Authority to dispense with certain requirements for applicants who have previously been CPEng registered or have CPEng equivalence; and
- to enable an alternative dispute resolution process to be used earlier in the complaints process; and
- to change the application fee and the fee for extended assessment for continued registration to better match the costs involved; and
- to change the annual registration fees to match the ongoing costs and recover start-up costs that have been borne until now by IPENZ members.

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

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

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

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