

Chartered Professional Engineer

Rules Change Consultation Document

October 2024

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Executive summary

This document is written for Chartered Professional Engineers (CPEngs), regulators (such as building consent authorities) and the public. We are working to improve the CPEng system so that it continues to be fit-for-purpose and so that registrants, regulators and the public have ongoing confidence in the work we do. Ultimately our goal is to improve public safety outcomes.

This document proposes a series of changes to the Chartered Professional Engineers of New Zealand Rules 2002. We are proposing to establish a framework for new classes, change how we do continued registration assessments and strengthen the complaints/disciplinary system. Some of the changes proposed have flow on impacts on how we manage our operations. These impacts are also outlined in this consultation document.

In forming this document, we undertook an end-to-end review of the CPEng system. Over the last nine months, we have worked with the CPEng Board to develop the proposals outlined in this document. This consultation is our chance to discuss these changes with you, our key stakeholders. Your input is critical to ensuring our endeavours are successful. Depending on your feedback, and the decisions of the CPEng Board, we will either proceed with the changes proposed in this document or amend them to reflect feedback received. We will keep you informed as our work progresses.

Thank you to the teams within Engineering New Zealand (Regulation and Strategy), who developed the proposals outlined. Thank you to the CPEng Board, who have volunteered their time to lead and contribute to this work. Thank you also to stakeholders from technical groups, building consent authorities, the Competency Assessment Board, the Standards Accreditation Board, Chairs of Investigating/Disciplinary Committees and others who reviewed an early copy of this document or discussed its content with us. Your feedback has helped us refine this work.

We appreciate you working with us to continue to make the CPEng system stronger.

Ngā mihi nui



Dr Richard Templer

Chief Executive, Engineering New Zealand

Introduction

Purpose

Engineering New Zealand, as the Registration Authority for Chartered Professional Engineers, is strengthening the CPEng system, so that the public, regulators and registrants have confidence the system is fit-for-purpose and protects the public.

Strengthening the CPEng system has been a focus of Engineering New Zealand for the last four years. In 2020 we consulted on a review of the system, noting at that time that there were operational matters we could address immediately, that required no changes to the Chartered Professional Engineers of New Zealand Act 2002 (the CPEng Act) or the Chartered Professional Engineers of New Zealand Rules 2002 (the CPEng Rules). Other changes, such as those outlined in this proposal, require changes to the CPEng Rules.

This document sets out a suite of CPEng Rule changes. These changes aim at addressing risk (explained in Chapter 1) in the CPEng system and making it more fit-for-purpose. The changes proposed will help us administer the system more effectively, responding to the needs of other regulators and the public. Ultimately our goal is to protect the public, as well as the CPEng quality mark, enhancing and maintaining trust in the system.

Why are we here?

The Registration Authority is caught between competing demands. For years central Government has worked to regulate the profession to address the public safety risk posed by engineers undertaking substandard work. We have supported this work, considering that there should be accountability requirements for engineers in New Zealand.

We know that regulators (building consent authorities and others) need better specificity of registration so that they can manage their liability. They want to know who can, and cannot, competently undertake certain engineering work.

The public want clarity on who is and who isn't a qualified professional engineer they can trust. CPEng was designed as a quality mark and embedded in legislation. Since 2002, when CPEng was introduced, the world has changed and demands on the CPEng system have increased. Given the complexities and time taken on the Government's occupational regulation work, it is timely to address the shortcomings of our current Rules.

Where have we been and where are we going?

In 2020 we consulted with the profession and industry on an end-to-end review of the CPEng system. That consultation is available on our [website](#). The 2020 consultation covered the possible introduction of classes, continued registration options, strengthening the complaints system and addressing the confusion between CPEng and Engineering New Zealand's Chartered Membership class. Overall, there was strong support for the changes proposed. A summary of feedback received can also be found on our [website](#).

Since the 2020 consultation we have focused on a series of system changes. These changes have not required changes to the Rules, as follows:

- » establishment of the CPEng Board by separating governance of the Registration Authority from that of membership (Engineering New Zealand's Governing Board)
- » elimination of the continued registration assessment backlog
- » introduction of the [Structural Triage Panel](#)
- » improved [assessment and reassessment guidance](#)
- » strengthened referee checking
- » reduced complaint timeframes.

We have also responded to the Government's occupational regulation of engineers' reform proposals. Further information on our position on the occupational regulation of engineers can be found on our [website](#). As Government's reforms are still some time away, our proposed Rule changes aim to address some of the drivers of those reforms, as well as address some of the findings of the Canterbury Earthquakes Royal Commission.

This document furthers proposals discussed in the 2020 consultation by outlining the changes required to the CPEng Rules. Your input into this process will help us ensure the proposals are workable and achieve our aims.

Apart from changes to charges, the CPEng Rules have not been amended since 2016, when the Code of Ethical Conduct was last amended.

Approach

In preparing the proposals outlined in this document, we have focused on:

1. Improving public safety
2. Ensuring the system works for the public, regulators and profession
3. Improving the quality of outcomes

To do this, we have considered risk within the system. There are many risks that exist within professional regulatory systems. Our work has focused on addressing risks to public safety outcomes. In the absence of mandatory registration for engineers, we can focus our system on improving public safety outcomes. This will lead to improvements in our management of CPEng as a mark of quality.

Our work on classes (outlined in Chapter 1 of this document) builds on the Ministry of Business, Innovation and Employment's (MBIE) policy work in 2021. In 2021, MBIE proposed introducing licenses for high-risk engineering disciplines. This was to ensure that those undertaking high-risk engineering work were assessed as appropriately qualified to do that work, providing confidence to regulators and the public.

We know there is a need for specificity of classes in the CPEng system and that introducing new classes has been a long time coming. This said, we also know that the introduction of classes, as well as the other changes proposed in this consultation document, will not address every issue in the delivery of high-risk engineering work. In 2023 we released a report entitled [Quality Issues in the Building System](#) which outlines our review of risk within the building system. The risks identified in that report are not isolated to the building system alone. Not all risks can, or should, be managed by the Registration Authority. Many risks sit with central and local regulators, as well as the firms and individuals carrying out work. What we can do is continue to strengthen our system to address what we can.

Overview of key changes

At a high level, the changes proposed in this consultation document are:

- » **Introduction of provisions enabling the Registration Authority to create new classes** where there is a significant risk of public safety harm posed by substandard work and/or where there is a regulatory need and/or a readiness of the profession for a class to be introduced.
- » **Changing the continued registration process** to focus the process on risk, recognising that the 'one-size fits all' does not work for continued registration assessments.
- » **Strengthening our complaints and disciplinary processes** by introducing new options for managing complaints and ensuring our processes are aligned to other professional regulators.

In addition to the more significant changes listed above, a series of other changes are proposed across the system, to strengthen operations. This allows the Registration Authority to pragmatically administer the system to the best of its ability, managing risk, allowing for natural justice considerations and increasing confidence in CPEng registration. In administering the CPEng system, the Registration Authority must manage its legislative responsibilities under the Act, supporting good outcomes for the public, other regulators and the profession. We need to administer 'right touch' legislation – Rules that are proportionate, consistent, targeted, transparent and accountable. Table 1 outlines the component parts of the CPEng system, and how the changes proposed in this consultation document will impact the system.

Table 1: Overview of Proposals

CPEng component	Current	Proposed
First time registration	Limited intensive information. System is inflexible.	Relevant information is collected. System is thorough and flexible.
Classes	One general class. Practice area descriptions are used as a proxy and have limitations.	Classes are established based on the needs of the public, regulators and other relevant considerations.
Annual renewal	Fees payment only.	Increased information requested from applicants to inform regulatory response.
CPEng Register	Currently merged with the membership register and limited information.	Separate CPEng Register, improved information.
Continued registration assessment	Inflexible and limited.	Flexible and can be applied to address risk.
Complaints assessment	Inflexible.	Flexible.
Complaints Investigations	Limited powers.	Increased powers to refer engineers to undertake further training, competence reviews, etc.

[The accompanying document](#) contains the current CPEng Rules with proposed indicative track changes. Should the proposals outlined in the consultation document proceed, these changes will progress to new Rules, subject to further legal refinement. Please be advised that all the references to Rules in this document refer to the draft new Rules and not the numbering of the current Rules.

How and when will the CPEng Rules change?

The CPEng Rules are secondary legislation. Following this consultation, the Chartered Professional Engineers Board will review feedback and approve/amend (or not approve) the changes proposed. Registrants and stakeholders will be informed of the new Rules, and these will be published.

We expect Rule changes to be published before July 2025, with the new Rules coming into force on 1 January 2026. This timeframe is to allow both the Registration Authority and current and future registrants to get ready. The transition will include communication with stakeholders, as well as system changes and guidance. We explain some key transition considerations in each chapter.

Not all changes proposed in this document will come into force on 1 January 2026. Some of the proposals will be implemented over a longer timeframe (for example, the introduction of classes which will be phased).

Impact of the changes proposed on Engineering New Zealand

Most CPEng registrants are also members of Engineering New Zealand. Like CPEng registrants, members of Engineering New Zealand can have complaints upheld against them. To manage two complaint processes, Engineering New Zealand has merged processes. Engineering New Zealand's Rules mirror the CPEng Rules. Therefore, any changes to the CPEng Rules will require a review of Engineering New Zealand's Rules to determine whether member processes will change. Our three-year work plan includes a review of the Engineering New Zealand Rules. Members will be informed of this process, as this work progresses.

Included in the future review of the Engineering New Zealand Rules is a review of Engineering New Zealand's Chartered Member membership class. We know this class has caused considerable confusion with CPEng. Some of the changes proposed in this consultation document are likely to impact how we manage the Chartered Member class, and our Governing Board will consider this after changes to the CPEng Rules are imbedded.

Impact on Charges

This consultation does not propose any amendments to charges (CPEng fees). The cost impact of any Rules changes will be subsumed into a future comprehensive review of all Engineering New Zealand fees and charges. The Registration Authority expects there to be both increases and decreases in operating costs because of the changes proposed.

We need some time for the new proposals to be implemented before we can fully understand the impact of the changes on our fee structure. As per our Act, charges must be reasonable and for the purpose only of recovering the costs of the performance of the functions of the Registration Authority and the Council under this Act. Any proposed amendments to charges will be consulted on.

Chapter 1: Classes

Overview

The introduction of new classes is the most significant proposal in this consultation document, with many of the other changes proposed being dependent on it. Introducing new classes will enable a regulator or the public to know who can practice within a specific area. Simply, a new class (as they are referred to in the CPEng Act) will provide visibility on who practices in a specific engineering discipline. Classes standardise registration, provide additional accountability, increase professional credibility and consumer confidence, and improve public safety.

Background

Under the CPEng Act, the Registration Authority must make and always have, rules for classes of registration (s40(2)(ba)). By default, all CPEng registrants are in a 'general' class.

The Canterbury Earthquakes Royal Commission highlighted the need for specificity of registration, particularly for structural engineers. One aspect of MBIE's work on the occupational regulation of engineers is introducing license classes for 'high-risk' or 'safety critical' areas of engineering, such as structural engineering. The CPEng register's lack of clarity has led to several issues across the industry. Arguably it is one of the reasons Councils have their own registers of engineers.¹

Current register

The Registration Authority's register includes the following information:

- » full name
- » CPEng registration status (noted as 'current' if actively registered)
- » postnominal
- » practice field(s)
- » notices.

Practice fields and practice area descriptions

Practice fields are subdivisions of engineering. Practice fields are broad and align to international categorisation. For reference, these are listed in Appendix 3 of our [assessment guidance](#). During assessments, the Registration Authority assigns assessors experienced in the applicant's practice field(s) to review the application and take part in the interactive (interview).

Practice fields are broad and do not provide the specificity required by regulators and the public. In some cases, greater transparency of competency is needed in areas of public safety risk (for example structural engineering).

Not all practice fields have defined competencies (knowledge and skills requirements) associated with them. For this reason, regulators often ask the Registration Authority for information on practice area descriptions. Practice area descriptions are provided to the Registration Authority for the purpose of matching assessors to applicants. They provide more detail on an engineer's area of practice (for example "structural design and construction monitoring of low and medium rise structures"). Practice area descriptions are not a regulatory tool, simply an administrative one. However, in the absence of classes, they have become a tool used to further understand an engineer's scope of practice.

¹ Another reason is the Registration Authority's management of complaints. Changes to the complaints process are proposed in a separate chapter.

Class proposal

The Registration Authority proposes introducing new classes to meet its obligations under section 40 of the CPEng Act. New classes provide specificity to the register, allowing other regulators and the public to know who has been assessed against criteria specific to the class.

We are not the first to consider introducing classes on a register of engineers. MBIE have undertaken policy work to clarify when licensing classes could be introduced.² We supported that work and consider it important to align our changes with it. As a guiding policy, we propose introducing classes where there is one or more of the following:

- » a significant risk of public safety harm posed by substandard work
- » where there is a regulatory need, either through the introduction of legislation requiring engineers to be registered or where another regulator using the CPEng register requires greater specificity of registration
- » readiness of the profession for a class to be introduced.

Our primary focus in this work has been public safety. This ties into Cabinet's framework for regulating occupations, which advises that the aim of regulating professions is "broadly to protect the public from the risks of an occupation being carried out incompetently or recklessly".³ When considering classes, we also considered the risk of environmental harm or the need to build for resiliency, as well as for life safety. We concluded that the focus on life safety was in keeping with other professional regulatory regimes and should continue to be the focus of our work.

The proposal to introduce classes would not impact every registrant, only those who wish to work in areas where new classes are introduced.



Do you support the Registration Authority introducing classes where there is a significant risk of public safety harm posed by substandard work, where there is a regulatory need and/or where there is a readiness of the profession for a class to be introduced?

Why or why not?

Requirement to consult

We propose that the Rule introducing classes places a requirement on the Registration Authority to consult on its rationale for introducing a new class, the terms of the proposed new class, and the skill and competency requirements to enter the class.

Classes would have defined areas

To be effective, classes would need to have a defined area of practice. This is common in other professional regulatory systems (for example, within medicine paediatricians have defined areas of practice). To introduce a new class, the Registration Authority would need to define the scope of the class.

Entry into a class

EXAMPLE

Alex wants to apply for CPEng and a fire class at the same time

My name is Alex, and I graduated 8 years ago. I'm now ready to apply for CPEng, focusing on Fire Engineering. As my work involves signing off on fire-related projects for building regulators, I plan to apply for both CPEng and a fire class concurrently.

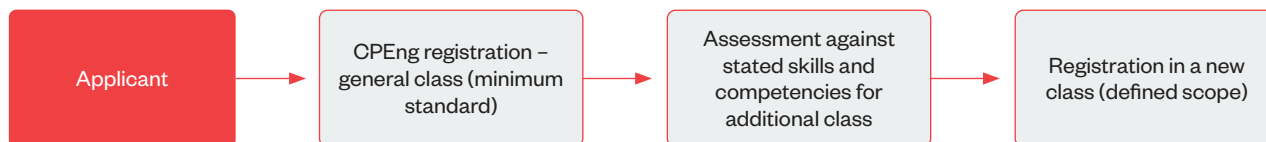
For my application, I'll need to provide the standard evidence required for CPEng, along with additional information specific to the fire class, including a third referee and two work samples demonstrating my competence in this area.

To enter a class that is not the general class, applicants would first need to be CPEng registered. The Registration Authority does not propose changing the minimum standard for general CPEng registration. In the first instance all applicants would need to pass current assessment standards.

² mbie.govt.nz/dmsdocument/14456-proposed-occupational-regulation-for-engineers-discussion-document
³ dpmc.govt.nz/publications/co-99-6-policy-framework-occupational-regulation

Following assessment against the minimum standard, applicants for a new class would need to be examined on their competency to enter that class on the terms prescribed by the Registration Authority. Traditionally these terms are defined through competency standards. 'Bodies of knowledge and skills' (BOKS) form parts of competency standards. Already in New Zealand three engineering BOKS exist – structural, geotechnical and fire. Applicants would be able to apply for more than one class outside the general class. Figure 1 demonstrates the proposed entry into a class.

Figure 1: Proposed journey for an applicant to be registered in a class



If an engineer needed to be registered in a class but weren't already CPEng, our plan is that they can apply for both at the same time, passing the minimum standard for general registration, and then passing specific class assessment criteria. We do this currently for Recognised Engineers.⁴

Where a new class is introduced, assessor requirements will be consulted upon. New class assessments will require expert assessors, selected through a transparent process.

Ongoing registration in a class

We propose that each class of registration have its own continued registration assessment requirements. When designing a class we will specify what these continued registration assessment requirements are.

Chapter 2 further expands on how we consider continued registration assessments would work for classes.



Do you support our proposals for classes – that they have a defined scope, and that entry would be through assessment, following general CPEng registration?

Why or why not?

Practice fields

We propose retaining practice fields on the register for everyone registered in the general class (all CPEng registrants). Practice fields support the overall management of the register and mutual recognition with overseas regulators (Australia for example). They also support our ability to help the public find an engineer – something we are required to do under the CPEng Act.

As above, we proposed introducing new classes where there is significant public safety risk or to address regulatory requirements. We considered transitioning all practice fields into classes but viewed this as overregulation and not conducive to us achieving the outcomes of this work (namely, better public safety outcomes).

Should the proposals proceed, the Registration Authority will provide new guidance on classes and updated guidance on practice fields. We will communicate clearly the difference between classes and practice fields.

Register and postnominals

With the introduction of new classes, the register will look largely the same, apart from an additional column for 'class'. For all CPEng registrants, this class column will say 'general', as well as any additional classes specified.

We do not propose introducing new postnominals for those with class specific registration. Postnominals support professional recognition and brand, which are outside the scope of our proposed changes to CPEng. Where regulators or the public need certainty of a registrant's class, the register is the source of truth on class registration.

⁴ Recognised Engineer (Dam Safety) as per the Building (Dam Safety) Regulations 2022

Proposed Rule addition

Bringing together the proposals above, the Registration Authority proposes to add a new subpart 6A into the Rules (Rule 41A). If these Rules proceed, they will:

- » allow the Registration Authority to create new classes of registration
- » require the Registration Authority to describe the class and practice area it applies to, as well as the minimum standards for registration
- » require the Registration Authority to set out minimum standards for continued registration
- » specify any conditions, and compliance responsibilities that apply to the class
- » require the Registration Authority to consult on the proposed classes and give relevant persons a reasonable opportunity to make submissions on the proposal.



Do you have any comments on the proposed Rules addition introducing provisions on classes?

Examples

Current

Although the Registration Authority does not currently have any classes apart from general, it does have two areas of additional specificity on the register – Design Verifiers and Recognised Engineers (dam safety). Established by legislation, these areas provide an example of how new classes could work.

DESIGN VERIFIER

Under the Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999, a Design Verifier is a person employed or engaged by an accredited inspection body to carry out equipment design verification. Design Verifiers must hold current competence certificates issued by a Qualifications Issuing Agency, such as the Registration Authority.

RECOGNISED ENGINEER (DAM SAFETY)

CPEng registrants can also be registered as Recognised Engineers in accordance with the Building (Dam Safety) Regulations 2022 if they:

- » are currently CPEng registered
- » are able to practise competently in the area of practice for Potential Impact Classifications (PIC) and Dam Safety Assurance Programmes (DSAP) referred to in the relevant Building Act sections to the reasonable standard of a professional engineer practising in the area
- » have at least 4 years' experience in the field of dam safety engineering within the previous 10 years
- » have relevant experience in and knowledge of dam safety engineering, including relevant experience in and knowledge of 1 or more relevant practice fields for PIC and/or DSAP.

Possible new classes

We know there are several disciplines that may be prepared for the introduction of classes of registration. Some of these disciplines are in the building system. Fire, structural and geotechnical already have published BOKS and building consent authorities have expressed regulatory need for classes in these areas.

We also know that there may be a regulatory need for the introduction of classes in other disciplines of engineering.

Our work to introduce new classes will be phased and we will be required to consult, as per the draft Rule on classes above.



What classes of registration do you think should be introduced to the register and why?

Transition considerations

The wealth of knowledge in the technical groups and regulators will be key to the transition stage. Technical groups and regulators will be closely involved in the development of new classes and assessment approaches, training and guidance materials and will input to a transition plan. Technical groups will assist with the integration of BOKS into the assessment system and development of new BOKS.

We acknowledge new classes introduced will need to meet a wide variety of needs, without the list of classes being too long. We don't want engineers to go through a huge number of separate assessments to be registered in all their disciplines. But conversely will not want to be assessed for aspects they do not work in. Regulators will also need to see a clear match to their requirements.

Engineering New Zealand will design and amend its systems to align with these proposals, providing operational guidance for the profession on the introduction of new classes.



Do you have any comments on our proposal for introducing Rules on classes?

Chapter 2: Assessments and continued registration assessments

Overview

This Chapter reviews our current assessment and continued registration processes, outlining current practice, as well as options to streamline and strengthen continued registration processes. We propose introducing new assessment requirements for introduced classes (see Chapter 1) and changing the way we manage continued registration assessments. This allows us to focus on where there is a significant risk to public safety due to substandard work. We also propose introducing new annual declarations for CPEng registrants. This will include a commitment to CPD and ethics and self-disclosure on a 'fit-and-proper' person, as well as changes to practice.

Finally, this Chapter proposes several administrative changes, to ensure the assessment and continued registration assessment components of the system are managed appropriately.

What we do now

Assessments for initial registration

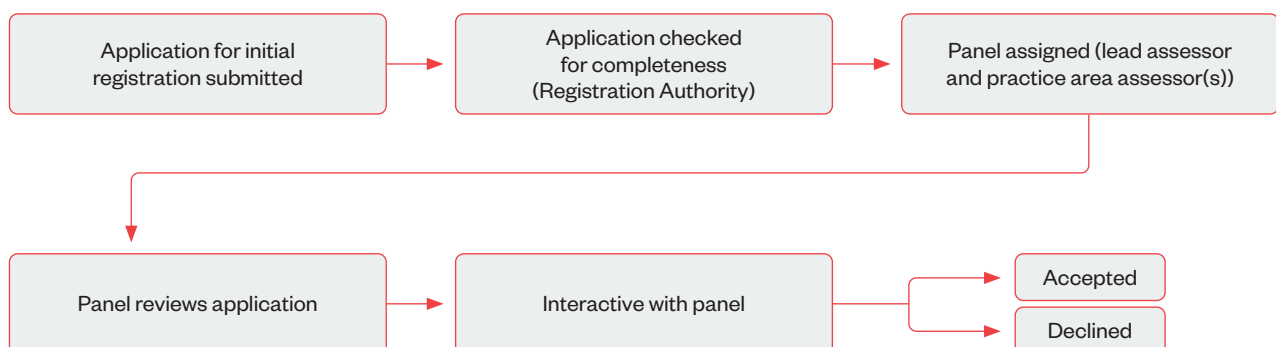
During first time (initial) CPEng assessments, a lead assessor and practice area assessor(s) review the information provided by applicants to determine if the applicants meet the minimum standard⁵ to be registered as CPEng. Information provided includes details of:

- » Washington Accord degree or equivalency
- » knowledge of engineering 'elements' (grouped as engineering knowledge, managing engineering work, professional acumen and developing technical solutions)
- » work history
- » work samples (at least two)
- » CPD records
- » commitment to the Code of Ethical Conduct
- » references.

The panel (lead assessor and practice area assessors) may also undertake an interactive (interview) with the candidate to assess their suitability for CPEng registration.

The initial assessment confirms the registrants' practice fields.

Figure 2: Initial assessment process



⁵ As per Rule 6 of the CPEng Rules

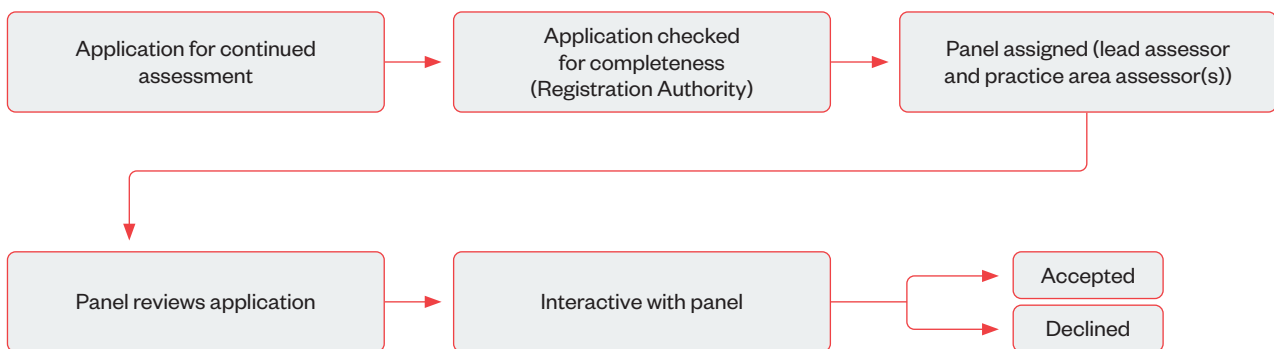
Continued registration assessments

The Registration Authority is required to assess registrants at least once every six years. The Act and the Rules state that continued registration assessments are to determine if registrants maintain current competency to the minimum standard. To do this, a panel (lead assessor and practice area assessor(s) where appropriate), review the following information:

- » work history
- » work samples (at least two)
- » CPD records
- » references
- » commitment to the Code of Ethical Conduct
- » complaints history (as reviewed by the Registration Authority).

The panel must also undertake an interactive (interview) with the registrant. If the lead assessor is in the same practice field as the registrant, the panel may leave the interactive to the lead assessor only.

Figure 3: Current continued registration assessment process



Structural Triage Panel

In 2022, to manage volumes of structural continued registration assessments, the Registration Authority established the Structural Triage Panel. For each application, a member of the Structural Triage Panel, as well as a lead assessor, reviews the application to provide assurance that the registrant is maintaining competency to the minimum standard. Where the Structural Triage Panel member is satisfied that the work history, references and work samples indicate competency within the structural practice field, they assess the registrant as low-risk and a lead assessor calls the registrant to undertake a simplified interactive. Where the Structural Triage Panel member questions the ongoing competency of the registrant, a full panel (lead assessor and practice area assessor(s)) undertake an interactive.

Case for change

Currently, all initial assessments and continued registration assessments are rigid, anchored in the provision of work samples and an interactive. We argue that this is not an example of 'right-touch' regulation, where the level of regulatory intervention is appropriate to the risk involved and the desired outcomes. All CPEng registrants are treated the same, requiring an assessment every six years to prove competency.

Subpart 3 of the CPEng Rules outlines assessment requirements for continued registration. Rule 20 states that to meet the minimum standard for continued registration, a registrant must demonstrate that they are still able to practice competently, that they meet the minimum standard for registration if their practice area has changed significantly and that they have taken appropriate steps to maintain competency. We have interpreted this Rule to mean that assessments for continued registration must mirror those of initial assessment. Arguably this is not 'right touch' regulation.

What we propose to change

We propose changing the Rules on continued registration requirements so that the Registration Authority has discretion on how it manages continued registration assessments, notably the provision of work samples and requirements for interactives. In this section we outline how this will impact new classes and the general class.

NEW CLASSES

Chapter 1 highlights our view that new classes should be introduced to the register for areas where there is significant risk to public safety of substandard work. These classes require greater scrutiny. In introducing new classes, the Registration Authority will be required to consult on registration requirements. This includes continued registration requirements. When a new class is published, the Registration Authority will issue guidance on requirements for work samples, interactives and the provision of additional information, as needed. The Registration Authority will also advise processes for the selection of assessors for that class.

The Registration Authority has procedures in place for introducing specific requirements into the register. The introduction of [Recognised Engineer \(Dam Safety\)](#) provides a good case study of how this works.

GENERAL CLASS

We propose that for the general class, an assessor conducts a desktop review on the information provided to determine if the continued assessment is low or high risk. We currently collect the following information and will continue doing this through the changes proposed, as per Schedule 1 of the Rules:

- » Declarations:
 - » Practice area: Any material changes to registrant's practice area?
 - » Criminal convictions: Has the registrant been convicted of any offence where the offence was punished by imprisonment of six months or more?
 - » Concerns or complaints: Does the registrant have any unresolved complaints or disciplinary proceedings against them?
 - » Declined applications: Has the registrant ever been declined CPEng registration?
- » Continued professional development: A review of CPD undertaken since the last application for continued registration. CPD must be appropriately completed.
- » Concerns or complaints: A Registration Authority check as to whether there are any complaints or concerns that have been raised by the public or other professionals to identify potential competence issues. This check is in addition to the self-disclosure listed above.
- » Referee feedback: Referees are contacted to validate the ongoing professional conduct and competence of registrants. This may include a review and validation of the registrant's application portfolio to confirm authenticity.
- » Curriculum vitae, employment status and a list of projects: This information helps the assessor probe the recent work history of registrants, determining whether a more detailed assessment is required.
- » We propose that if the assessor considers the information provided to be low risk, this application would be accepted without a requirement for work samples or an interactive.

Proposed continued registration assessment pathway

EXAMPLE

Maia completed her reassessment last year and wants to add a class to her CPEng registration

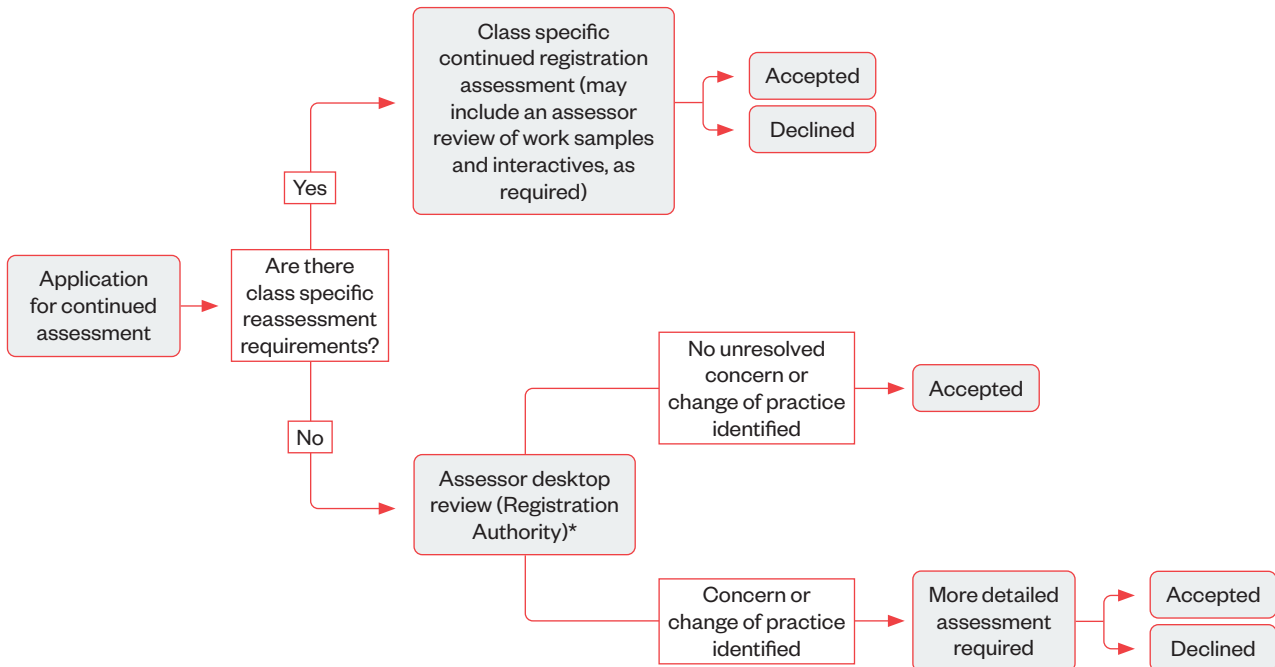
My name is Maia and I successfully completed my CPEng reassessment last year. With the introduction of geotechnical classes, I'm now eager to add a geotechnical class to my registration. To apply, I'll need to go through an additional application process, which requires me to demonstrate my knowledge and technical skills relevant to this class.

I'll need to provide two work samples, a referee, and participate in an interactive interview.

Removing the requirement for all registrants to undertake the same continued registration assessment allows the Registration Authority to focus on risk, either risk posed by the work of an engineer in a class, or risk raised through the assessor desktop review for those in the general class.

Figure 4 outlines how we will introduce discretion into the continued registration assessment process. An assessor will be involved in all desktop reviews, as per the current Rules (Rule 10).

Figure 4: Reduced continued registration assessments for registrants not in a specified registration class



*Some general registrants will be asked for work samples and an interactive to provide a quality assurance step in the system.

To implement the changes proposed, the following Rule changes are required, in addition to operational changes:

- » **Removal of the need for work samples for all continued registration assessments:** Rule 23 requires all applicants for continued registration to provide two or more work samples. We propose to remove the mandatory requirement for work samples and make it at the discretion of the Registration Authority. The Registration Authority may request work samples at its discretion, not the candidate must provide work samples.
- » **Removal of the requirement for an interactive:** Rule 25 requires the Registration Authority to undertake an interactive for every continued registration assessment. Operationally, this means either establishing a full panel of a lead assessor and practice area assessor(s) or it means an interactive with a lead assessor who is experienced in the registrant’s practice field. We propose removing the requirement for an interactive, making this at the discretion of the Registration Authority.
- » **Removal of the requirement to meet the minimum standard every six years:** Rule 21(1) requires that applicants meet the minimum standard for continued registration every six years. We propose removing the word 'minimum' from this provision to state that they must meet the standard for continued registration.

QUALITY ASSURANCE

Should our proposals to change continued registration assessment requirements proceed, we will add quality assurance steps into the desktop review. Guidance will advise applicants that some general registrants may be selected for a full continued registration assessment, for quality assurance processes. The outcomes of these full continued registration assessments (which will include the provision of work samples and an interactive) will be compared to the outcomes of the desktop review, for continuous learning.



Do you support our proposal to change continued registration assessment processes to focus on risk, removing requirements for all registrants to provide work samples and undergo an interactive to show that they meet the minimum standard for registration? Why or why not?

Do you have additional comments on our proposed changes to continued registration assessments?

New annual requirements for registrants

In addition to changing the six-yearly continued registration assessment process, we propose to introduce new annual requirements for registrants. This allows the Registration Authority to assess risk with each renewal and is common practice in other regulatory regimes. We propose an annual:

- » commitment to the Code of Ethical Conduct and CPD requirements
- » fit-and-proper person self-disclosure.

These changes would be embedded in Rule 16 and Schedule 1, section 2.

Ongoing commitment to the code of ethical conduct and continued professional development

There is currently nothing in the Registration Authority's processes that requires applicants and registrants to commit annually to the Code of Ethical Conduct or CPD requirements. This is out of sync with other regulators. The Registration Authority proposes changes that require CPEng registrants to commit annually to CPD and the Code of Ethical Conduct, before registration certificates are issued. This ongoing commitment helps the Registration Authority manage risk.

Self-disclosures – fit-and-proper person

In addition to annual CPD and ethics requirements, the Registration Authority proposes introducing an annual self-disclosure requirement for applicants and registrants, requiring them to disclose any complaints against them, or any matters that may deem them unfit for CPEng registration. We propose asking the following:

- » details of any directorships the person has of any company that has been put into receivership or liquidation
- » details of any court proceedings about the person's engineering practice
- » details of any health issue that may impact on the person's ability to practice
- » details of any concerns, complaints or disciplinary orders made against the person in their capacity as a chartered professional engineer or a member of the Institution of Professional Engineers of New Zealand Incorporate
- » details of any other concerns or complaints or disciplinary orders raised or made in respect of the person in other jurisdictions
- » details of any other matters that may impact on the person's ability to meet the minimum standard for registration as a chartered professional engineer, or the minimum standard for continued registration as a chartered professional engineer, as applicable.

Impact of declarations

Identifying something to declare will not automatically impact a registrant's continued registration. It simply helps us understand possible risks. If the Registration Authority needs additional information about a declaration, it will contact the registrant and discuss the situation before issuing a new practising certificate.

Consequences of not completing the annual declarations

Introducing new annual requirements comes with consequences for registrants who do not abide by the new requirements. Under this proposal, if the registrant does not complete the annual declarations by the specified due date, the Registration Authority will contact the registrant with a proposal to suspend their registration until the declarations are submitted. The registrant will have 28 days to respond. If the required information is not provided by the deadline, registration will be suspended, and this will be reflected in the public register. While suspended, the registrant will not receive a practising certificate and cannot refer to themselves as a Chartered Professional Engineer. The registrant may remain suspended for up to 12 months before being removed from the register.



Do you agree to the Registration Authority requiring CPEng applicants and registrants to annually commit to the Code of Ethical Conduct/CPD and to declare that they are a fit-and-proper person? Why or why not?

Do you have any specific questions about the additional requirements proposed?

Other changes proposed

Allowance for extraneous circumstances

Rule 21 requires the Registration Authority to assess registrants every six years. There are circumstances where this is not possible, and registrants are at risk of their registration lapsing (for example serious illness or birth of a child). The Registration Authority proposes introducing provisions that would allow registrants to postpone continued registration assessments for a period.

Procedural changes

REMOVAL/SUSPENSION TIMEFRAMES

Rules 29 and 36 require the Registration Authority to not remove or suspend a person's registration until the expiry of a period of at least 28 days after the notification of the final decision. This is not ideal where there is a risk of poor public safety outcomes from the work of a CPEng. We propose removing this 28-day requirement. While this delay in implementation has been removed, this does not affect the respondent's right of appeal of any decision to the Chartered Professional Engineers Council.

LAPSING APPLICATIONS

Rule 9A(2) requires the Registration Authority to wait six months before closing an incomplete application after requesting additional information. We propose changing this to six weeks.

Rule 9A(3)(a) also requires the Registration Authority to return the lapsed application and all of the supporting information that accompanied it to the applicant. Given all applications are processed online the 'return' of an application to the applicant is no longer relevant.

REFUNDS FOR LAPSED DOCUMENTS

Rule 9A(3)(b) requires refunds to be issued if applications lapse and that documents be returned to the applicant. We propose to remove this requirement. Most applications are electronic, and expenses have already been incurred by the Registration Authority. It is the applicant's responsibility to complete their application, and the processing of the application has already incurred costs to the Registration Authority.



Do you have any comments on the other assessment and continued registration assessment changes proposed by the Registration Authority?

Transition considerations

As outlined in the introduction of this consultation document, should the continued registration assessment changes proposed in this Chapter be agreed upon, these changes will take effect on 1 January 2026. In advance of the changes coming into effect, we will issue updated guidance for registrants.

Chapter 3: Complaints

Overview

This Chapter provides a simple overview of the Registration Authority’s complaints and disciplinary processes as outlined in the Rules, recommending opportunities to strengthen these processes so that we can maintain standards, protect the public, and ensure accountability within the profession. Complaint and disciplinary processes are important because they uphold ethical practices, deter misconduct, and foster public trust. The proposals outlined in this Chapter will help the Registration Authority do this better.

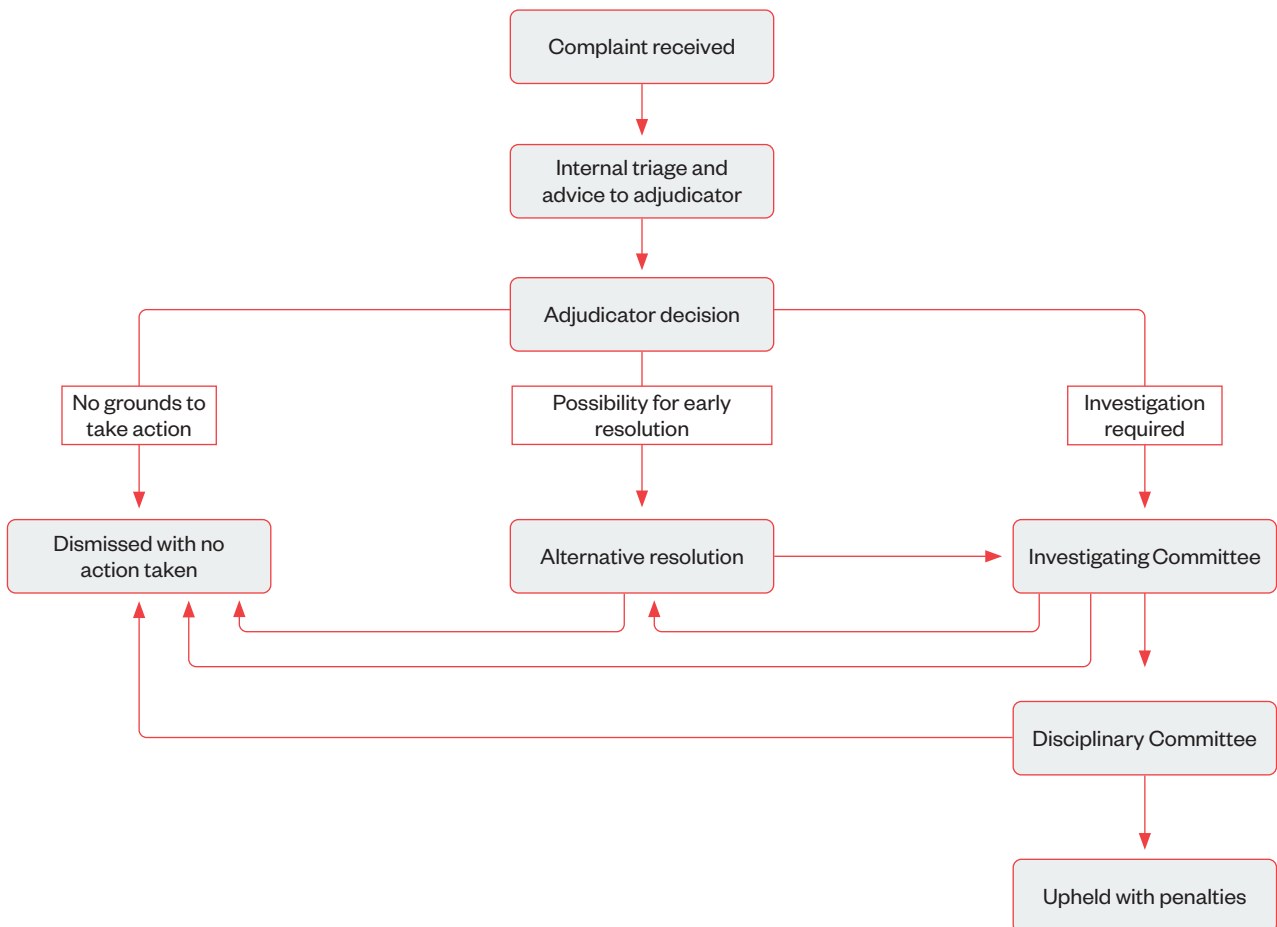
What we do now

The CPEng complaints and disciplinary process has the following component parts:

1. **Complaint submission:** members of the public (including regulators and other engineers) raise concerns about CPEng registrants by submitting complaints to the Registration Authority.
2. **Assessment and resolution:** upon receiving a complaint, the Registration Authority assesses the issues raised and requests a response from the engineer. The resolution process may include alternative dispute resolution, early resolution methods, educational opportunities, or formal investigation and disciplinary action.
3. **Outcome:** straightforward cases can be resolved within a few months through early resolution. For more complex cases or disputes between parties, the outcome can take significantly longer (up to two years or more). Alternative dispute resolution, a flexible and efficient method, often helps parties reach a mutually agreed solution.

Figure 5 provides a simple image of the process. It is important to note that most complaints received by the Registration Authority are either dismissed or resolved through alternative resolution. Very few complaints proceed to investigating or disciplinary committees.

Figure 5: Current CPEng complaints and disciplinary process



Case for change

The Registration Authority wants to manage complaints more effectively. In reviewing our complaints and disciplinary processes, we have found opportunities to improve efficiency and flexibility, reduce complexity and be more proportionate in addressing professional breaches. We have also reviewed the powers and membership of investigating committees and disciplinary committees. We want to ensure decisions are managed by the right people at the right time.

Proposals

This section takes the reader through a series of proposals which, if they proceed, will support better outcomes for all parties involved in the complaint and disciplinary process. The changes proposed align with best practice. For clarity, proposals are linked to the stages of the complaints and disciplinary process pictured above.

Initial investigation

The initial investigation phase involves a member of the Registration Authority legal team reviewing the complaint and providing recommendations to an Internal Triage Panel, which also reviews the complaint and decides the next steps. The Internal Triage Panel is comprised of lawyers, engineers and the Registrar.

After an initial investigation into a complaint the Registration Authority currently has three options – (1) dismissal (2) alternative dispute resolution or (3) referral to an investigating committee for investigation. We propose introducing a fourth option for when the complaint raises competency matters. Where competency matters are raised, we propose allowing for a referral to the Registration Authority for a competency assessment to determine whether the registered person meets the minimum standards for continued registration. This requires a change to Rules 56 and 58.

Additionally, we propose broadening the rationale in the Rules for the complaint to be dismissed by allowing for the discretion of the Registration Authority and investigating committee. Currently Rule 57 has fixed grounds for dismissal of complaints. We propose to include the words 'any other grounds' to the list of grounds of dismissal in Rule 57, to allow the Registration Authority and investigating committees to have further discretion in terms of when a matter can be dismissed as opposed to referred on to an investigating committee or disciplinary committee. Please note this discretion is not unlimited. Reasons for dismissal will always need to be given and will be subject to the oversight of the Chartered Professional Engineers Council through the appeal mechanism.



Where a complaint raises competency matters, do you support the Registration Authority referring the engineer to the Registrar for a competency assessment? Why or why not?

Do you support extending the Registration Authority and investigating committee's ability to dismiss a complaint on 'any other grounds' (noting that the power to dismiss will not be unlimited and still subject to CPEC oversight)? Why or why not?

Investigating Committees

Currently the only function of an investigating committee is to review the facts of a complaint and decide whether the complaint should be dismissed, referred to alternative dispute resolution or proceed to the disciplinary committee. Currently there is no opportunity for the investigating committee to make recommendations. We propose changing Rule 60 to give powers to the investigating committee to recommend the engineer undertake one or several of the following:

- » a competence assessment to determine if the person meets the minimum standard for continued registration
- » offer an apology
- » be censured
- » training
- » mentoring
- » counselling.

This will allow for earlier resolution of complaints where some intervention is needed, but not full disciplinary action. The proposal extends the toolkit for the Registration Authority and its investigating committees, to resolve complaints in an appropriate and timely manner.

For serious matters, referral to a disciplinary committee will remain.

TRANSITION TO A DISCIPLINARY COMMITTEE

Currently our Rules require the complainant to 'bring forward' the complaint to the disciplinary committee. Simply, this means the complainant must be actively involved in the process until the very end of the proceedings, which sometimes take years. This is hard on complainants and is out of step with other professional regulatory systems. In other regulatory systems, once a complaint has been investigated and referred to disciplinary proceedings, the regulatory body takes over. The complaint is viewed as significant enough for the regulator to drive the outcome, rather than the complainant.

We propose adding Rule 66A to the CPEng Rules to allow the Registration Authority/investigating committee to bring forward the complaint to the disciplinary committee. This removes our reliance on the continued involvement of complainants and allows us to ensure complaints are upheld when needed. Complainants will still have the right to be heard at the disciplinary committee stage but will not need to make the case before the disciplinary committee, as this will be taken up by the Registration Authority.

EXAMPLE

Krish is an engineer that has raised a complaint against another engineer, and the complaint has been referred from the Investigating Committee to the Disciplinary Committee

My name is Krish, I have been registered as a CPEng for 7 years, specialising in structural engineering. Some time ago, while undertaking structural work in my region, I noticed a pattern of potentially unethical engineering practice from another structural engineer I regularly encounter. Writing up my complaint and gathering evidence was tough, and while the initial assessment resulted in a fairly quick referral to the Investigating Committee, the Investigating Committee did take a while to consider the matter. This is fair, as it is quite a complex issue, but I was quite tired from having to read and respond to some of the things the other structural engineer is saying, and requests for information from the Investigating Committee. Its quite a heavy matter to have running in the background of my life. Thankfully, the Investigating Committee is referring the matter on to a Disciplinary Committee. I am very pleased to learn that thanks to the changes to the complaint process, I won't have to prepare my case yet again for another committee, because the Investigating Committee itself, through lawyers at Engineering New Zealand, will be taking the case forward. I might still have to appear as a witness, but I am glad I don't have to run the whole case myself.



Do you agree to the introduction of additional powers to the investigating committee to recommend an engineer undertake a competence assessment, be censured, offer an apology or undertake continued professional development? Why or why not?

Do you have any additional comments on the powers of investigating committees?

Do you agree to the Registration Authority progressing complaints after the investigating committee, rather than complainants? Why or why not?

Composition of the Investigating and Disciplinary Committees

CHANGING ALTERNATIVE CHAIRPERSON TO A DEPUTY CHAIRPERSON

The current Rules provide for the appointment of an 'alternative chairperson'. It is our view that this position is more appropriately titled deputy chairperson. Establishing a deputy chairperson instead of an alternative chairperson clarifies decision-making authority within the committees. This requires changes to Rules 71, 83, 84 and 85.

ALLOWING FOR OTHER SKILLS ON COMMITTEES

Rules 82, 83 and 85 set out information on the composition of investigating and disciplinary committees. Rule 82 requires the Registration Authority to have a list of committee members. This list only allows for engineers who are CPEng or CPEng equivalent to be added to the list. In practice, we have asked lawyers to support our committees, due to the legal nature of the proceedings. We propose to formalise this arrangement by changing Rule 82 to allow for committee members to have legal experience, professional disciplinary experience or investigation experience.

Rule 83 outlines the appointment of chairpersons to investigating or disciplinary committees. We propose changing this Rule to allow non-engineers (lawyers, investigators) to be appointed as chairpersons or deputy chairpersons. The reason for this change is that the work of some committees is very litigious. The ability of the Registration Authority to appoint a lawyer as a chairperson or deputy chairperson for very litigious cases allows for the smooth management of these cases, as legal expertise to facilitate in highly litigious cases is an asset.

EXPANDING THE TERMS OF CHAIRPERSONS

Currently chairpersons of investigating and disciplinary committees can be appointed for three consecutive two-year terms to a maximum of six years. We propose extending term lengths from two to three years, allowing for a maximum term of nine years. This allows for a longer period of availability of the chairperson, supporting continuity and operational efficiency. It is worth noting that if a chairperson is appointed to a committee and their term finishes, they remain on the committee until the resolution of the investigation or disciplinary proceedings.

ALLOWANCE FOR PARTIES TO REQUEST CHANGES TO THE INVESTIGATING OR DISCIPLINARY COMMITTEES

Currently the parties involved in a complaint have no opportunity to request changes to the composition of the investigating or disciplinary committees. We propose introducing new Rules (66B and 59A) that will give parties five days to review the composition of committees and request changes, if necessary. This is in keeping with the principles of natural justice.

DISCIPLINARY COMMITTEE COMPOSITION

Finally, we propose adding a provision to require at least half of the disciplinary committee members to be CPEng or CPEng equivalent (Rule 85). This is to ensure that disciplinary committees maintain appropriate representation from the profession and that peers are the majority in determining appropriate disciplinary actions. The involvement of engineers in disciplinary proceedings is critical for the expertise, understanding and credibility they bring to disciplinary considerations.



Do you agree with changing the committee alternative chairperson to deputy chairperson for role clarification? Why or why not?

Do you agree to the Registration Authority including individuals with legal experience, professional disciplinary experience or investigation experience as members of investigating and disciplinary committees? Why or why not?

Do you agree that there are instances where appointing a lawyer or other professional as a committee chairperson or deputy chairperson is appropriate? Why or why not?

Do you have any other comments on the changes we propose to the composition of investigating and disciplinary committees?

Dissenting opinions

Rules 64, 65, 69 and 70 allow for members of investigating or disciplinary committees to publicly dissent to decisions of investigating and disciplinary committees. It is our view that this is out of step with other professional regulatory systems and not appropriate in the circumstances. We propose to remove dissenting provisions, requiring decisions to be made that reflect all member views, instead of providing for split decisions.



Do you agree committee members should not be able to publicly dissent to investigating committee and disciplinary committees' decisions? Why or why not?

Disciplinary Committee procedures

Rules 68, 69 and 70 set out requirements on how we run disciplinary committees. They require all disciplinary committee hearings to be in person. This mode of proceeding is out of date. We propose amending these provisions so that disciplinary committee proceedings may be heard 'on the papers' (written material provided), rather than there being a requirement for in-person hearings. We do not expect most cases to be heard 'on the papers' but do think it is an option that will support more effective management of the system. The disciplinary committee is the final step in a long process, with parties already having been through the investigating committee, which reviews all evidence, including verbal evidence.

Additionally, Rule 70 requires that there be a 28-day 'stay' before disciplinary decisions can be implemented. There is no reason for this delay. It further expands a lengthy process and limits our ability to act (ie, removing the respondent from the register). It is our view that this 28-day 'stay' be removed and that disciplinary decisions come into force immediately.



Do you support the Registration Authority having the ability for disciplinary committee proceedings to be heard without an in-person hearing? Why or why not?

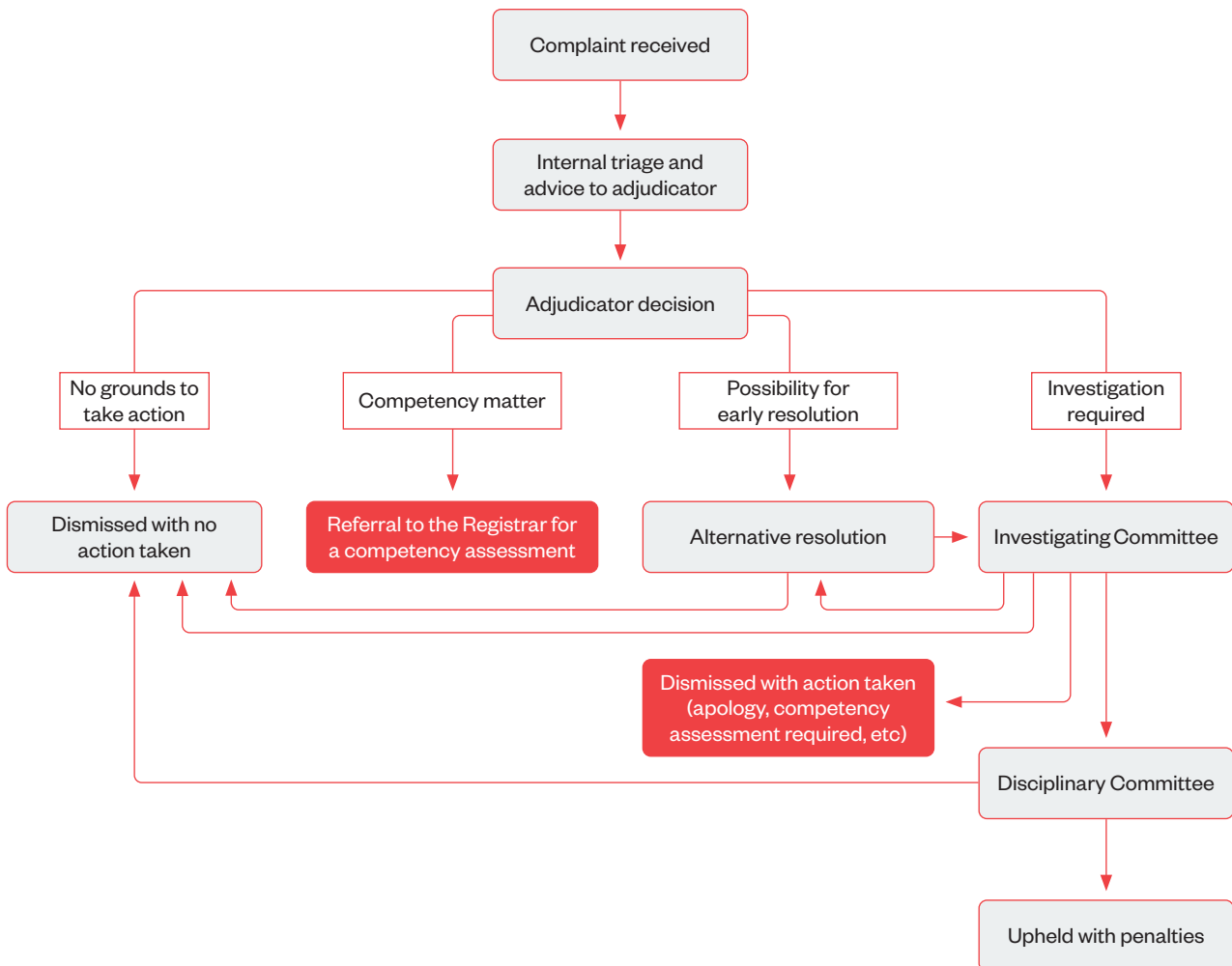
Do you agree to the removal of the 28 day ‘stay’ on disciplinary decisions, noting that any decision of the disciplinary committee will be initiated immediately? Why or why not?

Bringing it all together

The proposals outlined in this Chapter will ensure our complaints and disciplinary processes are managed efficiently and effectively, that natural justice considerations are addressed and ultimately the system achieves better outcomes for the public, regulators and the profession. Please see the [accompanying document](#) for a full list of the proposed Rule wording changes, including some consequential amendments made because of the above proposals.

Figure 6 highlights how the changes proposed will introduce new pathways into the system, giving the Registration Authority greater options when managing complaints.

Figure 6: Proposed pathway for complaints, with new options highlighted



Transition considerations

All changes proposed in Chapter 3 will come into effect incrementally, phased as complaints are received. We do not expect the changes to be operationally significant. Therefore, should there be a decision to proceed with the changes as outlined, new processes would start as soon as the new Rules come into effect.

Conclusion and next steps

In this document we have set out a series of proposed changes to the CPEng Rules and our operations. We have proposed the introduction of new classes, changes to our continued registration assessment processes and changes to our management of the CPEng complaints and disciplinary system. These changes are aimed at continuing to make the CPEng system fit-for-purpose. Ultimately our goal is to improve public safety outcomes.

Thank you for your time reviewing these proposed changes. We welcome your feedback by 29 November 2024. You can complete our [online survey](#) or email your feedback to CPEngConsultation@engineeringnz.org.

After we receive feedback on this consultation document, we will consolidate this feedback for the CPEng Board's review and decisions in early 2025. After this, we will advise registrants, regulators and the public of the Board's decisions and next steps. All going well, we hope to publish new Rules by mid-2025 and have these come into force from 1 January 2026. We also plan to provide new guidance for registrants and stakeholders on classes and changes to continued assessment processes.



**REGISTRATION
AUTHORITY**
FOR CHARTERED PROFESSIONAL ENGINEERS



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The Registration Authority under the Chartered Professional Engineers of New Zealand Act 2002 is the Institution of Professional Engineers New Zealand (trading as Engineering New Zealand).