

NOTICE OF APPEAL - EXPLANATORY NOTES

Please read the following notes carefully before completing and submitting the Notice of Appeal Form. The form can be accessed below these notes.

The form is to be used for the Notice of Appeal when appealing a decision made by the Registration Authority (Engineering New Zealand), under the Chartered Professional Engineers of New Zealand Act 2002.

1. Background

CPEC may hear appeals on decisions made by the Registration Authority under the Chartered Professional Engineers of New Zealand Act 2002 ("the Act") and such appeals are conducted by rehearing.

CPEC may make any decision the Registration Authority would have been entitled to make under the Act.

If CPEC upholds an appeal, its decision replaces the Registration Authority's decision. If CPEC declines an appeal, the Registration Authority's decision stands. Until CPEC issues its decision on the appeal the Registration Authority's decision stands.

2. Time frame

A notice of appeal must be filed within 28 days of receipt of the decision from the Registration Authority.

Alternatively, you may file a request for an extension of time to file a notice of appeal, but any such request must be filed within 28 days of receipt of the decision from the Registration Authority.

Failure to do one or the other, will result in your appeal not being accepted and therefore not heard.

3. Type of decision being appealed

There are two types of decisions by the Registration Authority which may be appealed to CPEC, they are:

Complaint Decision - A decision about a complaint against a Chartered Professional Engineer, or

Registration Decision - A decision about an application for registration or continued registration as a chartered professional engineer.

4. CPEC's jurisdiction

CPEC's jurisdiction is limited to reviewing the evidence pertaining to the case and making its own decision on the outcome.

5. The Decision or Parts of the Decision being Appealed

A full description of the decision or part of the decision being appealed is required in the Notice of Appeal. A copy of the original decision should also accompany the Notice of Appeal.

6. The Grounds of Appeal

A clear description of the reasons you are appealing the decision or part of the decision should be stated. However, detailed submissions are not required with the Notice of Appeal, such details more appropriately included in the formal submission process once the appeal is underway.

7. The Outcome Sought

CPEC does not have the jurisdiction to order any payment of fees or compensation, to order the completion of work or the issue of a document. Similarly, CPEC does not have jurisdiction to resolve commercial or contractual disputes.

Whilst the Act provides for costs associated with the appeal process to be awarded, it is noted that in almost all appeals to date CPEC has ordered that each party carries its own costs.

8. Submission of form

The form should be submitted by downloading, completing and emailing to info@cpec.org.nz.

No documents or evidence other than the copy of the decision should be provided with the Notice of Appeal. Other evidence can be provided as part of the submission process after the appeal is under way.

9. Further information

A description of the Appeals Process can be viewed on CPEC's website at the following address:

<https://www.cpec.org.nz/appeal/appeals-process>

CPEC - NOTICE OF APPEAL

Use this form to submit a Notice of Appeal to the Chartered Professional Engineers Council (CPEC) to appeal a decision of the Registration Authority (Engineering New Zealand).

Before completing, read the explanatory notes above.

1. APPEAL TIME-FRAME *(See Explanatory Note 2 above)*

Date Decision being appealed was received:

Date of this Notice of Appeal:

2. TYPE OF DECISION BEING APPEALED *(See explanatory Note 3)*

Please indicate below the type of appeal that you are filing:

- Complaint against a Chartered Professional Engineer
- CPEng (Initial or Continued) Registration

3. THE PARTIES TO THE APPEAL

Your Full Name

Other parties to decision

Full name(s)

4. DECISION/PART DECISION YOU ARE APPEALING

Please clearly indicate below the decision or part of the decision that you wish to appeal. A copy of the full decision should be submitted with this Notice of Appeal. (See Explanatory Notes 4 and 5)

5. GROUNDS OF APPEAL

Provide the grounds of appeal – which is usually a succinct explanation of why the Registration Authority’s decision was wrong. This is needed so that CPEC, the Registration Authority, and any other party to the original decision can understand the reasons for the appeal. Note – new grounds of appeal may not be able to be introduced at a later date (See Explanatory Notes 4 and 6)

6. OUTCOME SOUGHT

The outcome I am seeking is: (See Explanatory Note 7)

Complaint Decisions

- The decision to dismiss the complaint to be reversed, and the complaint to be referred to an Investigating or Disciplinary Committee as applicable.

- The decision to refer the complaint to an Investigating Committee or Disciplinary Committee to be reversed and the complaint to be dismissed.

- The decision to uphold the complaint to be reversed, including any penalties.

- The Disciplinary Committee's orders altered (please specify):

- Other (please specify)

Registration Decisions

- The decision to decline my application for registration or continued registration be reversed, to be registered as a Chartered Professional Engineer.

- The decision to grant a registration term of less than six years be reversed, to be registered for _____ years.

7. ADDRESS FOR SERVICE

Your full name

Postal address

Phone

Email

Printed name _____ Signature _____

Date

Print, sign, scan, then email completed form to: info@cpec.org.nz

CPEC CHECKLIST [TO BE COMPLETED BY CPEC]

The notice of appeal or application for late notice of appeal has been received within 28 days from the date the RA's decision was received.

The grounds of appeal fall within the jurisdiction of CPEC, if not state:

The outcome sought falls within the jurisdiction of CPEC, if not state:
