

CONSTITUTION UPDATE 2026

CONSULTATION DOCUMENT

11 DECEMBER 2025

Contents

Executive summary	1
Introduction	2
1. Membership classes	2
a) Group member class	2
b) Companion class	3
2. Member obligations	4
3. Public register	4
4. Dispute, complaint and disciplinary provisions	5
a) Updated complaints provisions	6
b) Branch and group disputes and complaints provisions	6
5. Group provisions	7
6. Payment provisions	7
Conclusion and next steps	7
Appendix: Amended Schedule 1	9
SCHEDULE 1: COMPLAINTS AND DISCIPLINARY REGULATIONS	9
Interpretation	9
Objectives of complaints and disciplinary process	9
Raising a concern and early resolution	9
Own motion inquiries	10
Managing risk	11
Formal complaints process	12
Investigation	13
Disciplinary process	15
Appeals	17
Notification and implementation of orders	19
Delegations	20

Executive summary

As an organisation, we have been reviewing our rules following changes to the Incorporated Societies Act 2022. Given this new context, we are proposing a series of changes to the Engineering New Zealand Constitution (Rules).

We are changing the Constitution for three key reasons:

- to comply with the new Incorporated Societies Act
- to maintain alignment with the chartered professional engineers (CPEng) system
- to reflect current practice.

At a high level, we are proposing the following changes:

- **Updates to the member pathway:** introduction of a Group Member class and phasing out of the Companion class.
- **Adjustments to member obligations:** removing the requirement for members to manually commit each year to the Code of Ethical Conduct and Continued Professional Development (CPD) Policy.
- **Public register clarification:** clarifying what is on the public register and how it gets there, as well as how it is removed.
- **Alignment of dispute, complaint and disciplinary provisions:** making sure dispute provisions are aligned, as well as making sure member complaint processes mirror those in the CPEng system.
- **Technical and special interest group framing:** clarifying the terminology around technical and special interest groups, ensuring that they are identified as committees of Engineering New Zealand and that we have appropriate operational frameworks in place.
- **Updates to payment provisions:** changing payment timeframes so that payments are not due on the first day of the financial year but instead are due 30 days after invoicing.

As the changes proposed impact both the membership class structure and member obligations, we are seeking feedback on the proposed changes. Please provide your feedback by filling in our [online survey](#) or by emailing your comments to constitution.consultation@engineeringnz.org by **Monday 16 February 2026**.

Following receipt of submissions, we will analyse these and put forward motions to the membership for voting at the next general meeting. The next general meeting is our annual general meeting scheduled for **12 noon Friday 20 March**.

Introduction

This document outlines proposed changes to the Constitution across six areas:

1. Member classes
2. Member obligations
3. Public register
4. Dispute, complaint and disciplinary provisions
5. Technical and special interest group provisions
6. Payment provisions

As the changes proposed impact both the membership class structure and member obligations, we are seeking feedback on them. To support your feedback, consultation questions are provided throughout the document.

1. Membership classes

Engineering New Zealand has the following membership classes, as per Rule 6 of the Constitution:

- Student (3,646 members)
- Emerging Professional (4,064 members)
- Member (7,323 members)
- Chartered Member (6,387 members)
- Chartered Member (Technologist) (234 members)
- Chartered Member (Technician) (214 members)
- Chartered Member (Professional Engineering Geologist) (132 members)
- Fellow (670 members)
- Distinguished Fellow (70 members)
- Honorary Fellow (17 members)
- Companion (9 members)
- Affiliate (456 members)

Recently we reviewed the membership classes and consider them largely fit-for-purpose – however we are proposing two changes for membership classes:

- a) Adding a new class for members of technical and special interest groups who are not members of Engineering New Zealand.
- b) Phasing out the companion class.

a) Group member class

Approximately 47% of technical and special interest group members (roughly 4,750 individuals) are not members of Engineering New Zealand. There are several reasons for this – one being that technical and special interest groups are open to anyone, regardless of qualification. Many members of these groups work alongside or in adjacent roles to engineers but do not hold engineering qualifications. Another reason is fees – many group members are not members of Engineering New Zealand because of the fees associated with joint membership.

Our Constitution currently states that “membership of a group does not confer the rights of membership to Engineering New Zealand” (Rule 31.15). In principle this appears fitting, as full financial members of Engineering New Zealand can vote, represent themselves as members and participate in wider member offerings.

However, under the new Incorporated Societies Act, Rule 31.15 creates a bit of a challenge legally. Most group members are fundamentally part of Engineering New Zealand – they have joined a committee of Engineering New Zealand, most pay fees and they are required to act consistently with the Code of Ethical Conduct (Rule 31.16). This infers that they are members of the wider incorporated society.

And if things go wrong, which they sometimes do, and a concern or complaint is raised against a group member who is not a member of Engineering New Zealand, we currently do not have appropriately aligned dispute and complaint provisions for these individuals.

Recommended change

Engineering New Zealand introduce a new Group Member class.

We believe the membership pathway needs to be amended to include group members, with the acknowledgement that these members will not have the same rights as other financial members and they will not be able to vote, participate in wider member offerings or represent themselves as full members of Engineering New Zealand.

In practice, the addition of a group member class will have no impact on the operations of the groups, fees or Engineering New Zealand membership offerings. It will simply clarify the place of technical and special interest group members in the wider structure of the organisation.



Consultation question 1

Do you support the addition of a group member class, recognising that these members will not have the same rights and privileges as other financial members of Engineering New Zealand? Why or why not?

b) Companion class

Rule 6.8 allows Engineering New Zealand to appoint a companion member who has “not been educated in engineering or technology but who is recognised by the Board as having attained a position of responsibility related to engineering or technology”.

Although there are nine remaining members who are companions, this class is no longer used. The reason for this is because Engineering New Zealand currently awards non-engineers honorary fellowships for “significant contribution to engineering, technology, science or whom Engineering New Zealand otherwise desires to honour”. Additionally, for non-engineers who wish to be members, we also have the Affiliate Member class.

Recommended change

Phase out the Companion class.

We therefore recommend amending Rule 6.8 to read (additions in grey):

6.8 Companion

A person who has not been educated in engineering or technology but who is recognised by the Board as having attained a position of responsibility related to engineering or technology. No new applications will be considered for this class.



Consultation question 2

Do you support the phasing out of the Companion class? Why or why not?

2. Member obligations

Our Constitution currently requires members to annually commit to comply with the [Code of Ethical Conduct](#) (Rule 4.4), and make a declaration that they have complied with the [Continued Professional Development Policy](#) (Rule 4.6).

In practice, we haven't been doing either because:

- Requiring members to complete their annual declaration before receiving invoices is difficult because membership fees are often paid in bulk by employers.
- Many members consider that because they are members, they are already obligated to comply with the Code of Ethical Conduct and CPD Policy, as stated in Rule 4.3 and 4.6.
- We do not have provisions to remove members if they do not commit annually to the Code of Ethical Conduct or CPD Policy. Without an incentive (such as losing your membership), our experience indicates that compliance with annual declarations is low.

Comparatively, Engineers Australia does not require an annual commitment to its Code of Ethics or a CPD policy. Instead, they require that members adhere to their Code. As with Engineering New Zealand, Engineers Australia manages a complaint and disciplinary system to deal with non-compliance to the Code.

And looking at the CPEng system, CPEng registrants are required under the recently updated CPEng Rules to commit annually to the Code of Ethical Conduct and to make fit-and-proper person declarations. This requirement is best practice for regulatory regimes where public safety is the focus of registration.

Recommended change

Removing from the Constitution the annual requirement for members to commit to complying with the Code of Ethical Conduct and CPD Policy.

As the Constitution requires members to adhere to the Code of Ethical Conduct and the CPD Policy, the annual commitment is redundant. We therefore recommend changing the Constitution by:

- a) Removing Rule 4.4 ("Members in the classes of Distinguished Fellow, Fellow, Chartered Member, Member and Emerging Professional must commit annually to comply with the Code").
- b) Amending Rule 4.6 as follows:

Members in the classes Distinguished Fellow, Fellow, Chartered Member, Member and Emerging Professional must comply with the CPD Policy ~~and make a declaration annually to that effect (the "CPD obligation")~~.



Consultation question 3

Do you support removing the requirement for an annual commitment to the Code of Ethical Conduct and CPD Policy, instead relying on the Constitution's requirements that members always adhere to the Code and CPD Policy? Why or why not?

3. Public register

Rule 5.5 requires Engineering New Zealand to have a public register and Rule 5.6 requires that the public register "contains each Member's name, the date they became a Member, and their Membership Class. If the Member consents, the public register may also contain that Member's contact details". Our current public register does not include the date a member joined, nor any contact information.

We are keen to tidy up our public register provisions, clarifying:

- a) **Mode of publication:** that the register is published on our website.
- b) **Purpose of the information contained on the register:** information shared on the public register is to assist in the public finding a suitable engineer.
- c) **Processes for publication:** we seek consent from members on the information that is added to the public register.

- d) **Withholding information:** rationale for not publishing member information where there are concerns about a member's practice, personal safety or for the reputation of the profession.

These changes will also align with proposed changes to Schedule 1. Whenever we have reason to believe that the practice of a member may pose a risk of harm to the public, we can place a notice on the public register of members (see below).

Recommended change

Amend the public register provisions for clarity and transparency on what is published

To embed the changes, we propose the following amendments (additions in grey):

Rule 5.5 Engineering New Zealand will ~~maintain~~ publish on its website a public the register of Members.

5.6 The ~~public~~ register published on the website may ~~contains~~ information such as each Member's name, the date they became a Member, ~~and~~ their Membership Class, contact details and any other information that may be required from time to time to assist in the public finding a suitable engineer. If Engineering New Zealand decides to add or remove information from the register published on its website it will first consult with members affected and ~~the~~ obtain Member consent. ~~the public register may also contain that Member's contact details.~~

5.7 If there are concerns about a member's practice or personal safety or for reputation of the profession, Engineering New Zealand may decide not to publish a member's name on the register of members on the website. Engineering New Zealand will ensure the member has the right to be heard before any outcome is determined under this Rule.



Consultation question 4

Do you agree with changing the public register provisions to clarify how the register operates, including how information is added or removed from the register? Why or why not?

4. Dispute, complaint and disciplinary provisions

Inclusion of complaints provisions

Recent changes to the Incorporated Societies Act 2022 require that our complaints processes be included within the Constitution. This means that complaints can only be amended after consultation with members.

Our Constitution is now non-compliant with this requirement because Rule 11 states that complaint provisions can be made by the Board and do not require consultation.

To comply with the Incorporated Societies Act we will amend Rule 11.1 as follows (additions in grey):

~~The Board~~ Engineering New Zealand has prescribed regulations that set out procedures for the early resolution, investigation, hearing and determination of concerns and complaints, including from the public, that Members have breached their obligations under Rule 4 (the "Complaints and Disciplinary Regulations" attached in Schedule 1).

Following this Rule change, any modifications to Engineering New Zealand's complaints and disciplinary processes will need to be through consultation with membership, in the following two areas:

- a) Updated complaints provisions
- b) Branch and group disputes and complaints provisions

a) Updated complaints provisions

Engineering New Zealand's member complaint and disciplinary procedures mirror that of the CPEng system. This year we updated the CPEng Rules, triggering a need to update Engineering New Zealand's member complaint procedures (Schedule 1).

Recommended changes

The member complaint process be updated to mirror the CPEng complaint process.

The proposed changes to Schedule 1 include the following:

- Allowance for complaints to be dismissed for other reasons (r 27.8) or referred for a competence assessment (r 28).
- Allowance for parties to request changes to an investigating committee (r 33) or disciplinary committee (r 50 and 51)
- Increased decision-making powers for investigating committees, including a referral for a competence assessment (r 34).
- Removal of specific disciplinary orders, as these are already contained in Rule 11.5.
- Allowing investigating committees to refer a complaint to a disciplinary committee (r 46)
- Allowance for the appointment of between 3–5 members of a disciplinary committee, as well as discretion for lawyers to be appointed as chairs (r 99)
- Administrative and consequential amendments

Attached in the **Appendix** of this paper is an updated Schedule 1 for review (changes are tracked).



Consultation question 5

Do you support changing member complaint processes to mirror recent CPEng complaint process changes (Schedule 1 attached as an Appendix)? Why or why not?

b) Branch and group disputes and complaints provisions

Currently branch and group members have separate processes for the management of disputes and complaints. With our proposal to introduce a new Group Member class (see above), these separate provisions are no longer required.

For the avoidance of doubt, Engineering New Zealand dispute and complaint provisions do not apply to members of collaborating technical societies, as these are independent organisations.

Recommended changes

Remove branch and group dispute and complaint provisions.

Rule 10 (dispute resolution) and 11 (concerns and complaints) sufficiently cover branch and group member dispute and complaint processes. To align branch and group dispute and complaints processes, we would need to remove Rule 30.14, Rule 31.24 and Rule 31.25.



Consultation question 6

Do you agree that branch and group member dispute and complaint provisions should mirror wider member provisions? Why or why not?

5. Group provisions

Following our recent work to develop a [Groups Strategy](#), there are two amendments we are keen to make to the Constitution to address the way we frame our work with the groups:

1. **Removal of references to a Charter:** We propose removing references to a formal 'Charter', instead inserting 'any operating policy for groups as set out by the Board'. Pulling away from fixed terminology allows the team to develop policies and agreements with specific groups in ways that are fitting and not a one-size-fits-all approach.
2. **Clarify that technical and special interest groups are committees of Engineering New Zealand:** Rule 31.2 currently states that groups are subsidiary bodies of Engineering New Zealand. The language 'subsidiary' is not used in the Incorporated Societies Act. We propose instead to use the word committee, as follows (additions in grey):

Groups are ~~subsidiary bodies~~ committees of Engineering New Zealand, ~~and have no independent legal or financial status~~ whose duties and responsibilities are set out below.

Recommended changes

The removal of the groups 'Charter', as well as amendments to group provisions to clarify that groups are committees of Engineering New Zealand.



Consultation question 7

Do you agree with changing technical and special interest group provisions in the Constitution to remove reference to a groups 'Charter', as well as amend the framing of groups to clarify that they are committees of Engineering New Zealand? Why or why not?

6. Payment provisions

The last Rule change proposed is relatively minor but clarifies our billing processes. We recommend Rule 9.7 be amended so that annual membership fees are not due on the first day of the financial year (current wording) but instead due 30 days following invoicing. This is standard procedure and aligns the rule with current practice.

Recommended changes

Changing Rule 9.7 as follows:

Annual Membership Fees are due ~~on the first day of the Financial Year~~ 30 days following invoicing.



Consultation question 8

Do you agree with amending payment timeframes in the Constitution so that membership fees are due 30 days following invoicing, rather than on the first day of the financial year (1 October)? Why or why not?

Conclusion and next steps

This document sets out a series of proposed changes to the Constitution. Should the changes proceed, they will improve our compliance with the Incorporated Societies Act, as well as the consistency of our work across all parts of the organisation.

As the proposed changes impact on both the membership class structure and member obligations, we are required to consult with members on them. We value member feedback on the proposals outlined this paper and invite you to email us your thoughts to constitution.consultation@engineeringnz.org or complete our [online survey](#) by **Monday 16 February 2026**.

Following receipt of your feedback, we will analyse submissions and prepare draft motions for the Annual General Meeting on **12 noon Friday 20 March 2026**. Members will be notified of the motions two weeks before the meeting.

Thank you for your interest in this consultation and your ongoing commitment to the profession. If you have any questions on the proposals outlined in this paper, please be in contact by emailing constitution.consultation@engineeringnz.org or calling 04 473 9444.

Appendix: Amended Schedule 1

SCHEDULE 1: COMPLAINTS AND DISCIPLINARY REGULATIONS

Interpretation

1. In these regulations unless the context otherwise requires:

Adjudicator means a Chair of Investigating Committees acting in the role of Adjudicator

early resolution means resolving concerns with the consent of the person raising the concerns and the member the concerns relate to

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

member means a person who has attained any class of membership as defined in Rule 6 of the Engineering New Zealand Rules, and in accordance with the procedures set out in Rule 7, unless another interpretation is specified, and includes former members

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

professional development includes but is not limited to undertaking education, training or mentoring, or working under supervision.

Objectives of complaints and disciplinary process

2. The objectives of Engineering New Zealand's complaints and disciplinary process are to:
 - 2.1 protect the public
 - 2.2 uphold [engineering](#) professional standards
 - 2.2 hold members accountable where the standards reasonably expected of them are not met
 - 2.4 facilitate the growth or education of members; and
 - 2.5 achieve proportionate, fair and transparent outcomes.

Raising a concern and early resolution

How to raise concerns about a member

3. Any person can raise concerns with Engineering New Zealand about the conduct of a member in accordance with this clause and Rule 11 of Engineering New Zealand Rules.
4. The concerns must be made in writing and contain the complainant's name and contact details.
5. Engineering New Zealand will give reasonable assistance to enable a person to put their concerns in writing.

Engineering New Zealand will assess suitability for early resolution

6. When Engineering New Zealand receives concerns it will:
 - 6.1 notify the member the concerns relate to, and ask the member to provide a response; and
 - 6.2 assess whether the concerns are suitable for early resolution.
7. If the concerns are assessed as suitable for early resolution, Engineering New Zealand will propose this to the person raising the concerns and the member.
8. If the concerns are resolved by early resolution to the satisfaction of Engineering New Zealand, the complaint and the ~~engineer~~ member, Engineering New Zealand will not take any further action in relation to the concerns.
9. If the concerns are assessed as unsuitable for early resolution, or the person raising the concerns and/or the member do not agree to early resolution, the concerns will be treated as a formal complaint and proceed through the formal complaints process.
10. Engineering New Zealand will consider the following factors in assessing whether concerns are suitable for early resolution:
 - 10.1 The seriousness of the alleged conduct, including any safety or public interest concerns;
 - 10.2 The interests of both the person raising the concerns and the member;
 - 10.3 Whether the objectives described at clause 2 can be achieved more effectively through early resolution than through the formal complaints process;
 - 10.4 Any other factors which Engineering New Zealand considers relevant.

Power to refer concerns directly to a Disciplinary Committee

11. Engineering New Zealand may refer concerns directly to a Disciplinary Committee without considering early resolution according to clauses 6 to 10 or investigating the matter according to clauses 25 to 42 where the member:
 - 11.1 Has been convicted, whether before or after they became a member, by a Court or Tribunal of an offence punishable by a sentence of imprisonment or a fine exceeding \$2,000; or
 - 11.2 Has been disciplined under section 21 of the Chartered Professional Engineers of New Zealand Act 2002 any subsequent amendments to that Act.

Own motion inquiries

Engineering New Zealand can inquire into matters on own motion.

12. Engineering New Zealand can inquire into any matter under these regulations if it has reason to suspect that a member has breached the Rules of Engineering New Zealand.
13. If Engineering New Zealand commences an own motion inquiry it:
 - 13.1 will carry out an initial investigation of the matter in accordance with clauses 25 and 26; or
 - 13.2 if a complaint on that matter has already been made, will continue to inquire into the matter even if the complaint is then withdrawn.
14. An inquiry commenced under this clause is deemed to be a formal complaint.

Managing risk

Engineering New Zealand may notify certain persons of risk of harm

15. Whenever Engineering New Zealand has reason to believe that the practice of a member may pose a risk of harm to the public, Engineering New Zealand may [place a notice on the public register of members](#) and give any or all of the following persons or organisations written notice of the circumstances that have given rise to that belief:
 - 15.1 WorkSafe
 - 15.2 Another relevant regulator (for example, the New Zealand Transport Agency, the Ministry of Business, Innovation and Employment, the Licensed Building Practitioners Board)
 - 15.3 A relevant building consent authority
 - 15.4 Any person or organisation who, to the knowledge of Engineering New Zealand, is the member's employer or who works in partnership or association with the member.
16. Any notice under clause 15 must be approved by the President in consultation with the Chief Executive before it is given.
17. If, after giving notice under clause 15 in respect of a member, Engineering New Zealand forms the view that the practice of the member never posed, or no longer poses, a risk of harm to the public, Engineering New Zealand must promptly notify every recipient of the notice under clause 15 of the current position in respect of the member.
18. Promptly after giving a notice about a member under clause 15, Engineering New Zealand must give a copy of the notice to the member.

Interim suspension of membership pending the outcome of a concerns, complaints or disciplinary process if appropriateness of member's conduct in doubt

19. Whenever a member is alleged to have engaged in conduct that, in Engineering New Zealand's opinion held on reasonable grounds:
 - 19.1 is relevant to a criminal or disciplinary investigation or proceeding which is pending against the member and casts doubt on the appropriateness of the member's conduct in their professional capacity; and/or
 - 19.2 poses a risk of serious harm to the public then Engineering New Zealand may suspend that member's membership of Engineering New Zealand until the outcome of that process or proceeding.
20. A decision to suspend a member under clause 19 must be approved by the President in consultation with the Chief Executive.
21. Subject to clause 20, Engineering New Zealand may:
 - 21.1 publish the fact of suspension on its register of members on its website;
 - 21.2 notify any of the persons or organisations listed in clause 16 of the fact of the suspension and the circumstances which have given rise to the suspension.
22. Engineering New Zealand may not suspend a member's membership under clause 20 unless it has first:
 - 22.1 Informed the member concerned why it is considering suspending their membership; and
 - 22.2 Given the member a reasonable opportunity to make submissions on the proposed suspension.

23. No person who has been suspended may claim or imply membership of Engineering New Zealand during the term of that suspension under Rule 8.5 of the Engineering New Zealand Rules.
24. Subject to any orders of a disciplinary committee, Engineering New Zealand must reinstate the member's membership as soon as practicable after it is satisfied that the appropriateness of the member's conduct in their professional capacity is no longer in doubt and/or the member does not pose a risk of serious harm to the public.

Formal complaints process

Initial investigation

25. Engineering New Zealand will, as soon as practicable after commencing a formal complaint process, carry out an initial investigation of the complaint and:
 - 25.1 Refer the complaint to an Investigating Committee; or
 - 25.2 Dismiss the complaint on a ground in clause 27.
26. Engineering New Zealand may gather any further information from the complainant, the member, or any other party, that it considers necessary to complete an initial investigation of the complaint.

Reasons for not referring a complaint to an Investigating Committee

27. Engineering New Zealand can dismiss a complaint without referring it to an Investigating Committee if an Adjudicator decides, according to clauses 28 to 31, that:
 - 27.1 there is no applicable ground of discipline under Rule 10 of the Engineering New Zealand Rules; or
 - 27.2 the subject matter of the complaint is trivial; or
 - 27.3 the alleged breach of Rule 4 is insufficiently grave to warrant further investigation; or
 - 27.4 the complaint is frivolous or vexatious or is not made in good faith; or
 - 27.5 the person alleged to be aggrieved does not wish action to be taken or continued; or
 - 27.6 the complainant does not have a sufficient personal interest in the subject matter of the complaint; or
 - 27.7 an investigation of the complaint is no longer practicable or desirable given the time elapsed since the matter giving rise to the complaint; or
 - 27.8 [the complaint should be dismissed on any other ground.](#)

How a decision to refer complaint to an Investigating Committee is made

28. After carrying out an initial investigation Engineering New Zealand will:
 - 28.1 appoint an Adjudicator to determine if the complaint should be dismissed on a ground contained in clause 27, referred to alternative dispute resolution, or be referred to an Investigating Committee; and
 - 28.2 make a recommendation to the Adjudicator whether the complaint should be dismissed on a ground contained in clause 27, referred to alternative dispute resolution, [or that the member be assessed whether they meet the minimum standards for their membership class,](#) or be referred to an Investigating Committee.
29. The Adjudicator or Engineering New Zealand can seek to verify information in the complaint by requesting a statutory declaration by the complainant or member.

30. After considering Engineering New Zealand's recommendation, the Adjudicator can explore (with the complainant and the member) the possibility of the complaint being referred to an alternative dispute resolution process for 60 days or any other time period that the Adjudicator thinks fit.
31. If alternative dispute resolution is not used or it does not resolve the dispute within the requisite time period, the Adjudicator will decide whether the complaint should be:
 - 31.1 referred to an Investigating Committee; or
 - 31.2 [that the member be assessed whether they meet the minimum standards for their membership class; or](#)
 - 31.3 [dismissed on a ground in clause 27.](#)

Engineering New Zealand will notify and implement decision of Adjudicator

32. Engineering New Zealand will:
 - 32.1 notify the complainant and the member of the Adjudicator's decision under clause 31 and the reasons for the decision.
 - 32.2 [refer the member complained about to be assessed whether they meet the minimum standards for their membership class; or](#)
 - 32.3 [if the Adjudicator's decision is to refer the matter to an Investigating Committee, Engineering New Zealand will appoint an Investigating Committee under clause 97 and refer the complaint to that Committee.](#)
33. [Complainant and member may request changes in membership of Investigating Committee](#)
 - 33.1 [within 5 working days after being informed of the intended membership of the investigating committee that is to consider a concern about or inquiry into a member, the member or, in the case of a concern, the complainant may give Engineering New Zealand notice-](#)
 - i. [requesting that any or all of the intended members not be appointed as members of that committee; and](#)
 - ii. [stating the reasons for the request.](#)
 - 33.2 [Engineering New Zealand -](#)
 - i. [must consider the request; and](#)
 - ii. [may reconstitute the committee.](#)

Investigation

Investigating Committee will decide whether to refer complaint to a Disciplinary Committee

34. An Investigating Committee will, as soon as practicable after receiving a complaint referred by an Adjudicator, investigate the matter and:
 - 34.1 refer it to a Disciplinary Committee; or
 - 34.2 [refer the member complained about to be assessed whether the member meets the minimum standards for their membership class; or](#)
 - 34.3 [Order one or more of the following:](#)
 - i. [direct the member to apologise to the complainant and any persons affected by conduct;](#)

- ii. [censure the member;](#)
- iii. [training;](#)
- iv. [mentoring;](#)
- v. [counselling; or;](#)
- vi. [refer the allegations to the Police for investigation; or](#)

34.4 dismiss it on a ground in clause 27.

Powers of an Investigating Committee

35. Subject to clauses 81 and 82, an Investigating Committee can:

- 35.1 make, or appoint a person to make, any inquiries it considers necessary;
- 35.2 engage counsel to advise the Committee on matters of law, procedure, and evidence;
- 35.3 request the member complained about or the complainant to provide to the Committee, within a specified period of at least 14 days or any other period 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;
- 35.4 take copies of any documents provided to it;
- 35.5 request the member complained about or the complainant to appear before the Committee, at that person's own cost, on at least 14 days' notice;
- 35.6 receive any evidence that it thinks fit;
- 35.7 request a person giving evidence to verify a statement by statutory declaration; and
- 35.8 provide information to assist the complainant and the member about obtaining counsel or other advocacy assistance.

36. If, at any time in the course of investigating a complaint about a member, an investigating committee has reason to believe that the member's practice poses a risk of harm to the public, the committee:

- 36.1 must immediately notify Engineering New Zealand of that belief and the reasons for it; and
- 36.2 if, in the committee's opinion, those reasons justify suspending the member's membership under clause 19, may recommend that Engineering New Zealand suspend the member's membership.

Investigating Committee can explore alternative dispute resolution for complaints

- 37. Before making its decision under clause 34, the Committee can explore, with the complainant and the member, the possibility of the complaint being referred to an alternative dispute resolution process.
- 38. If a complaint is referred to an alternative dispute resolution process under clause 37 and the complainant and member do not resolve the dispute within 60 days of the referral, or within any other time period the Committee thinks fit, the Committee will make a decision according to clause 34 on the complaint.

Investigating Committee will give member complained about opportunity to respond

39. If an Investigating Committee's provisional decision is to refer a complaint to a Disciplinary Committee, the Investigating Committee will:
- 39.1 Give the member a copy of its provisional decision; and
 - 39.2 Give the member a reasonable opportunity to make submissions on the provisional decision.

How an Investigating Committee's decision is made

40. An Investigating Committee will make its decision as soon as practicable. However, it can delay making the decision until the outcome is known of any other legal proceedings that could affect its findings.
41. If the Investigating Committee is not unanimous, the majority decision is the decision of the Investigating Committee (although dissenting Committee members can issue dissenting views).

Engineering New Zealand will notify and implement decision of an Investigating Committee

42. Engineering New Zealand will:
- 42.1 notify the complainant and the member of the Investigating Committee's decision, the reasons for the decision, including any dissenting views; and
 - 42.2 if the Investigating Committee's decision is to refer the complaint to a Disciplinary Committee, it will appoint a Disciplinary Committee in accordance with clause 89 and refer the matter to that Committee.

Disciplinary process

Disciplinary Committee will determine complaint

43. A Disciplinary Committee will, as soon as practicable after receiving a complaint, hear the matter and decide whether there are grounds for disciplining the member under Rule 11 of the Engineering New Zealand Rules.
44. If the Committee decides that there are no grounds for disciplining the member, it will dismiss the complaint.
45. If the Committee decides that there are grounds for disciplining the member, it will decide whether and how to exercise Engineering New Zealand's powers under Rule 11 [.5 and 11.6](#), by imposing one or more of the ~~following~~ penalties on the member including:
- ~~44.1 removing their membership;~~
 - ~~44.2 suspending their membership for any period;~~
 - ~~44.3 suspending their membership until such time as they fulfil requirements for professional development, as specified by the committee;~~
 - [45.1](#) suspending their membership for a period of time if, by a prescribed date, the member does not fulfil requirements for professional development specified by the Committee;
 - [45.2](#) fining them an amount not exceeding \$10,000;
 - ~~44.6 censuring them;~~
 - ~~44.7 ordering them to pay a portion of the costs and expenses of, and incidental to, the inquiry by Engineering New Zealand;~~
 - [45.3](#) naming them, publishing a copy of the Committee's decision on Engineering New Zealand's website, or publicising the Committee's decision in any other manner.

Referring a complaint to the disciplinary committee

46. A notice about a member may be laid before the disciplinary committee by an investigating committee.
47. The notice must contain
- 47.1 a statement to the effect that the investigating committee has reason to believe that grounds exist entitling the disciplinary committee to exercise its powers under these rules; and
 - 47.2 enough detail to inform the member of the substance of the grounds.
48. As soon as is reasonably practicable after receiving a notice the chairperson of a disciplinary committee must convene a hearing to consider the notice.
49. The investigating committee may be represented at the hearing by that committee or its representative.

Members and complainants may request changes in membership of disciplinary committee

50. Within five working days after being informed of the intended membership of the disciplinary committee that is to consider a complaint about, or inquiry into a member, the member or, in the case of a complaint, the complainant may give Engineering New Zealand notice-
- i. requesting that any or all of the intended members not be appointed as members of that committee; and
 - ii. stating the reasons for the request.
51. Engineering New Zealand-
- i. must consider the request; and
 - ii. may reconstitute the committee.

Powers of a Disciplinary Committee

52. A Disciplinary Committee has the same powers as an Investigating Committee under clauses 35 and 36
53. Additionally, subject to clauses 91 and 92, a Disciplinary Committee can:
- 53.1 Request the Investigating Committee to provide its report into the complaint and copies of the evidence it considered; and
 - 53.2 Request that one or more members of the Investigating Committee appear before the Disciplinary Committee, on at least 14 days' notice.

How a Disciplinary Committee considers a complaint

54. A Disciplinary Committee will hear the complaint by way of an in-person hearing, unless the Committee and the parties to the complaint agree that an in-person hearing is not required.
55. Before making the decision on a complaint under clause 43, the Committee will —
- 55.1 send details of the complaint to the complainant and member;
 - 55.2 invite the member to respond in writing to the complaint within a specified period (at least 14 days); and
 - 55.3 give the complainant, the member, and any other person alleged to be aggrieved (if not the complainant) at least 28 days' notification of:
 - i. the time and place of the hearing;
 - ii. the right to be heard and represented, and to present evidence at the hearing; and

- iii. request they notify the Committee within a specified period (at least 14 days) if they want to be heard or to present evidence (including the calling of witnesses) at the hearing.

- 56. The complainant, the member, and any person alleged to be aggrieved have the right to be heard and represented, and to present evidence at the hearing.

How a Disciplinary Committee's decision is made

- 57. A Disciplinary Committee will make its decision as soon as practicable. However, it can delay making the decision until the outcome is known of any other legal proceedings that could affect its findings.
- 58. If the Committee is not unanimous, the majority decision is the decision of the Committee (although dissenting Committee members can issue dissenting views).

A Disciplinary committee may decide mode of hearing

- 59. The disciplinary committee may regulate its own procedure as it thinks fit.
- 60. In deciding whether to hold a hearing in person or on the papers, the disciplinary committee must take into account the following:
 - 60.1 the complexity and nature of the matter:
 - 60.2 whether the committee would be assisted by in person submissions and cross-examination:
 - 60.3 the availability and accessibility of parties and witnesses:
 - 60.4 any other factor that may affect the fairness and efficiency of the hearing.
- 61. Rule 1 is subject to—
 - 61.1 the rules of natural justice.

Engineering New Zealand will notify and implement decision of a Disciplinary Committee

- 62. Engineering New Zealand will:
 - 62.1 notify the complainant and the member of the Committee's decision under clause 43 the reasons for that decision, any dissenting views, and their rights of appeal under the Rules of Engineering New Zealand and these regulations; and
 - 62.2 ~~subject to any request for an appeal,~~ implement the Committee's orders, ~~at least 28 days~~ after notifying the complainant and the members of the decision ~~before an order made under Rule 10 of the Engineering New Zealand Rules takes effect.~~

Appeals

Lodging of appeals

- 63. Either the complainant or the member can lodge a request for an appeal against the decision or any penalty imposed by a Disciplinary Committee, provided that:
 - 63.1 the request for the appeal is lodged in writing with the Chief Executive within 28 days of notification of the decision of the Disciplinary Committee; and
 - 63.2 the ground for the appeal is provided with the request; and
 - 63.3 the party making the application pays any appeal application fee as specified by the Board.

Appeal Committee will decide whether to hear an appeal

64. An Appeal Committee will, as soon as practicable after receiving a request to hear an appeal against a decision of a Disciplinary Committee, decide whether:
- 64.1 there are grounds for hearing an appeal under clause 56; or
 - 64.2 the request for an appeal to be heard should be dismissed.

Grounds for granting a request to hear an appeal

65. An Appeal Committee will grant a request to hear an appeal against a Disciplinary Committee decision if it considers that one or more of the following grounds exist:
- 65.1 new evidence of a decisive nature that could not reasonably have been available at the time of the Disciplinary Committee hearing is now available;
 - 65.2 the Disciplinary Committee did not follow the procedures set out in these regulations;
 - 65.3 the penalty imposed by the Disciplinary Committee is unfair in light of the gravity of the breach concerned;
 - 65.4 the decision reached by the Disciplinary Committee is manifestly at odds with the evidence presented at the hearing.

Notification of decision to allow appeal to be heard

66. Engineering New Zealand will notify the complainant and the member of the Appeal Committee's decision on whether it will hear the appeal.

Determination of appeal

67. An Appeal Committee:
- 67.1 will, as soon as practicable after it makes its decision to hear an appeal under clause 55.1, hear the matter and decide whether to confirm, vary, or reverse the decision or any order of the Disciplinary Committee; and
 - 67.2 can also make any decision or order that the Disciplinary Committee was empowered to make, as well as an order for the payment of the costs of the appeal, and refund of any appeal application fee paid as it thinks fit.

Powers of an Appeal Committee

68. Subject to clauses 81 and 82, an Appeal Committee has the same powers as a Disciplinary Committee.

Way in which Appeal Committee must consider appeal

69. Before making the decision under clause 58 on an appeal, the Appeal Committee must:
- 69.1 give the complainant, the member, 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
 - 69.2 advise each of the persons in clause 60.1 that they must notify the Committee within a specified period (at least 14 days) if the person wishes to be heard by the Committee on the appeal.
70. The complainant, member, and any person alleged to be aggrieved have the right to be heard and represented at the hearing and to make written submissions.
71. Unless the Appeal Committee otherwise directs:

- 71.1 it is not permissible to recall witnesses who gave evidence before the Disciplinary Committee or to call other witnesses, and
- 71.2 the material before the Appeal Committee must be the record of the proceedings of the Disciplinary Committee and its report and any documents that supported it, together with any additional submissions made in respect of the appeal.

Way in which Appeal Committee's decision must be made

- 72. The Appeal Committee's decision under clause 58 on an appeal is made in the same way as a Disciplinary Committee under clauses 51 and 52.
- 73. Appeal Committee hearings are private.
- 74. An appeal is by way of rehearing.

Engineering New Zealand must notify and implement decision

- 75. Engineering New Zealand must:
 - 75.1 notify the complainant and the member of the Appeal Committee's decision under clause 58; and
 - 75.2 take the steps necessary to implement any orders made.
- 76. The Appeal Committee's decision is final and binding.

Notification and implementation of orders

Notification of orders to the Board

- 77. In all cases where any order(s) are made under these regulations, the Chief Executive must report to the Board, with particulars of the order(s).

Payment of fines and costs

- 78. Any fine or costs ordered to be paid under these regulations are immediately due and recoverable as a civil debt. The order continues to apply whether or not a member is suspended or expelled under these regulations, or resigns before or after the order is made.
- 79. The existence of a debt described in clause 69 is sufficiently proved by the production of:
 - 79.1 the Rules of Engineering New Zealand and these regulations; and
 - 79.2 the declaration of the member on their form of application for membership (if available); and
 - 79.3 a copy of either:
 - i. the decision or order(s) of the Disciplinary Committee setting out the fine or costs to be paid, such decision or order(s) to be certified as a true and correct record by affixing to it the signatures of a majority of members of the Disciplinary Committee (including the Chairperson), present when the decision or order was made; or
 - ii. in the case of an appeal, the decision of the Appeal Committee duly certified as a true copy by the Chief Executive of Engineering New Zealand.

Grants towards costs

- 80. Engineering New Zealand is not liable for any expense by way of travelling, engagement of counsel, calling of any witness or in any other matter connected with the investigation, incurred either by the member whose conduct is under investigation nor by the complainant; but the Board can, at its discretion, and without being deemed to make any admission of liability by so doing, make a grant to a member or complainant to cover the whole or any part of such expense.

Enforcement of orders

81. If a member against whom an order has been made fails to comply with that order within a period of 30 days from the date at which proceedings under these regulations are complete, or such other time as specified by the Chief Executive as reasonable in the circumstances for the particular order, the
82. Chief Executive can suspend the Engineering New Zealand member until the order is complied with.
83. If the Engineering New Zealand member against whom the order is made fails to comply within a further period of 30 days from the date at which the period specified in clause 72 has expired, the Chief Executive can remove the Engineering New Zealand member from membership of Engineering New Zealand.
84. The Chief Executive can publish the fact of any action taken under this clause and the name of the member.

Delegations

Persons carrying out delegated functions and powers under these regulations

85. The Board can delegate to the following persons the functions and powers given to those persons by these regulations:
 - 85.1 Chairs of Investigating Committees appointed under clause 85;
 - 85.2 Investigating Committees appointed under clause 87;
 - 85.3 Chairs of Disciplinary Committees appointed under clause 85;
 - 85.4 Disciplinary Committees appointed under clauses 89 to 91;
 - 85.5 Appeal Committees appointed under clause 93; and
 - 85.6 Chief Executive, in respect of organisational and notification actions required to implement these regulations in an effective manner.
86. The Board can delegate the authority to appoint persons to roles under clause 75 to either a single member of the Board or the Chief Executive.

Regulations do not limit the Board's power to carry out delegated functions and powers

87. The fact that these regulations give a function or power to a person does not prevent the Board from performing the function or exercising their power.

General provisions about appointments, revocations of appointments and resignations

88. The Board can appoint a person to a role under these regulations by written notice to that person.
89. The Board can, at any time:
 - 89.1 Revoke a person's appointment to a role under these regulations by written notice to that person;
 - 89.2 Require a person appointed to a role under these regulations not to participate in a matter if the Board considers that, due to a material conflict of interest or otherwise, it would be inappropriate for that person to continue in their role in respect of that matter;
 - 89.3 Reconstitute anybody of persons appointed under these regulations by written notice to that body.
90. Any person appointed under these regulations can resign the appointment to that role by written notice to the Chief Executive.

General provisions about procedures

- 91. Every person or body appointed under these regulations must:
 - 91.1 give reasons for its decisions under these regulations; and
 - 91.2 observe the rules of natural justice.
- 92. Except as otherwise provided in the Rules of Engineering New Zealand or these regulations, a person or body of persons appointed under these regulations can regulate their own procedure as they think fit.

Engineering New Zealand must keep list of persons who can be members of Committees

- 93. Engineering New Zealand must keep a list of persons who can be members of Investigating Committees and Disciplinary Committees.
- 94. Engineering New Zealand must select persons for the list who are Members, Chartered Members or Fellows, [have legal experience or professional regulatory experience](#) and, in selecting persons, must have regard to:
 - 94.1 the extent of their experience in, and knowledge of professional engineering; and
 - 94.2 their experience in competency assessments; and
 - 94.3 their experience in investigating and hearing complaints in professional engineering or other professions; [and](#)
 - 94.4 [Legal expertise.](#)

Chairs of Investigating and Disciplinary Committees

- 95. Engineering New Zealand must appoint persons from the list kept under clause 83 to be:
 - 95.1 Chairs of Investigating Committees; and
 - 95.2 Chairs of Disciplinary Committees.
- 96. An appointment:
 - 96.1 is for the term specified by Engineering New Zealand on making the appointment, up to a maximum term of three years; and
 - 96.2 can be renewed.

Investigating Committee

- 97. Engineering New Zealand can appoint, for a particular case or class of cases, an Investigating Committee consisting of:
 - 97.1 a Chair of Investigating Committees; and
 - 97.2 two other persons from the list kept under clause 83.
- 98. In appointing a member to a Committee for a case or class of cases, Engineering New Zealand must endeavour to ensure that the member does not have a material conflict of interest on the case or class of cases.

Disciplinary Committee

- 99. Engineering New Zealand [may appoint, for a particular case or cases, a Disciplinary Committee consisting of:](#)
 - 99.1 [a Chairperson of Disciplinary Committees; and](#)

99.2 at least two and up to four other persons.

100. Engineering New Zealand may appoint a person a member of a Disciplinary Committee under rule 89.2 if:

100.1 the person is on the list kept under rule 83; or

100.2 the person is nominated by a body that Engineering New Zealand considers to be representative of consumer interests.

101. However, Engineering New Zealand must ensure that at least half of the members of a Disciplinary Committee are engineers on the list kept under rule 83.

~~89. can appoint, for a particular case or class of cases, a Disciplinary Committee consisting of:~~

~~89.1 a Chair of Disciplinary Committees; and~~

~~89.2 one other person from the list kept under clause 83; and~~

~~89.3 one person who:~~

~~i. is not an engineer; and~~

~~ii. is nominated by a body that Engineering New Zealand considers to be representative of consumer interests~~

~~90. Engineering New Zealand can appoint a further two persons to a Disciplinary Committee for a particular case or class of cases if it considers it appropriate or necessary in the circumstances.~~

~~91. Any two persons appointed under clause 90 must consist of:~~

~~91.1 one person from the list kept under clause 83; and~~

~~91.2 one person who:~~

~~i. is not an engineer; and~~

~~ii. is nominated by Engineering New Zealand.~~

102. In appointing a member to a Disciplinary Committee for a case or class of cases, Engineering New Zealand must endeavour to ensure that the member does not have a material conflict of interest on the case or class of cases.

Appeal Committee

103. Engineering New Zealand can appoint for a particular case or class of cases, an Appeal Committee consisting of:

103.1 two Engineering New Zealand representatives, being either the President and one Past President, or two Past Presidents; and

103.2 a barrister of the High Court of New Zealand.

104. In appointing an Appeal Committee for a case or class of cases, Engineering New Zealand must endeavour to ensure that the Committee members do not have a material conflict of interest on the case or class of cases.

Indemnity

105. Persons undertaking duties on behalf of Engineering New Zealand, pursuant to these regulations, are indemnified in the discharge of their duties under these regulations, provided that each person so indemnified has immediately disclosed any actual or perceived conflict of interest to Engineering New Zealand.