

CPEC

Chartered Professional Engineers Council  
Kāhui Kaiwetepanga Ngaio Whaimana

Report  
on the  
Performance  
of the  
Registration Authority

2022

FOR THE PERIOD 1 JANUARY 2022 - 31 DECEMBER 2022



# CPEC

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Kāhui Kaiwetepanga Ngaio Whaimana

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## 1 INTRODUCTION

Each year the Chartered Professional Engineers Council (the Council / CPEC) reports on its assessment of the Registration Authority's (RA) performance and exercise of its functions and powers pursuant to Section 53 of the Chartered Professional Engineers of New Zealand Act 2002 ('the Act'). This report covers the RA's performance over the period 1 January to 31 December 2022. The report was received by the Council on 3 April 2023.

The RA is the Institution of Professional Engineers New Zealand Incorporated, which trades as Engineering New Zealand Te Ao Rangahau.

Section 39 of the Act sets out the RA's functions, which include to:

- (a) make, and always have, rules relating to chartered professional engineers, prepared and approved in accordance with the Act;
- (b) register persons, issue registration certificates, assess continued registration;
- (c) keep and maintain the register of chartered professional engineers;
- (d) receive, investigate, and hear complaints about, inquire into the conduct of, and discipline chartered professional engineers in accordance with the Act.

Section 52 of the Act requires the RA to report to the Council on the operations of the RA and the chartered professional engineer register for a 12-month period ending on the preceding 31 December.

In relation to its review, appeal and reporting functions the Council continues to invite the RA to each of its quarterly meetings to:

- present and discuss reports on CPEng registration assessments and complaints,
- discuss the time taken for assessments and complaints,
- address the outcomes of appeals, and
- maintain dialogue on the Act and the Rules<sup>1</sup> with the purpose of considering their efficacy and any emerging need for amendment.

## 2 REGISTRATION AUTHORITY'S ANNUAL REPORT

In a similar manner to previous years, the RA's annual report for the year ending 31 December 2022 presents both quantitative and qualitative information on the RA's activities, discussing the work that it has undertaken to fulfil its obligations under the Act.

A copy of the RA's 2022 Annual Report accompanies this report and addresses the following subjects:

- **Overview:** Update on the system review; key activities and highlights of 2022; challenges faced and key statistics.
- **CPEng Review:** Key outcomes of the review; implementation of improvement opportunities identified by the review including improved guidance for candidates and assessors; improved moderation/audit processes; new version-controlled repository for documentation; and introduction of structural-specific assessment guidance incorporating Body of Knowledge and Skills (BOKS).

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<sup>1</sup> Chartered Professional Engineers of New Zealand Rules (No 2) 2002

- **Strategic priorities for 2023:** Ongoing strengthening of assessment/reassessment processes with bi-monthly reviews of selected metrics; improved RA communications; growing working relationships with stakeholder groups; continued IT improvements; increased oversight of competency assessment standards and complaints and disciplinary processes by the CPEng Board; a review of BOKS with a view to implementation; increased communication to registrants and the engineering sector; and improved promotion to engineers who are not yet chartered.
- **Competence assessment:** Applications for initial registration and continued registration respectively; registration of Recognised Engineers - Dam Safety; CPEng Board membership, Competency Assessment Board (CAB) membership; Lead Assessor and Practice Area Assessor capacity; and structural triage panel membership.
- **Register/assessment Trends:** Year-on-year registration and assessment trends; assessment processing times and pass rates; age and gender breakdown; Te Ao Māori and ethnicity of registrants; practice field data and geographical distribution of registrants.
- **Complaints and disciplinary activity:** The challenge faced in relation to senior staff turnover and a high number of complex complaints received in 2022; large proportion of new complaints regarding concerns about professional standards; jurisdiction under the Act limiting the types of complaints/concerns that can be considered by the RA; year-on-year data relating to concerns/complaint files opened and closed; challenges with regard to decision maker capability; year-on-year trends regarding the nature of complaints received and the practice fields to which they relate; appeals to CPEC; learning from complaints; and Engineering New Zealand's role in assisting the Government to extend the GCCRS<sup>2</sup> model into a New Zealand Claims Resolution Service in 2023.
- **Case studies:** Three case studies - a case where a disciplinary committee upheld a complaint about a Chartered Professional Engineer; a case which was dismissed by an Adjudicator; and a case which was resolved by Alternative Dispute Resolution.
- **Financials:** Summary of CPEng fees for 2022 which have remained unchanged since 2015 (Appendix 1) and summary of fee income and costs incurred with notes (Appendix 2), indicating a further increase in the accumulated deficit. [Note: CPEng fees increased with effect 1 January 2023 – see commentary in Section 10 of this report]

### 3 REPORTING REQUIRED BY THE ACT

Section 52(2) of the Act prescribes the RA's annual reporting requirements. The RA's associated responses for 2022 are summarised below.

- the number of chartered professional engineers at the end of the period (4300); and
- the number of persons whom the RA registered (247)<sup>3</sup> and the number whom the RA declined to register (21) during the period; and
- the number of persons whose registration was removed (157), suspended (72) or placed in abeyance (30) during the period; and
- the number of persons against whom the RA made a disciplinary order (two)<sup>4</sup> during the period; and

<sup>2</sup> Greater Christchurch Claims Resolution Service

<sup>3</sup> Initial registration only

<sup>4</sup> This figure is down from 8 in 2021

- the amount of the charge or charges payable in relation to registration (\$3,253) or the issue of a registration certificate (\$460) (no change to these figures during the 12-month period but commitment to increased fees effective 1 January 2023); and
- any other information that the Council reasonably requires. This includes regular reporting on progress towards increased numbers of female CPEng registrants, and progress towards resolution of the RA's accumulated financial deficit.

The RA's report addresses the requirements of section 52(2)(a) to (c) of the Act under *Register/Assessment Trends* (page 8), 52(2)(d) under *Complaints snapshot* (pages 15–18) and 52(2)(e) in Appendices 1 and 2.

## **4 RULES FOR CPEng STANDARDS**

Section 45(a) of the Act establishes as a function of the Council, the review and approval of rules containing CPEng standards. No such changes were made to the Rules<sup>5</sup> in 2022

## **5 THE COMPETENCE ASSESSMENT PROCESS**

### **Initial Registrations**

In 2022 the RA processed 268 assessments for admission, of which 247 applications were successful and 21 were declined. These figures compare with 446, 421 and 25 respectively in 2021. The RA attributes the significantly lower number of initial assessments in 2022 to their prioritisation of the processing of applications for continued registration.

The RA notes that the use of assessment rounds has helped engineers determine when they need to submit their assessment and in turn this has assisted in the allocation of assessors to the numbers of applicants in the scheduled rounds. Indicated assessment capacity at the time of reporting accommodates around 40 initial applications per month.

### **Mutual Recognition**

In 2022 there were 33 successful applications for CPEng under mutual recognition schemes. This is down three on 2021 but generally consistent with the number of successful applications in the previous three years. The RA continues to apply a policy developed in 2004 for handling applications from Registered Professional Engineers in Queensland, in compliance with the TTMRA<sup>6</sup>.

### **Continuing Registrations**

In 2022 the RA carried out 836 assessments for continued registration. This was 81% higher than 2021 and 42% higher than 2020. The Council notes that this is an impressive achievement, but it is offset to an extent by the year's low number of initial registration assessments, highlighting a dilemma faced by many organisations / operations with multiple demands competing for limited resources.

The RA attributes the significant reduction in the backlog of continuing registration applications to refinement of its procedures to improve efficiency. This included placing onus on the applicant to demonstrate continued competence through succinct information; embedding the technical triage panel for structural reassessments; expanding the structural triage panel and increasing the number of lead assessors. The RA reports that at the end of 2022 183 reassessments remained to be completed and the aim was for those to be completed by May 2023.

<sup>5</sup> Chartered Professional Engineers of New Zealand Rules (No 2) 2002

<sup>6</sup> Trans-Tasman Mutual Recognition Act 1997

## **Registration of Recognised Engineers – Dam Safety**

Engineering New Zealand is engaged in the Recognised Engineer (Dam Safety) Project, the purpose being to develop and implement the Recognised Engineer Competency Framework (Dam Safety) by the end of 2023. This is to support the implementation of the Building (Dam Safety) Regulations 2022 which commence on 13 May 2024. The work is being conducted with the New Zealand Society of Large Dams, with funding from MBIE.

### **Candidate Satisfaction**

Previously the RA has reported on the results of registration candidate satisfaction surveys. The matter has not been addressed by the RA for 2022. With surveys in recent years yielding broadly consistent results, and the typically low survey response rate the Council does not see this as an issue or a priority at present.

### **Assessors**

Assessor capacity continues to be a challenge. Assessor numbers for 2022 and the three years prior are presented in Table 1 on page 7 of the RA's report. While there is no change in the number of staff lead assessors, the number of contract lead assessors increased from 23 to 40 in 2022. This is a significant increase compared with numbers in the previous three years, which ranged between 20 and 24.

The numbers of Practice Area Assessors (PAAs) dropped from 464 to 416, having increased over the previous three years from 439 to 464. The RA reports having strengthened the process for onboarding new PAAs with quarterly onboarding sessions for those interested and eligible to become PAAs. The RA is seeking to increase numbers in 2023 but the report does not indicate if a specific set of actions and targets has been established to achieve the desired level of increase.

There are currently 4 lead assessors and ten expert structural PAAs on the structural triage panel. Of the ten, three were added in 2022 from a pool of sixteen applicants. The RA has indicated a desire for a further five triage panel members in the high-rise, bridge and tunnelling practice areas.

### **The Year Ahead**

In the context of registration assessment, the RA has amongst its reported strategic priorities for 2023:

- ongoing strengthening of assessment and reassessment processes, and bi-monthly review of processing numbers, timeframes, risks and issues; and
- increased oversight of competency assessment standards by the CPEng Board.

The Council notes these priorities are consistent with a more managed approach to issues/challenges, which has been more evident in 2022. The Council considers this a positive situation that is due in part to the impact of actions and decisions by the senior management team and also to the influence of the CPEng Board in its first year of operation.

## 6 REGISTER TRENDS

As in previous years, the RA report addresses a number of registration metrics, including the number, age and gender breakdown of registrants. The report provides comment on ethnicity, in particular Māori representation.

### Assessment Processing Times

Processing times for initial assessments (assessments for admission) and continuing registration respectively, are presented in Table 2 on page 8 of the RA's report. The very high figures reported in both categories for 2022 are discussed in section 5 above.

### Assessment Pass Rates

The figures presented in Table 2 on page 8 of the RA's report, for initial assessments, indicate a modest downward trend from 97.5% in 2019 to 92% in 2022, with the 2022 figure being 3% lower than in 2021. The RA attributes the 2022 drop to the introduction of much clearer CPD<sup>7</sup> requirements and expectations for referees. While expecting some initial decline the RA expects the figure to stabilise with increased awareness of the requirements and the provision of higher quality portfolios of evidence for applications.

Applicants are encouraged to share their portfolios with mentors prior to submitting. The portfolios are considered by the RA prior to formal lodging, with poor submissions being returned to applicants where necessary for improvement and resubmission. Had these measures not been in place, pass rates would likely be lower than reported. The Council has no particular concerns with the reported pass rates and considers the system to be working appropriately.

### Growth in Registrant Numbers

Registrant numbers are presented in Table 2 and Figure 1 on pages 8 and 9 of the RA's report. The number of registrants continues to grow and although the rate of increase in 2022 (1%) was lower than in 2021 (6%), the most recent figure is more consistent with the general growth rate for the period 2017 to 2022.

### Age Distribution and Gender

The distribution of registrants by age has been presented in Table 4 on page 12 of the RA's report. As reported, the age distribution of registrants remains relatively stable. No clear trends of change are indicated by the data, but a comparison of data for 2021 and 2022 could suggest some easing of the proportion of registrants in the upper two age brackets (60-69 and 70-89).

Over 2022 the number of female registrants increased from 467 to 480, maintaining representation at 11% of all registrants. The RA's 2018 goal for 400 women represented on the register was met in 2020. While reference is made to the Diversity Agenda of Engineering New Zealand Te Ao Rangahau, no mention is made of specific measures or new targets in place to increase the representation of women.

The current reporting is based on binary gender data. As in 2021, the RA notes that it is working towards implementing the ability to capture non-binary genders in its reporting.

### Te Ao Māori

The RA notes that skills championed through Kimihia Rangahau<sup>8</sup>, will effectively enable connection within Māori engineering communities, between Māori and the wider profession. As in their report for 2021, the RA refers to 2018 national census data noting that 7% of engineers in New Zealand identify as Māori whereas Māori represent 16.6% of the population. The RA states that as at 2022 only 1% of CPEng registrants are Māori, indicating this as a slight (0.3%) increase from 2021. While this may be a small percentage, the Council notes that proportionately Māori gains in the year are significant. The total increase

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<sup>7</sup> Continuing Professional Development

<sup>8</sup> Engineering New Zealand Te Ao Rangahau's strategy to embrace Te Ao Māori

in the number of registrants in 2022 was 49 and 13 of these were Māori, meaning Māori registrants represented 26% of the total increase.

### **Practice Fields**

In 2022, Structural (1471) and Civil (1336) remain the practice fields with the greatest number of registrants, the next being Management (421). Across all practice fields the only notable difference from the previous year has been an increase in the number in the Water practice field from 126 to 220. The RA has pointed out that this increase is a continuation of a significant increase that was reported in 2021 and is attributed to interest that relates to the Three Waters reform programme.

From January 2023 the RA will require candidates applying for more than one practice field to provide an additional 15 hours of CPD per year for each additional practice field. The Council sees this as a sensible requirement.

### **Geographic Distribution**

There has been no significant change in the geographical distribution of registrants in the reporting year. The distribution continues to be dominated by Auckland (38%), Canterbury (17%) and Wellington (11%).

## **7 COMPLAINTS AND DISCIPLINARY ACTIVITY**

Progress in 2022 was hindered by staff turnover, including the departure of the Legal Team's two most senior members. The challenges associated with recruitment and upskilling of new staff were further compounded by a reported influx of new complaints in the last third of the year. The RA is expecting the Legal Team to be fully staffed in 2023.

A large proportion of complaints received in 2022 related to professional standards and engagement as opposed to competence. The RA suggests that clear communication has become an issue as a consequence of the Covid 19 pandemic and building boom, with people more inclined to complain than take time to work through misunderstandings. The RA further notes that this is an area where its alternative dispute resolution (ADR) mechanisms can assist, leading to positive outcomes that restore faith in the profession. The Council acknowledges the positive role that ADR is able to play and also supports the RA's preparedness to provide guidance for engineers on better practices for engaging and communicating with the public. For some time the Council has observed in appeals, that communication breakdown has often been a significant factor in a complaint being raised, even in situations where the apparent basis of the complaint is competence.

As in previous reports the RA has presented three case studies which provide the public and members of the profession with some useful insights to the issues that arise and how they may be resolved.

## **8 COMPLAINTS STATISTICS AND TRENDS**

### **Concerns and Complaints Received**

The context of this section is concerns/complaints about Chartered Professional Engineers. In 2022 the RA received 25 such concerns/complaints. This was ten fewer than 2021 and 19 fewer than 2020. The source of the complaints was predominantly the private clients of engineers, but a steady number have been received from building consent authorities and other engineers.

## **Jurisdiction**

The RA has reported being contacted regularly by people wishing to dispute invoices or seek compensation, noting that where complainants have such aims they will often be disappointed with the outcome of the complaints process. The Council acknowledges the issue, having observed the same factors in a number of appeals.

## **Concerns / Complaints Closed**

Table 7 on page 16 of the RA's report indicates the manner of resolution of files closed year-on-year between 2018 and 2022. The Council acknowledges the significant positive impact of the high proportion of complaints resolved via early resolution, noting that the major benefits of this are the reduction in time commitment on the part of all involved and often a level of agreement reached by all parties without the more prolonged investigation and potentially disciplinary processes.

Figure 6 on page 17 of the RA's report presents the numbers of open files, files closed and new files received each year between 2018 and 2022. Despite the staff turnover issues discussed above and aided by a relatively modest number of new files received, the number of open files at year end was 34, the lowest figure for the five year data window,

## **Themes and Trends**

2022 has seen a reversal in the nature of complaints. As shown in Table 8 on page 18 of the RA's report, complaints about ethics, behaviour and professionalism exceeded those about competency, and by a significant margin. Such complaints include communication misunderstandings, conflict of interest, client care and the attitude and response of engineers when disputes arise. The RA also observes that almost all complaints include an element of relationship breakdown between the parties. This is also something which the Council frequently observes in appeals.

The RA rightly regards the early resolution process as an asset where the issue is relationship or communication-based, but appears to exclude complaints that raise significant competence or safety concerns. The Council presumes that the RA is not automatically dismissive of the possibility of complaints with elements of competence or safety concerns being addressed via the early resolution process as it is possible that in some complaints, many of which are quite emotive, and hyperbolic, extreme claims may be made which on some further scrutiny may not prove to have significant merit.

## **Practice Fields**

Table 9 on page 18 of the RA's report shows the numbers of complaints received each year against the various practice fields, over the period 2018 to 2022. Structural engineers consistently receive the greatest number of complaints. The Council agrees that this reflects the greater number of structural engineers as opposed to the comparative quality of the engineers in the discipline and also that structural engineers are often more likely to have direct contact with their clients and as a group have more public visibility than some other parts of the profession.

## **Appeals to CPEC**

The report observes that while historically, around three decisions of the RA were appealed to CPEC each year, the number peaked at 12 appeals in 2021 before dropping to four in 2022. In one of the latter four cases the complainant was not satisfied with the RA's decision to dismiss their complaint. The other three appeals were by engineers who were unhappy with decisions on complaints about them. Two of these three involved decisions by Chairs of Investigating Committees to refer the matters to an Investigating Committee. The RA notes that appeals are not often filed at this early stage in the complaints process. While this may be quite correct and while it may also not be an ideal situation in terms of the level of investigation undertaken to arrive at the decision, it is still a legitimate avenue that is established under the Act and the appellants have every right to appeal. The Council considers it possible that engineers' insurers may be having some influence in appeals being filed prior to investigation by an investigating committee.

The RA notes that of six appeal decisions issued by CPEC in 2022, five upheld the verdicts of the RA's decision makers and one upheld a disciplinary committee's decision but altered some elements of the penalty imposed.

The rate of appeals being filed with the Council and the generally low proportion of those appeals which are upheld is, as the RA suggests, a reflection of the robustness and credibility of the complaints process. The Council does note however, the reality that some appellants, especially some members of the public whose complaints and ultimately appeals were unsuccessful, would not consider the process in such a positive light. This is particularly so when emotion appears to prevail over objectively established fact.

### **Learning from Complaints**

Case studies and emerging legal issues continue to be published in Engineering New Zealand's publications including the quarterly *EG* magazine and newsletter *Discover*. In 2022 the RA also began publishing learnings from complaints in an educational format which is accessible to members. The Council applauds these measures and is fully supportive of the RA's intention to continue building on the lessons learned.

### **Decision Maker Capability**

A key factor affecting the time taken for complaints to move through the process is the availability of decision makers. The RA reports that as of December 2022 there were eight active Investigating Committee Chairs (one more than the previous year) and three Disciplinary Committee Chairs.

The RA includes in its quarterly reporting to the Council, commentary on Investigating Committee and Disciplinary Committee Chair capacity and measures in place to meet the expected demand. The RA has been working to increase the number of members available to sit on committees, the ultimate intention being that some will become Chairs. A notable challenge is that these are all voluntary roles.

## **9 OTHER CPEng RELATED ACTIVITIES**

### **CPEng Review**

In the transition to full implementation of the Government's planned new regulatory system for engineers, the RA continues to implement improvements to the assessment and complaints processes. This is also addressed in 5 and 6 above.

## **10 THE COUNCIL'S PERSPECTIVE ON THE REGISTRATION AUTHORITY'S PERFORMANCE**

### **Functions being performed soundly**

In the Council's view the RA continues to perform its functions well in the following general areas:

- Maintaining a robust competency assessment and re-assessment process, and demonstrating the commitment to practical changes which aim to maximise efficiency and effectiveness as the programme for legislative change advances in parallel;
- Applying feedback from consultation, and from assessment/re-assessment complaints processes, to implement improvements where appropriate;
- The ongoing increase in the number of registrants (4300) – at a growth rate consistent with the trend of the last few years:
- Clear commitment and progress towards the achievement of inclusion and diversity goals;

- Continuing application of refinements to the complaints process, in particular maximising the use of early resolution initiatives where applicable, with potential benefits to all parties involved;
- Commitment to support the Government's New Zealand Claims Resolution Service being implemented from 2023, drawing on the experience from and significant contribution via the expert engineering panel to the earlier GCCRS and CEIT.

### **Accumulated Financial Deficit**

In previous years the growing deficit of the RA has been noted as a significant concern. In 2022 the RA made the decision to increase CPEng fees, which have remained unchanged since 2015. A 10% increase took effect on 1 January 2023. The RA intends to review fees biennially in the future. The RA advises that in 2023 it expects the increase to have a positive impact on revenue in the vicinity of \$240,000. This compares with the \$150,000 deficit reported for 2022.

The Council has also been advised that Engineering New Zealand has undertaken a reorganisation during December 2022 which now sees most of the RA functions located within one team. This is expected to result in some efficiencies and simplify the allocation of costs. The key factor that could prevent the RA from reaching a breakeven position will be the pace at which assessments are completed, as each assessment incurs an external assessor fee. The RA is regarding this as an essential piece of work to ensure assessments are completed within a three-month target window.

The Council applauds the RA's move to increase fees and will continue to engage with the RA to gauge the effectiveness of the fee increase and identify any need for further interventions.

### **Areas for development and improvement**

In addition to ensuring financially viable operation as discussed in the context of the accumulated deficit to date, the Council notes several operational areas which warrant continuing attention, and which are consistent with the RA's stated strategic priorities for 2023. These include the following:

- On-going implementation of improvements flowing from the completed CPEng review, with the focus on benefits that are attainable in the transition period to full implementation of the Government's new legislation and that also align with the provisions of the legislation;
- Stable and sustainable assessment capability evidenced by achievement of target assessment times and driven by planned, measured actions by the management team and oversight by the CPEng Board;
- Stable and sustainable complaint resourcing, with appropriate flexibility to accommodate the real-life fluctuations in the numbers of concerns/complaints being filed, achieved through planned, measured actions by the management team and oversight by the CPEng Board; and
- Communication that keeps engineers up to date with the implementation of short term (CPEng review based initiatives) and longer term changes (legislative and regulatory), and which helps dispel any misconceptions relating to the difference between registration classes and any future licencing regime.

The Council will continue to engage regularly with the RA on these matters, including through its quarterly meetings which are generally attended by RA and MBIE representatives.

## 11 OVERVIEW

In 2022, the Council has observed a distinctly more focussed and 'project management' driven approach by the RA, to the various operational challenges which it has to deal with. This has been evident in reports and presentations to meetings with the Council in 2022 and appears due both to the resolve of the senior management team and to the impact of the CPEng Board, which was established early in 2022. Achievements which support this observation are the implementation of the CPEng fee increase and a more demand-driven, planned and monitored approach being taken to resourcing, particularly with regard to CPEng Assessment roles which are so dependent on significant numbers of personnel. The Council applauds this and will continue to engage with the RA in support of such an approach and the improved outcomes that it can enable.

Once again, the Council acknowledges the strength of the relationship with the RA, one in which there is mutual respect, and also the ability to raise and resolve different viewpoints in a constructive way.

Dated: 19 June 2023



Chris J Harrison  
**Chair**

**Council members:**

Manjit Devgun  
Simonne Eldridge  
Anthony Fairclough  
Sandra Hardie (Deputy Chair)  
Mark Holland  
Megan Neill  
Alan Winwood



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