

**In the matter of the Chartered Professional
Engineers of New Zealand Act 2002**

Appeal 02/22

AND

**In the matter of an appeal to the Chartered
Professional Engineers Council pursuant to
Section 35**

Between

Mr A
Appellant

And

Mr B
Complainant

Decision of the Chartered Professional Engineers Council
in Respect of Costs
Dated 1 March 2023

1. On 10 February 2023 an appeal panel of the Chartered Professional Engineers Council ("the Panel") issued its decision on the substantive matters of Mr A's appeal against the decision of the Chair of Investigating Committees ("CIC") to refer a complaint against him by Mr B to an investigating committee.
2. In its decision the Panel indicated that, if costs were sought, memoranda should be filed by 24 February 2023.
3. No memorandum was filed by the due date by either Mr A or Mr B, the parties to the complaint.
4. A memorandum from the Registration Authority ("the RA") was received on 24 February 2023.
5. The RA does not seek costs against Mr A and strongly opposes any application by Mr A for costs as the Panel dismissed Mr A's appeal in all but one part, varying the CIC's decision in one respect. The RA submits "*the council should follow its usual practice of allowing costs to lie where they fall*".
6. Neither party has filed a memorandum seeking costs. Accordingly, the decision of the Panel is that costs incurred by the parties and the RA respectively shall lie where they fall.
7. In accordance with s35 of the Chartered Professional Engineers of New Zealand Act 2002 a party may appeal this decision to the District Court within 28 days.

Dated 1 March 2023

Signed by the Panel



Chris J Harrison
(Principal)



Sandra Hardie



Megan Neill