

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

Appeal 07/23

AND

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

Between

Mr A

Appellant

Against a decision of

The Registration Authority under the
Chartered Professional Engineers of New
Zealand Act 2002

Respondent

Decision of the Chartered Professional Engineers Council
Dated 2 December 2024

Introduction

1. Mr A (“the Appellant”) has appealed a decision made by the Competency Assessment Board (“CAB”) of the Registration Authority (“RA”) to decline his application for re-registration as a Chartered Professional Engineer (“CPEng”), specifically in the practice field of geotechnical engineering.
2. The Appeal Panel of the Chartered Professional Engineers Council (“the Appeal Panel”/ “the Council”/ “CPEC”) has been provided with a Bundle of Documents held by the RA in relation to the case. References to specific pages within this bundle are annotated “[BOD nn]”.
3. The Appellant originally requested an in person hearing in their submissions¹ and then subsequently agreed to the appeal being heard on papers.² Therefore, with the agreement of the Appellant and the RA, the Appeal Panel conducted the hearing on the papers.
4. Key correspondence and submissions relating to this appeal are listed in Schedule 3.

The Legislation

5. Legislation considered by the Appeal Panel is presented in Schedules 1 and 2.
6. The right of appeal in respect of decisions of the RA is established by s35 of the Chartered Professional Engineers Act 2002 (“the Act”).
7. Appeals to the Council are by way of rehearing (s37(2) of the Act).
8. The requirements for the appeal process are contained in the Chartered Professional Engineers of New Zealand (Appeals) Regulations 2002 (the Regulations).
9. The Appeal Panel is entitled to confirm, vary or reverse a decision (s37(5) (a)) and may make any decision that could have been made by the decision authority (s37(5) (c)).
10. Following *Austin, Nichols & Co Inc. v Stichting Lodestar* [2008] 2 NZLR 141, the Appeal Panel is entitled to take a different view from the CAB, but the Appellant carries the burden of satisfying the Appeal Panel that it should do so.

¹ Appellant Submission paragraph 7.2

² Email from the Appellant’s Legal Counsel confirming that the Appellant agrees to the appeal being decided on papers dated 31 October 2024

11. The basis for the Council overturning an original judgement at a rehearing is outlined by McMullen J in *May v May* (1982) NZFLR 165,170. The appellant must show that in the original decision, the decision maker:
 - (a) acted on a wrong principle, or
 - (b) failed to take into account some relevant material, or
 - (c) took into account some irrelevant material, or
 - (d) was plainly wrong.
12. The CAB is appointed by the RA under rule 77 of the Chartered Professional Engineers of New Zealand Rules (No 2) 2002 (“the Rules”) and has delegated authority to make registration decisions.

Background

13. The Appellant has a Bachelor of Science (Physics), 1974, a Bachelor of Engineering (Civil Engineering), 1977, and Master of Engineering (Civil Engineering), 1979, all from the University B.³
14. The Appellant was originally registered as a Chartered Professional Engineer in the practice fields of structural and geotechnical engineering in 2010. On 3 October 2016 his registration was renewed for another 6 years.⁴
15. The Appellant submitted his application to the RA for continued registration on 16 November 2022 in the practice fields of structural and geotechnical engineering.
16. Documentation associated with his application, and made available to the Assessment Panel, includes a career statement (CV), CPD records, two referee statements, and an application portfolio including six work samples consisting of three in the practice fields of structural and three geotechnical.⁵
17. His proposed, and previously assessed, practice area description (PAD) was: *“Structural and geotechnical design and construction monitoring for low rise residential buildings, swimming pools and playground structures. Geotechnical investigations for small subdivisions”*⁶

³ BOD 2

⁴Appellant submission paragraph 2.1 to 2.2

⁵ BOD 1 to 13

⁶ BOD 9

18. The Triaging Panel of the RA referred the candidate to an Assessment Panel citing the following reasons⁷:

“...

1. *2019 CPD less than 40 hours and no engagement in CPD with any professional bodies*
2. *The triaging panel had concerns with the work samples provided and either needed more information or referral to an assessment panel*
3. *The Foundation Bridging to Public Sewers work sample appears to ignore vehicle wheel loads and seems to be partly working stress and partly limit state design (for the piles).*
4. *The 'Concrete swimming pool and deck' calculations seem to overstate the strength of the wall stem and the overturning stability and do not calculate for balanced strain, sliding or bearing failure at the toe. They also do not seem to use wet timber properties (e.g. deck bearers, bearer bolts etc).*
5. *The 'Concrete swimming pool and deck' retaining wall detail does not appear to take into account the effects of opening moments in the reinforcing detailing - a key mode of failure.*

...”

19. The RA appointed Assessment Panel comprised of Lead Assessor, Mr C (structural), and Practice Assessor, Mr D (geotechnical).⁸
20. The first evidence of interaction between the Appellant and the Assessment Panel in the BOD is an email from the Lead Assessor, dated 15 March 2023 informing the Appellant that he had sent an invite for the Appellant's interactive interview and requesting evidence of site monitoring.⁹ The Appellant responded to the Lead Assessor noting that he had provided the additional information on 16 January 2023.¹⁰
21. An interactive interview was held online on 29 March 2023.¹¹

⁷ BOD 47 to 48

⁸ BOD 46

⁹ BOD 15

¹⁰ BOD 14

¹¹ Appellant submission para 2.10

22. Following the interactive, the Appellant provided two additional work samples, on liquefaction issues, to the Assessment Panel on 29 March 2023¹² and a further work sample for crack control requirements on 21 April 2023.¹³
23. The Lead Assessor sent the information provided by the Appellant on 21 April 2023 to Mr E (a member of the CAB) on 7 May 2023. The closing paragraph of the covering email stated “... I believe that his designs are not as robust as they could be and not quite sure where to go next. It would probably be a good idea to have a further independent structural reviewer on panel or should I make a recommendation in any event – the latter likely to waste a lot of time.”¹⁴ Mr E did not respond to the Lead Assessor prior to the submission of the Assessment Report to the CAB for consideration.¹⁵
24. At its June 2023 meeting, the CAB accepted the recommendation from the Assessment Panel to decline the Appellant’s application for continued registration as a Chartered Professional Engineer.
25. On 13 June 2023, the RA wrote to the Appellant informing him that his application for continued registration had been declined for the following reasons:

“ ...

- *Insufficient evidence to demonstrate that you have taken reasonable steps to maintain the currency of your professional knowledge and skills within your current practice area*
- *Insufficient evidence to demonstrate that you are still able to practice competently in your current practice area to the standard of a reasonable professional engineer*

... ”¹⁶

26. The Assessment Report was attached to the 13 June 2023 email from the RA¹⁷. The recommendation from the Assessment Panel provided in the report was:

“ ...

¹² BOD 20 to 25

¹³ BOD 29 to 33

¹⁴ BOD 34, 43 & 44

¹⁵ BOD 43

¹⁶ BOD 45

¹⁷ BOD 46 to 52

The Panel concludes that Mr A's work samples do not demonstrate he is able to practice competently to the standard of a reasonable professional engineer. As discussed above he lacks a sufficient depth of understanding of geotechnical engineering requirements equivalent to that of a competent CPEng geotechnical engineer. This in part is due to significant recent changes in geotechnical engineering requirements - he undertakes geotechnical engineering at a very basic level. Mr A has not maintained the currency of his knowledge in this area. With regards to the field of structural engineering, the work samples provided did not demonstrate complex engineering to the level of a competent CPEng structural engineer and where such documentation was of equivalent level it comprised a number of mistakes and poor judgement. The Panel recommends that Mr A's application for continued registration be declined on the basis that he has not demonstrated he is still able to practice competently to the standard of a reasonable professional engineer and has not taken reasonable steps to maintain the currency of his engineering knowledge and skill.

...¹⁸

27. The report notes that the Assessment Panel did not contact the Appellant's referees as part of the assessment process.¹⁹ It further notes that *"For the geotechnical engineering work the records submitted by Mr A do not demonstrate complexity nor competence in the geotechnical field to the standard of a reasonable professional engineer... With regards to structural engineering the panel resolved that the work samples lacked complexity and contained some errors."*²⁰

28. On 13 June 2023 the RA wrote to the Assessment Panel stating that the Appellant had been notified of the proposed decline and that the Appellant had indicated he would be submitting a request for reconsideration. The RA also noted that *"...the CAB noted that there were some errors in work samples with some concerns raised by the panel. It seems to be the swimming pool work sample that is the possible concern (stress analysis and timber choice). It wasn't clear from your report whether you thought the identified design flaws were sufficiently serious to trigger CPEng rule 30 (If an assessment panel ... considers, in the course of carrying out an assessment of continued registration, that there is reason to suspect that the candidate may come within any of the grounds for discipline in section 21 of the Act, the panel ... must refer the matter to the Registration Authority for consideration under rule 55."*²¹

¹⁸ BOD 50 to 51

¹⁹ BOD 50

²⁰ BOD 49

²¹ BOD 53

29. The Lead Assessor responded *"...on balance I simply put it down to rather shoddy work and was cognisant of the fact that the designs did not result in a significant health and safety risk to any persons. So, on balance I believed that it was not a good outcome to pursue any complaints process."*²²
30. On 1 August 2023, the Appellant wrote to the RA requesting that a reconsideration of the CAB decisions, with supporting information.²³
31. The response by Counsel on behalf of the Appellant to the proposed decision also noted that the Appellant *"... found the way the interview was conducted was overly adversarial which may have impacted on the responses he gave to the assessors' questions. We say that is not a valid basis for declining to renew his registration - the manner in which he presented at interview does not impact on his ability to do his work to the requisite standard."*²⁴
32. The CAB reviewed the request for reconsideration at a meeting on 10 August 2023 and referred the application back to the Assessment Panel.
33. The RA informed the Assessment Panel by email on 15 August 2023²⁵ of the CAB decision noting that:

"...

The CAB have [sic] asked the Panel to review the request for reconsideration and determine whether the evidence presented demonstrates that Mr A has taken reasonable steps to maintain the currency of his professional knowledge and skills within his current practice area; and that he is still able to practice competently in his current practice area to the standard of a reasonable professional engineer.

Part of the submission states that Mr A was anxious at the online interactive meeting. The CAB have suggested that if a new interactive is scheduled, the panel consider whether an in-person interview is possible.

..."

²² BOD 53

²³ BOD 55 to 201

²⁴ BOD 57

²⁵ BOD 204

34. In response to the email from the RA, the Lead Assessor requested an additional geotechnical independent reviewer by added to the Assessment Panel.²⁶ The RA responded by offering an assessor who is registered in both geotechnical and structural practice fields.²⁷
35. The Appellant was notified by the RA that the CAB had decided to forward his reconsideration submission to his Assessment Panel for further evaluation on 15 August 2023.²⁸ Further correspondence by the RA on 16 August 2023 notified the Appellant that an additional assessor, Mr F, had been appointed.²⁹
36. The reassessment was undertaken by the Assessment Panel based on the original information provided by the Appellant plus the additional information provided in response to the proposed assessment report. No additional interactive was held and the referees were not contacted.
37. Mr F provided his independent review on 25 August 2023³⁰ stating:

“...

What is clear from the application is that the applicant is a general practitioner with an excellent track record and a valuable role in his field....

The assessment board should be assessing the suitability of the candidate to practise in the current framework. A key difficulty for Engineering New Zealand is they don't have a general practitioner field...

...If we step back and look at the two fields being applied for - Structural and geotechnical. The applicant appears to be a structural engineer by training, and has taken on a greater degree of geotechnical engineering work over the last 17 years. The work samples presented are generally either structural examples with some complexity due to their integration with other fields (namely geotechnical), or geotechnical with limited complexity.

From the vantage point of a geotechnical engineer, the work samples do not appear to be complex in nature. They are generally simplified to remove any real complexity, and do not appear to contain any of the standard complexity items such as deep ground investigations, liquefaction assessments, complex slope stability assessments, complex soils structure

²⁶ BOD 203 to 204

²⁷ BOD 203

²⁸ BOD 209 to 210

²⁹ BOD 209

³⁰ BOD 217 to 219

interactions. The expectation for the Geotechnical Body of Knowledge is that the candidate is familiar and current with the majority of those items.

Reviewing the reference statements provided, they are primarily focused on the candidates role as a structural engineer. These statements appear genuine and sincere, but reinforce the candidates position as a long standing practicing structural engineer or general practitioner, and not as a specialist geotechnical engineer.

Considering the application from the view of the applicant being a general practitioner or a structural engineer, one can demonstrate complexity but the cross disciplinary requirements of the projects. While the projects are not highly complex in any one element, they generally require a wide combination of skillsets, that would not normally be found in one engineer practising in one field. These are exactly the areas that engineers focused on one discipline only can run into considerable difficulty with. Given the candidate appears to have navigated that path well, it demonstrates a good level of competency in dealing with that type of complexity.

Given there is no general practitioner field, the applicants original field is structural, and that still remains the area where most of the applicants work is undertaken. Therefore my recommendation is this application is reviewed from the perspective of applying for a structural engineer practice area. Complexity is demonstrated by the interaction with geotechnical issues as well as non-standard projects....

...In short, the CPD records fall very short of expectations to demonstrate the maintaining of currency and keeping abreast of changes in the industry. This is especially so for geotechnical work that has had a rapid rate of change over the last few years, but also changes to structural best practice...

... My position is the candidate is working in a general practitioner role, coming from a structural engineering background. Until ENZ has an assessment criteria for a general practitioner, the candidate should be assessed as a structural engineer, and not look to include the other fields that he carries out some work in given the lack of evidence for maintaining currency.

...³¹

³¹ BOD 217 to 219

38. Mr F suggested the Appellant be approved in the structural engineering field for a probation period of 1 year pending completion of the coming year's CPD requirements.³²
39. Following some discussion, the Assessment Panel settled on *".. 2 years for a reassessment along with the statement that the next assessment will be applying strict adherence to the recommendations in Section e of Guidance for reassessment, and will be applied to CPD from 2023 onwards."*³³
40. On 13 October 2023, the RA wrote to the Appellant informing him that in the October CAB meeting, the CAB accepted the recommendation from the Assessment Panel, outlined in the Assessment Report dated 13 October 2023, to granting his application for re-registration in the practice field of structural engineering for a two year and reconfirming the decision not to extend the Appellant's registration in the geotechnical practice field.³⁴
41. Attached to the letter from the RA was a CPD Notice from the RA outlining the CPD requirements for CPEng reassessments and that the Appellant had not met those requirements.³⁵
42. The Appellant wrote to the RA on 6 November 2023 outlining his points of disagreement with the CAB decision.³⁶
43. The Appellant lodged a Notice of Appeal of the CAB decision on 10 November 2023.

Evidence received

44. Under clause 15 of the Regulations, the Council may receive any evidence that the RA would have been entitled to receive on the decision being appealed.
45. The evidence considered by the Panel in arriving at its decision included:
 - (a) Notice of Appeal dated, and received on, 10 November 2023
 - (b) The paginated Bundle of Documents [BOD 1 to 296], provided by the RA on 14 February 2024
 - (c) Appellant Submissions dated 17 April 2024

³² BOD 219

³³ BOD 215

³⁴ BOD 236 to 246

³⁵ BOD 246

³⁶ BOD 248 to 254

(d) RA Submissions dated 23 July 2024

(e) Appellant Submissions in strict reply to the RA Submissions dated 13 September 2023.

Grounds of appeal and outcome sought

46. The Appellant's Notice of Appeal cited the following grounds of appeal:

"...

My CP Eng status for geotechnical engineering [sic] was declined at my last review mainly on the grounds of perceived lack of complexity and insufficient Continuing Professional Development.

I wish to appeal this decision as I believe that complexity is inherent in the work I undertake, all of which requires sign off by Council G, the local authority in which almost all of my work is carried out.

Keeping up with CPD has been an issue in the past, partly due to illness, but this is no longer an issue and I am now able to meet all the CPD requirements

...³⁷

47. In addressing the outcome sought, the Appellant is seeking "Restitution of his CP Eng status for Geotechnical."³⁸

48. The Appellant notes that "... He accepts that a period less than the maximum term may be appropriate..."³⁹

Discussion – Consideration of grounds of appeal

49. For the Appellant's application for continued CPEng registration to have been successful, he needed to demonstrate to the Assessment Panel, and ultimately to the CAB, that he meets the minimum standard for continued registration⁴⁰ as set out in Rule 20 and 6 (Schedule 2).⁴¹

50. The Appellant argues that "...The key issue for the Council to determine is whether Mr A has in fact met the minimum standard for geotechnical registration. Whilst the grounds of appeal relate specifically to the complexity of his work samples and CPD records, a holistic approach is required. This includes consideration of other aspects of the application, including notably

³⁷ Notice of Appeal Section 5

³⁸ Notice of Appeal Section 4

³⁹ Appellant Submissions paragraph 1.9

⁴⁰ Section 11 of the Act

⁴¹ The Chartered Professional Engineers of New Zealand Rules (No 2) 2002

Mr A's considerable experience as a competent engineer, 14 years of which has been spent as a geotechnical CPEng...⁴²

51. The RA argues that *"In evaluating whether an applicant is still meeting the minimum standard for registration, an assessment panel (the Panel) must consider the extent the applicant is able to demonstrate, in respect of their practice area, the factors set out in rules 6(2)(a) – (k) of the Rules"*⁴³
52. The RA further states that *" "Complex engineering activities" and "complex engineering problems" are specifically defined under section 7 of the Rules."*⁴⁴
53. The Appellant restates the grounds of appeal as:
 - (a) The complexity of the geotechnical work samples
 - (b) The sufficiency of the CPD record⁴⁵
54. The RA splits the first ground of appeal into the following issues:
 - i. A misapplication of the statutory requirements of complexity
 - ii. Errors in the consideration of the work samples⁴⁶

Appeal Ground (a) The complexity of the geotechnical work samples

55. *A misapplication of the statutory requirements of complexity*

56. The Appellant argues that:

"...

There is no explicit requirement in the Act or the Rules that an applicant's work samples must themselves be complex. What is required is for the applicant to demonstrate in a general sense that they are capable of dealing with complex engineering activities and problems...

...⁴⁷

57. The RA responds that:

⁴² Appellant Submissions paragraph 1.7

⁴³ RA Submission paragraph 4.3

⁴⁴ RA Submissions paragraph 4.4

⁴⁵ Appellant Submissions paragraph 4.1

⁴⁶ RA Submissions paragraph 2.3

⁴⁷ Appellant Submissions paragraph 5.5

“ ...

The Registration Authority agree [sic] that there is no strict requirement that the work samples provided must be complex engineering activities or problems, however the work samples are the primary means in which a Panel can assess the competency of an applicant. This is made clear in the guidance on Engineering New Zealand’s website called “Maintaining your CPEng registration – Guide to reassessments”. This guidance makes clear that work samples are “key to demonstrating your current technical competence”. Further, it states that an example of a good work sample is one that includes “explanations as to how the work samples demonstrate complex work.” This is reiterated in the heading “What Are Assessors Looking For?” which includes the question “has the engineer explained how the work samples demonstrate complex work?”. Providing work samples that do not demonstrate complex work makes it difficult for an assessor to find that an applicant has met the requirements for complexity.

...⁴⁸

58. The Appeal Panel agrees that Rule 23(2) (Schedule 2) does not specifically refer to the work samples needing to be complex but rather Rule 23(2)(bb) states that they need to “...demonstrate how the candidate meets the minimum standard for continued registration.”⁴⁹
59. The Appeal Panel further notes that the role of the work samples in the assessment process is clearly indicated in the readily available guidance documentation provided by the RA as referred to in the RA Submissions, noting that the most recent version of this document on the RA website is dated September 2024.⁵⁰ However, given the RA Submission is dated 23 July 2024 it is presumed that the previous document had the same requirement.

(ii) Errors in the consideration of work samples

60. The Appellant goes onto state that:

61. “ ...

... In summary, none of the assessors at any stage appear to have turned their minds to the actual requirements of rr 6 and 7 in terms of complexity in the geotechnical field. They

⁴⁸ RA Submissions paragraph 5.4

⁴⁹ The Chartered Professional Engineers of New Zealand Rules (No 2) 2002

⁵⁰ https://d2rjv14n5h2b61.cloudfront.net/media/documents/2.0_Maintaining_your_CPEng_registration_Guide_to_reassessments8.pdf

formed a view at an early stage that the work samples were not sufficiently complex and went to lengths to maintain that view. For Mr F's part, whilst he was able to acknowledge examples of complexity in the application, his comments on the matter contain internal contradictions and errors in judgment.

...⁵¹

62. The Appellant argues that the six work samples, when taken holistically demonstrate his ability to meet the requirements of Rule 6(2) pertaining to complexity as outlined in the Appellants response to the original decline of his application dated 6 November 2023.⁵²

63. In his response to the RA on 6 November 2023 the Appellant noted:

“ ...

First and foremost, my areas of geotechnical work are limited, almost by necessity, to providing essential support to the structural engineering work I do. I stay within, and have always stayed with my practice area....

I am not engaged in providing wide and far reaching geotechnical services, if for no reason that I am completely committed to certain ranges of work in the South Auckland area and its environs...All projects can reveal levels of unexpected complexity...

To summarise, for virtually all the work I carry out in the geotechnical field, Council G either requires Producer Statement ... signed by a Chartered Professional Engineer. That in itself shows that the work I do is of a level of complexity and importance that a Chartered Engineer and nothing less is required to carry it out or at least review and approve it.

...⁵³

64. The RA disputes that the Assessment Panel did not follow due process when reviewing the work samples. Specifically, they note that the third member of the Assessment Panel appointed to review the request for reconsideration reached the same conclusion in relation to the complexity of the geotechnical samples as the initial panel. The RA goes on to argue that there was no predetermined outcome give the third panel member

⁵¹ Appellant Submissions paragraph 5.5

⁵² Appellant Submissions paragraph 5.17 to 5.18

⁵³ BOD 248 to 252

recommended that the Appellant's continued registration in the Structural practice field, contrary to the original Assessment Panel decision.⁵⁴

65. The Appellant questions the review that the third panel member did was a desktop rather than holistic assessment *"All he could do was give his thoughts on Mr A work samples"*.⁵⁵ Furthermore, the Appellant states that *"it is clear that Mr F's main concern about Mr A's application was CPD records not his technical competency."*⁵⁶ Specifically the Appellant refers to the email from Mr F when he first provided his initial thoughts of his review of the Appellant's application.⁵⁷

66. The Appeal Panel's review of Mr F's summary draws a significantly different conclusion to the Appellant. Specifically, Mr F states that:

" ...

I've carried out this review on the basis that we, the assessors, are here for the applicant, to listen to their story, and provide our opinion on how they can best apply for continuing their registration. We are here as peers to provide what support they need to demonstrate their competency as a practising engineer in their field.

I've carried out a review of the original submission, the added assignment information, the summary findings recommendations from the initial assessment, and the response for reconsideration from the applicant. The additional response information provided by the applicant is compelling that they have long standing support in the industry from clients, colleagues, and other acquaintances. What is clear from the application is that the applicant is a general practitioner with an excellent track record and a valuable role in his field.

67. ...⁵⁸

68. This demonstrates to the satisfaction of the Appeal Panel that Mr F did take a complete view of the information provided by the Appellant, not just the work samples.

69. Furthermore, Mr F goes on to say:

" ...

⁵⁴ RA Submissions paragraph 5.6 to 5.7

⁵⁵ Appellant Submissions strictly in response to RA Submissions paragraph 2.4 to 2.5

⁵⁶ Ibid

⁵⁷ BOD 217 to 219

⁵⁸ BOD 217

The assessment board should be assessing the suitability of the candidate to practise in the current framework. A key difficulty for Engineering New Zealand is they don't have a general practitioner field. There are general practitioners groups. But I'm not aware of the progress towards a separate field for general practitioners. The closest parallel then is the engineering management field. That has the similarity of being multidisciplinary like a general practitioner, but still differs in that it is [sic] not applied practice.

The result of a lack in a general practitioner field is that individuals practice across multiple fields, typically structural, geotechnical, and civil, and are held to the standards required by each individual field. This puts a significant burden on the general practitioner to demonstrate a high degree of complexity and CPD across multiple fields. While some chartered engineers may be able to juggle that requirement adequately, others will not. That appears to be the situation here.

...

If we step back and look at the two fields being applied for - Structural and geotechnical. The applicant appears to be a structural engineer by training, and has taken on a greater degree of geotechnical engineering work over the last 17 years. The work samples presented are generally either structural examples with some complexity due to their integration with other fields (namely geotechnical), or geotechnical with limited complexity.

From the vantage point of a geotechnical engineer, the work samples do not appear to be complex in nature. They are generally simplified to remove any real complexity, and do not appear to contain any of the standard complexity items such as deep ground investigations, liquefaction assessments, complex slope stability assessments, complex soils structure interactions. The expectation for the Geotechnical Body of Knowledge is that the candidate is familiar and current with the majority of those items.

...⁵⁹

70. Mr F then turned his attention to the work samples and their role in demonstrating complexity and currency:

“ ...

In regards to the completeness of work samples, and especially in relation to a CRA (reassessment) the review process is not intended to be a peer review. The involvement of

⁵⁹ BOD 217 to 218

the technical assessment is intended to be limited to confirming complexity of work in the field is maintained, and linking changes in the field with maintaining currency and training records. While it is not ideal to have technical issues in work samples, assessing the work to that level falls outside the scope of our assessment.

...⁶⁰

71. Based on the information provided, the Appeal Panel is satisfied that Mr F's assessment has considered the broader context within which the Appellant provided evidence of his expertise.
72. The Appellant's own description of the work he does is on the one hand described as complex, because it requires Producer Statement sign off, but on the other hand limited and not far reaching. Specifically, he states that his practice area is limited as is the geographical reach within which he operates, namely largely relates to foundations and retaining structures in the Auckland area.⁶¹
73. The Appellant further argues that complexity can be demonstrated not just through work samples but also by his longstanding career.⁶²
74. The RA notes that the assessment is based on current competence.⁶³
75. The Appeal Panel agrees that Rule 23 is clear that the continued registration assessment is based on current competence.
76. The Appeal Panel has no reason to doubt the credentials of the Assessment Panel assessing the work samples and has not been provided any evidence from the Appellant that challenges those credentials.
77. Furthermore, the way that the Assessment Panel must evaluate a candidate for continued registration is stated in Rule 25. The Appeal Panel is satisfied, based on review of the BOD, that the Assessment Panel followed the requirements of Rule 25.

⁶⁰ BOD 218

⁶¹ Appellant Submissions paragraph 5.19(b)

⁶² Appellant Submissions paragraph 5.22 to 5.24

⁶³ RA Submissions paragraph 5.12 to 5.13

Appeal Panel discussion in relation to Ground (a)

78. The minimum standard for continued registration is defined by Rule 20 where the candidate is required to demonstrate that they are “...still able to practice competently in his or her current practice area to the standard of a reasonable professional engineer...”⁶⁴
79. Rule 24(1)(a) puts the onus on the candidate to demonstrate to the Assessment Panel that they meet the minimum standard for continued registration.
80. The Appeal Panel is satisfied that the RA has not misapplied the statutory requirements of complexity in relation to the Ground (a) and even if it was proven, it could not provide a basis for the decision of the CAB to be overturned, as it relates to the actions of the RA, not to Appellant’s competence.
81. The Appellant argues that the assessment process has been affected by other procedural issues such as the Assessment Panel did not contact referees⁶⁵, nor provide an opportunity to provide answers to written questions or to have a second interactive⁶⁶.
82. Rule 25 does not mandate contacting referees or a second interactive. Rule 25 does allow for the Assessment Panel to request additional information but does not mandate how the request should be made nor the form the candidate should respond. The Appeal Panel is satisfied the Assessment Panel afforded multiple opportunities for the Appellant to provide additional information. The Assessment Panel, prior to the interactive, requested additional information,⁶⁷ and the Applicant had the opportunity to provide further information after the interactive.⁶⁸ In addition, when the Appellant requested the CAB decisions be reconsidered, the Applicant provided a written submission prepared by his then counsel with accompanying documentation.⁶⁹
83. The Appeal Panel concludes that the RA has not erred in the assessment of the work examples given the assessment process has followed the requirements of Rule 25. The ground is therefore not proven and there is no evidence to overturn the Assessment Panel’s finding with regard to the Appellant’s competence relating to complex engineering.

⁶⁴ The Chartered Professional Engineers of New Zealand Rules (No 2) 2002

⁶⁵ Appellant Submission paragraph 2.22

⁶⁶ Appellant Submission paragraph 5.47

⁶⁷ BOD 15

⁶⁸ BOD 29 to 33

⁶⁹ BOD 55 to 201

Appeal Ground (b) The sufficiency of the CPD record

84. Record of Continuing Professional Development (CPD) is a recognised mechanism for demonstrating maintaining currency of professional engineering knowledge as required by Rule 20(b). Evidence of CPD since a candidate's last assessment is part of the supporting information supplied to demonstrate competence under Rule 23(2)(iv).
85. The Appellant, RA and the Appeal Panel agree that a minimum requirement of 40 hours CPD per year is not a legislative requirement.⁷⁰
86. The Appellant's CPD record shows 173.5 hours of CPD in 2023 (of which 120 hours was private reading), 51.5 hours in 2022 (of which 40 hours was private reading), 77 hours in 2021 (of which 50 hours was private reading), 63 hours in 2020 (of which 50 was private reading) and 7 hours in 2019 (none of which was private reading).⁷¹ There are no records for 2018 to 2016. The total CPD for the five years period provided is 309 hours of which 260 hours i.e. 84% is private reading.
87. On review of the CPD records, there is very little information provided by the Appellant. Specifically, there is no information describing the activity nor information on external training providers, if any. Therefore, there is limited information on which an assessment of currency could be undertaken.
88. The RA notes that:

“ ...

In this case the Panel were concerned that the CPD requirements provided did not demonstrate that Mr A has taken reasonable steps to maintain currency.

These concerns in large part arose due to the lack of any real detail in the records. The CPD Activity report requires an engineer detail the learning outcomes of the CPD activity. As seen in Mr F's email of August 25 2023 he states

The CPD records provided do not provide any learning outcomes, or demonstrate how they link to any practice area. For the few items that are more easily identified, items like the Rankine Lecture still haven't identified any learning outcomes, and allocate 3 hours CPD for a 1h15 lecture. The CPD records therefore seem limited to

⁷⁰ Appellant Submissions paragraph 5.17, RA Submissions paragraph 5.15

⁷¹ BOD 3 to 6

non-existent in detail, and what records there are appear difficult to rely on for the actual time relevant to CPD.

This is reiterated in the final assessment report recommendation which states:

It appears the CPD entries and content has been light for many years, well before the last re-assessment.

This lack of any detail in Mr A's CPD records do not support any argument that he has taken reasonable steps to maintain currency in his engineering knowledge and skills.

...⁷²

89. The Appellant, in his letter to the RA dated 6 November 2023, noted that a significant health event in 2017 and work pressures restricted his ability to complete CPD until "*...the past few years...*"⁷³
90. The Appellant further notes that "*Over the years, I have always kept up with reading, covering virtually everything that came to us. Some time ago when I was aware that I was falling behind, I contacted IPENZ, as it was then, to discuss this and was told that reading was acceptable for Continuing Professional Development.*"⁷⁴
91. No supporting evidence is provided of this exchange so the date cannot be confirmed. The Appeal Panel notes that IPENZ changed its name to Engineering NZ in 2017, so it may be this exchange predates the name change.
92. The RA notes that its current guidance on CPD requirements, on page 9 of the RA's publication "Maintaining your CPEng registration - Guide to reassessments (September 2024) states "*...Self-learning, which could comprise a mixture of self-reading, self-research, watching technical informative videos, can also be counted towards CPD – but this should be no more than 50% of your total CPD for each year*".⁷⁵
93. As previously noted, the most recent version of this document on the RA website is dated September 2024.⁷⁶ However, given the RA Submission is dated 23 July 2024 it is presumed that the previous document had the same requirement.

⁷² RA Submissions paragraph 5.15 to 5.18

⁷³ BOD 252

⁷⁴ BOD 252 to 253

⁷⁵ RA Submissions 5.19

⁷⁶ https://d2rjvl4n5h2b61.cloudfront.net/media/documents/2.0_Maintaining_your_CPEng_registration_Guide_to_reassessments8.pdf

94. The Appellant has not provided any additional information on which the Appeal Panel can assess the adequacy of the CPD record. The ground is therefore not proven. Given the inadequacy of the CPD record was not the sole reason for to the CAB's decision to decline the continuation of the Appellant's registration in the geotechnical practice field, there is no basis to overturn the CAB's decision.

Other matters

95. It is stated at paragraph 5.38 of the Appellant Submissions that *"Given that this Council is tasked (inter alia) with rehearing Mr A's application, it is appropriate to give consideration to the wording of the proposed PAD."*⁷⁷
96. Reconsideration of the practice area description (PAD) is not linked to the Grounds of Appeal. Whether the PAD is correct has no material bearing on the CAB decision and is therefore not considered further.
97. The Appellant argues that *"... Also relevant is the impact that losing his geotechnical registration will have on Mr A and on his staff. He is the lead geotechnical engineer at his firm. Both of his staff engineers' positions are at risk if he loses his registration..."*⁷⁸
98. The Appeal Panel has sympathy for the Appellant's situation, this matter is not one that Appeal Panel has jurisdiction to consider and is not considered further.

Findings

99. The Appeal Panel has considered the grounds of appeal cited by the Appellant, the Appellant's Submissions, the RA Submissions and the Appellant's Submissions in response, and the contents of the BOD.
100. The Appeal Panel finds that none of the grounds for appeal were proven, to the extent, the Appeal Panel considered overturning the decision or returning the matter back to the RA, for reconsideration.
101. The appeal is dismissed and the CAB's decision to decline continuation of The Appellant's CPEng registration in the Geotechnical practice field is upheld.

Costs

102. The Appeal Panel notes that the Appellant is seeking costs and notes that *".. It is counsel's*

⁷⁷ Appellant Submissions paragraph 5.38

⁷⁸ Appellant Submissions paragraph 1.8

understanding that the Council usually reserves costs at the time an appeal decision is delivered and will determine the issue of costs separately... ”⁷⁹

103. The Appeal Panel notes that it is CPEC’s current practice to determine costs at the time of a decline decision. As such the Panel rules that costs incurred by the Appellant and the RA respectively shall lie where they fall.

Right of appeal

104. In accordance with s35 of the Act either party may appeal this decision to the District Court within 28 days.

Dated 2 December 2024



Simonne Eldridge
Principal



Mark Holland



Manjit Devgun

⁷⁹ Appellant Submissions paragraph 6.3

Schedule 1 – Legislation

1. The right of appeal is contained in s35 of the Chartered Professional Engineers Act 2002 (“the Act”). S37 of the Act sets out the scope of the Chartered Professional Engineers Council’s (the Council) jurisdiction which is to deal with the matter by way of rehearing.
2. The requirements for the appeal process are contained in the Chartered Professional Engineers of New Zealand (Appeals) Regulations 2002.
3. The Rules are the Chartered Professional Engineers of New Zealand Rules (No.2) 2002 (“the Rules”) and were enacted pursuant to s40 of the Act.
4. Part 2 of the Rules (Rules 6 to 42) outlines the process for registration of chartered professional engineers. Subpart 1 (Rules 6 to 15), Subpart 2 (Rules 20 to 30) relate to the assessment of initial registration and continued registration respectively.
5. Rule 6 defines the minimum standards for registration as a Chartered Professional Engineer.
6. The overriding consideration is that expressed in Rule 6(1), that a Chartered Professional Engineer should be able to practise competently in his or her practice area to the standard of a reasonable professional engineer.
7. The matters listed in Rule 6(2) must be taken into account in making an overall assessment required by Rule 6(1). However, the Rules do not provide for a mandatory “pass mark” for these matters, and nor could they. Ultimately, taking the matters in Rule 6 (2) into account, an objective decision still needs to be made as to whether an applicant meets the overall standard prescribed in Rule 6(1).
8. The onus in rule 6 (1) is on the applicant demonstrating competence. The Rules do not provide for a mandatory “pass mark” for these matters. Ultimately, taking the matters in rule 6(2) into account, an objective decision still needs to be made as to whether an applicant meets the overall standard prescribed in rule 6(1).
9. Rule 7 which addresses complex engineering activities and complex engineering problems.
10. Rules 8, 9 and 9A outline the the requirements for an initial application for registration.
11. Rules 10 to 15 outline the way in which an application for registration must be evaluated and decisions made and implemented.
12. Rule 20 outlines the minimum standards for continued registration as a chartered professional

engineer.

13. Rule 21 specifies the frequency of reassessment to determine continued registration.
14. Rule 22 requires the RA to notify a person that a reassessment before starting the process.
15. Rule 23 details the information a candidate must provide to the RA for demonstrate current competence.
16. Rules 24 to 34 outline the way in which continued registration must be evaluated and decisions made and implemented.
17. Section 45 of the Act states one of the functions of the Council is to hear appeals from decisions of the RA.
18. The Council must deal with an appeal by way of a rehearing, as described in Section 37 of the Act, conducted in accordance with regulations made under Section 65.
19. The Council can confirm, vary or reverse the decision, or parts of the decision to which the appeal relates. The Council may refer the matter back to the decision authority for it to reconsider, either generally or in relation to specific matters, the whole or any part of the decision (together with any direction on that whole or part that the Council thinks fit).
20. The Council may make any decision that could have been made by the Registration Authority.
21. The Council does not have the power to review any part of the decision other than the part to which the appeal relates.

Part 2
Registration of chartered professional engineers

Subpart 1—Assessment for initial registration

Minimum standard for registration

6 Minimum standard for registration as chartered professional engineer

- (1) To meet the minimum standard for registration, a person must demonstrate that he or she is able to practise competently in his or her practice area to the standard of a reasonable professional engineer.
- (2) The extent to which the person is able to do each of the following things in his or her practice area must be taken into account in assessing whether or not he or she meets the overall standard in subclause (1):
 - (a) comprehend, and apply his or her knowledge of, accepted principles underpinning—
 - (i) widely applied good practice for professional engineering; and
 - (ii) good practice for professional engineering that is specific to New Zealand; and
 - (b) define, investigate, and analyse complex engineering problems in accordance with good practice for professional engineering; and
 - (c) design or develop solutions to complex engineering problems in accordance with good practice for professional engineering; and
 - (d) exercise sound professional engineering judgement; and
 - (e) be responsible for making decisions on part or all of 1 or more complex engineering activities; and
 - (f) manage part or all of 1 or more complex engineering activities in accordance with good engineering management practice; and
 - (g) identify, assess, and manage engineering risk; and
 - (h) conduct his or her professional engineering activities to an ethical standard at least equivalent to the code of ethical conduct; and
 - (i) recognise the reasonably foreseeable social, cultural, and environmental effects of professional engineering activities generally; and
 - (j) communicate clearly to other engineers and others that he or she is likely to deal with in the course of his or her professional engineering activities; and
 - (k) maintain the currency of his or her professional engineering knowledge and skills.

7 Definitions for purpose of minimum standard for registration

For the purposes of [rule 6](#),—

complex engineering activities means engineering activities or projects that have some or all of the following characteristics:

- (a) involve the use of diverse resources (and, for this purpose, **resources** includes people, money, equipment, materials, and technologies);
- (b) require resolution of significant problems arising from interactions between wide-ranging or conflicting technical, engineering, and other issues;
- (c) have significant consequences in a range of contexts;
- (d) involve the use of new materials, techniques, or processes or the use of existing materials, techniques, or processes in innovative ways

complex engineering problems means engineering problems that have some or all of the following characteristics:

- (a) involve wide-ranging or conflicting technical, engineering, and other issues;
- (b) have no obvious solution and require originality in analysis;
- (c) involve infrequently encountered issues;
- (d) are outside problems encompassed by standards and codes of practice for professional engineering;
- (e) involve diverse groups of stakeholders with widely varying needs;
- (f) have significant consequences in a range of contexts;
- (g) cannot be resolved without in-depth engineering knowledge.

20 Minimum standard for continued registration as chartered professional engineer

To meet the minimum standard for continued registration, a person must demonstrate that—

- (a) he or she—
 - (i) is still able to practise competently in his or her current practice area to the standard of a reasonable professional engineer; or
 - (ii) if the person's practice area has changed materially since the last assessment, meets the minimum standard for registration within his or her current practice area; and
- (b) he or she has taken reasonable steps to maintain the currency of his or her professional engineering knowledge and skills within his or her current practice area since the last assessment.

23 Information that must be provided to demonstrate current competence

- (1) Each candidate who receives a notice under [rule 22](#) must provide to the Registration Authority, by the specified date,—
 - (a) a form containing the information set out in [Schedule 1](#); and
 - (b) the supporting information set out in subclause (2); and
 - (c) a statement signed by the candidate to the effect that all the information is accurate and any evidence provided is genuine; and
 - (d) consent from the candidate for the candidate's name to be published on the Registration Authority's Internet site for a period not exceeding 21 days, along with an invitation to the public to provide evidence about whether the candidate meets the minimum standard for continued registration.
- (2) A candidate must provide the following supporting information:
 - (a) evidence of the following (if applicable):
 - (i) academic and other relevant qualifications obtained since his or her last assessment; and
 - (ii) current registration on other professional engineering registers; and
 - (iii) results from other relevant competency assessments since his or her last assessment; and
 - (iv) professional development activities undertaken since his or her last assessment; and
 - (b) a chronological summary of the candidate's work history since his or her last assessment (including a description of employment positions and professional engineering activities in that period); and
 - (ba) any evidence provided by the public in response to the invitation described in subclause (1)(d), along with any statement by the candidate in reply; and
 - (bb) 2 or more work samples from recent engineering activities with annotations explaining how the samples demonstrate that the candidate meets the minimum standard for continued registration; and
 - (c) any other information that the candidate wishes to be considered.
 - (d) *[Revoked]*
- (3) The candidate may provide information in hard copy (in which case 3 copies must be provided) or in electronic form.

Rule 23(1)(c): amended, on 1 January 2012, by [rule 11\(1\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(1)(c): amended, on 1 January 2012, by [rule 11\(2\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(1)(d): inserted, on 1 January 2012, by [rule 11\(2\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(2)(ba): replaced, on 1 January 2012, by [rule 11\(3\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(2)(bb): inserted, on 1 January 2012, by [rule 11\(3\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(2)(c): amended, on 1 January 2012, by [rule 11\(4\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(2)(d): revoked, on 1 January 2012, by [rule 11\(5\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 23(3): replaced, on 1 January 2012, by [rule 11\(6\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

24 Assessment panel must evaluate continued registration

- (1) An assessment panel must evaluate each candidate for continued registration to assess—
 - (a) whether or not the candidate has demonstrated that he or she meets the minimum standard for continued registration; and
 - (b) if so, whether the candidate's continued registration should next be assessed by the end of the sixth year from 31 December of the year of this assessment, or in an earlier year; and
 - (c) if not, whether the candidate's registration should be suspended or removed.
- (2) However, if the candidate does not provide the information required under [rule 23](#) by the specified date,—
 - (a) only 1 assessor must evaluate the candidate's continued registration; and
 - (b) this subpart applies as if the assessor were the assessment panel (with any necessary modifications).

Rule 24(1)(b): amended, on 1 January 2012, by [rule 12](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

25 Way in which assessment panel must evaluate continued registration

- (1) The assessment panel must evaluate the candidate's continued registration in the following way:
 - (a) carry out a preliminary evaluation of the information provided and assess whether or not the panel needs more information to complete the assessment; and
 - (aa) conduct an interactive assessment with the candidate by any meeting method; and
 - (b) if the panel thinks it necessary, do both of the following or only a further interactive assessment:
 - (i) require the candidate to pay the further interactive assessment charge set out in [Schedule 2](#) and carry out a further interactive assessment with the candidate by any meeting method;
 - (ii) require the candidate to carry out a written assignment; and
 - (c) if the panel thinks it necessary, invite the candidate to provide, within a specified period, any or all of the following information:
 - (i) other information (which may include a statement of self-review explaining how the candidate meets the minimum standard for continued registration);
 - (ii) the candidate's information in another form;
 - (iii) the contact details of up to 2 further independent referees; and
 - (d) evaluate the information provided and any relevant information that the Registration Authority has about the candidate; and
 - (e) have regard to any advice provided by a member of the Competency Assessment Board for the purposes of moderating between assessments.
 - (f) *[Revoked]*
- (2) The assessment panel may take these steps in a different order, repeat or combine any steps, or take additional steps to carry out the assessment.
- (3) After completing the actions required by subclause (1), the assessment panel must make a recommendation to the Competency Assessment Board on the candidate's continued registration.

Rule 25(1)(aa): inserted, on 1 January 2012, by [rule 13\(1\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(b): amended, on 1 January 2012, by [rule 13\(2\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(b)(i): amended, on 1 January 2012, by [rule 13\(3\)\(a\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(b)(i): amended, on 1 January 2012, by [rule 13\(3\)\(b\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(c): replaced, on 1 January 2012, by [rule 13\(4\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(d): replaced, on 1 January 2012, by [rule 13\(5\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(e): amended, on 1 January 2012, by [rule 13\(6\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2011 (SR 2011/408).

Rule 25(1)(f): revoked, on 1 January 2005, by [rule 8\(2\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Rule 25(3): added, on 1 January 2005, by [rule 8\(3\)](#) of the Chartered Professional Engineers of New Zealand Amendment Rules 2004 (SR 2004/413).

Schedule 3 - Key correspondence and submissions

- (a) Notice of Appeal by email (10 November 2023)
- (b) Email from the then CPEC Chair to the Appellant, acknowledging receipt of Notice of Appeal and outlining the appeal process (13 November 2023)
- (c) Letter from the then CPEC Chair naming Panel members, identifying RA contact, confirming BOD to be provided in early 2024, outlining the appeal process, grounds of appeal and outcome sought and addressing hearing arrangements and communications. (14 December 2023)
- (d) Email from RA acknowledging letter from the then CPEC Chair (15 December 2023)
- (e) Email from Appeal Panel Principal to the RA requesting indication on when the Bundle of Documents (BoD) would be provided by the RA (18 January 2024)
- (f) Email from RA confirming BoD would be provided in 14 February 2024 (24 January 2024)
- (g) Email request from the Appellant for the RA to copy in Mr H, as the Appellant's Legal Counsel, when issuing the BoD (26 January 2024)
- (h) Email from RA containing link to BoD (14 February 2024)
- (i) Email from Appeal Panel Principal confirming receipt of link to BoD (14 February 2024)
- (j) Letter from Appeal Panel Principal establishing submissions schedule (26 February 2024)
- (k) Email from RA acknowledging receipt of the letter from the Panel dated 26 February 2024 (26 February 2024)
- (l) Email from the Appellant's Legal Counsel confirming receipt of the letter from the Panel dated 26 February 2024 (26 February 2024)
- (m) Email from the Appellant's Legal Counsel requesting an extension in time for submissions on behalf of the Appellant (8 March 2024)
- (n) Email from RA stating they have no objection to the extension of time request, acknowledging the request for a hard copy of the BOD and seeking clarification that the Appellant's Legal Counsel had access to the electronic copy of the BoD (10 March 2024)

- (o) Email from the Appellant's Legal Counsel confirming he has access to the electronic copy of the BoD (12 March 2024)
- (p) Letter from Appeal Panel Principal providing a revised submissions schedule (12 March 2024)
- (q) Email from the Appellant's Legal Counsel confirming receipt of the letter from the Panel dated 12 March 2024 (12 March 2024)
- (r) Email from the Appellant's Legal Counsel requesting a further extension in time for submissions on behalf of The Appellant (9 April 2024)
- (s) Email from RA confirming they have no objection to the Appellant's request (9 April 2024)
- (t) Letter from Appeal Panel Principal providing a revised submissions schedule (9 April 2024)
- (u) Email from the Appellant's Legal Counsel confirming receipt of the letter from the Panel dated 9 April 2024 (9 April 2024)
- (v) Email from the Appellant's Legal Counsel informing parties of the slight delay (1 day) in provision of the Appellant Submissions (17 April 2024)
- (w) Submissions from the Appellant (17 April 2023)
- (x) Email from Appeal Panel Principal confirming receipt of the Appellant's submission and seeking clarification from the RA, the 1 day delay (the Appellant Submissions were due on 16 April 2024) had any impact on the RA's ability to provide their submissions as per the revised schedule issued on 9 April 2024 (23 April 2024)
- (y) Email request from RA for an extension of time for the RA Submissions to 14 May 2024 due to high workload within the RA, noting that they were not impacted by the Appellant's slight delay (23 April 2024)
- (z) Email from Appeal Panel Principal seeking clarification from the Appellant's Legal Counsel if he or the Appellant had any objection to the RA request for an extension of time (23 April 2024)
- (aa) Email from the Appellant's Legal Counsel confirming no objection the RA's request (23 April 2024)
- (bb) Letter from Appeal Panel Principal providing a revised submissions schedule (24 April 2024)

- (cc) Email from the RA confirming receipt of the letter from the Panel dated 24 April 2024 (24 April 2024)
- (dd) Letter from Appeal Panel Principal replacing the letter issued on the same day due to an incorrect date (24 April 2024)
- (ee) Email from the RA requesting a further extension of time for submissions to give time for ongoing discussions with the Appellant to continue with the aim of coming to a negotiated resolution to 11 June 2024 (14 May 2024)
- (ff) Email from the Appellant's Legal Counsel confirming no objection to the RA's request (14 May 2024)
- (gg) Letter from Appeal Panel Principal providing a revised submissions schedule (14 May 2024)
- (hh) Email from the RA requesting a further extension of time for submissions to give time for ongoing discussions with the Appellant to continue with the aim of coming to a negotiated resolution to 2 July 2024 (10 June 2024)
- (ii) Email from Appeal Panel Principal acknowledging the RA's request and seeking confirmation from the Appellant that they had no objection (11 June 2024)
- (jj) Email from the Appellant confirming no objection to the RA's request (11 June 2024)
- (kk) Letter from Appeal Panel Principal providing a revised submissions schedule (11 June 2024)
- (ll) Email from the RA requesting a further extension of time for submissions to give time for ongoing discussions with the Appellant to continue with the aim of coming to a negotiated resolution to 23 July 2024 (2 July 2024)
- (mm) Email from Appeal Panel Principal acknowledging the RA's request and seeking confirmation from the Appellant that they had no objection (2 July 2024)
- (nn) Email from the Appellant's Legal Counsel confirming no objection to the RA's request (2 July 2024)
- (oo) Email from the Appellant confirming no objection to the RA's request (2 July 2024)
- (pp) Letter from Appeal Panel Principal providing a revised submissions schedule (5 July 2024)
- (qq) Email from RA confirming receipt of Panel letter dated 5 July 2024 (9 July 2024)

- (rr) Submissions from the RA (23 July 2024)
- (ss) Email from Appeal Panel Principal confirming receipt of the RA Submissions (23 July 2024)
- (tt) Email request from the Appellant's Legal Counsel for an extension of time for submission of the Appellant's response to the RA Submissions to 3 September 2024 (6 August 2024)
- (uu) Email from Appeal Panel Principal acknowledging the Appellant's request and seeking confirmation from the RA that they had no objection (6 August 2024)
- (vv) Email from the RA confirming no objection to the Appellant's request (6 August 2024)
- (ww) Letter from Appeal Panel Principal providing a revised submissions schedule (7 August 2024)
- (xx) Email request from the Appellant's Legal Counsel requesting an extension of time for submission of the Appellant's response to the RA Submissions to 13 September 2024 (30 August 2024)
- (yy) Email from the RA confirming no objection to the Appellant's request (30 August 2024)
- (zz) Email from the Appeal Panel Principal acknowledging the Appellant's request and granting the extension of time for the Appellant's response to the RA Submissions to 13 September 2024 (30 August 2024)
- (aaa) Email from the Appellant's Legal Counsel acknowledging the time extension (30 August 2024)
- (bbb) Submissions from the Appellant in response to the RA Submissions (13 September 2024)
- (ccc) Letter from the Appeal Panel Principal proposing to decide the appeal on papers and seeking input from the Appellant and the RA to this approach (30 October 2024)
- (ddd) Email from the Appellant's Legal Counsel confirming that the Appellant agrees to the appeal being decided on papers (31 October 2024)
- (eee) Email from the RA confirming that they agree to the appeal being decided on papers (31 October 2024)