

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

**Appeal 12/24**

**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**

**Against a decision of**

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

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Decision of the Chartered Professional Engineers Council  
Dated 29 September 2025

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## Introduction

1. Mr A (“the Appellant”) has appealed a decision made by an Investigating Committee (“the IC”) of the Registration Authority (“the RA”) to refer a complaint against him by Mr B (“the Complainant”), a Chartered Professional Engineer, to a Disciplinary Committee (“a DC”) under Rule 60(a) of the Chartered Professional Engineers Rules (No. 2) 2002 (“the Rules”).
2. In a decision dated 27 August 2025, the Appeal Panel of the Chartered Professional Engineers Council (“CPEC”) dismissed the Appeal.
3. The Appeal Panel reserved the issue of costs inviting submission from the RA and the Appellant in turn:
  - (a) The RA provided submissions on 3 September 2025; and
  - (b) The Appellant provided submissions on 9 September 2025.
4. The Appeal Panel did not receive a submission from the Complainant.
5. Having considered the submissions, we determine costs as follows.

## The framework for determining Costs.

6. Both parties agree that CPEC has the discretion to award costs under s37(5)(d) of the Chartered Professional Engineers Act 2002 (“the Act”). However, the Appellant notes:<sup>1</sup>

The Appellant acknowledges the discretion given by s37(5)(d) CPEC Act 2022, which gives no guidance, it is not clear that a costs order may be made in favour of the Registration Authority, which is not a party to the appeal.

Counsel notes that an award of cost to the Registration Authority (when it is not party to the appeal) is unprecedented and no authority or analysis has been put forward to justify it.
7. The Appeal Panel is also not aware of any appeal decisions where the RA has sought costs for an Appeal where they are not a party.

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<sup>1</sup> Appellant cost submission at [2 and 5]

## Exercising discretion to award costs

8. The RA has argued that:<sup>2</sup>

*In keeping with the general principles on costs outlined in the District Court Rules, we consider an award of costs is appropriate in these circumstances.*

*[The Appellant] was unsuccessful on all grounds of his appeal. As the unsuccessful party, he should pay costs to the RA, as its decision was upheld.*

*This is also in keeping with the public interest. The Investigating Committee correctly referred the complaint to a disciplinary committee for a full examination of the issues. The RA is obliged to protect the public and establish CPEng as a mark of quality. It is in the interests of justice that the RA can fully investigate matters of alleged misconduct without incurring costs responding to meritless appeals.*

*We consider an award of costs is particularly pertinent given the appellant relitigated matters that were already traversed and dismissed in his previous appeal on the same matter to the CPEC. The RA submit that accordingly, the appellant should have been aware that the appeal was unlikely to succeed.*

9. We note that we do not consider the RA as the successful party, only that the Appeal was unsuccessful and that the RA was not a party. The parties to this disciplinary appeal are the Appellant and the Complainant/Respondent.
10. For all appeals to CPEC, the RA must send CPEC the information mandated in regulation 6, known colloquially as the bundle. In this case, there was nothing specifically unique in preparing the bundle and therefore the allowance made in 06/23 for extra activity is not applicable. We therefore do not agree to the time allocation for bundle preparation.
11. Furthermore, as the RA is not a party to the Appeal, it chose to prepare submissions and although the Appeal Panel acknowledge that the submissions were helpful, it does not follow that they should be awarded costs. We therefore do not award costs to the RA for the preparation of written submissions.

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<sup>2</sup> RA cost submission at [10 to 13].

**Conclusion**

12. For the foregoing reasons, we apply our discretion not to award costs. Given the Complainant did not submit on this matter, the costs shall rest where they lie.

**Dated 29 September 2025**

Signed by the Appeal Panel



Simonne Eldridge  
Principal



Megan Neill



Dr Carron Blom