

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

Appeal 11/24

AND

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

Mr A

Appellant

And

Mr B

CMEngNZ, CPEng

Respondent

Decision of the Chartered Professional Engineers Council

2 December 2025

Introduction

1. Mr A (the Appellant) has appealed a decision made by a Chair of Investigating Committees (CIC), appointed by the Registration Authority (RA) regarding the Appellant's complaint against Mr B (the Respondent), a Chartered Professional Engineer.
2. In a decision dated 25 August 2025, the Appeal Panel of the Chartered Professional Engineers Council (CPEC) dismissed the Appeal and reserved the issue of costs in its decision.
3. CPEC is empowered to "make any order as to the payment of the costs of the appeal that it thinks fit" under s 37(5)(d) of the Chartered Professional Engineers Act 2002 (the Act).
4. Following requests from the RA and the Respondent seeking costs, the Appeal Panel invited submissions on costs. Submissions received were as follows.
 - (a) The RA provided submissions on 24 September 2025
 - (b) The Respondent provided submissions on 25 September 2025
 - (c) The Appellant provided reply submissions on 1 October 2025

Registration Authority Submission

5. The Appeal Panel of CPEC requested submissions from the RA to justify why costs should be awarded given the RA is not a party to the appeal and its participation in the appeal proceedings was voluntary.
6. The RA submitted that its status in the appeal was analogous to that of an intervener and argued that as an intervener the RA provided unique contribution which could not have been adequately covered by the parties such as:
 - (a) The information on the law as it relates to the determination of appeals.

- (b) Preparation of the bundle of documents providing accurate record to help CPEC as the decision maker and time and resources committed for its preparation.
- 7. The RA acknowledged that *“while there is no strict legal requirement to take part, realistically the RA’s regulatory imperative requires it to answer challenges against decisions it makes...”*
- 8. The RA acknowledged CPEC retains its discretion to award costs.
- 9. The Appeal Panel has considered RA’s submissions in support of the claimed costs and has reached the following determination:
 - (a) The RA is not a party to the Appeal, and their participation was voluntary.
 - (b) In relation to all appeals to CPEC, the RA is required to provide CPEC with the documentation prescribed under Regulation 6 of the Chartered Professional Engineers of New Zealand (Appeals) Regulations 2002, commonly referred to as the bundle of documents. This requirement applies irrespective of whether the RA prepares submissions.
 - (c) While the Panel acknowledges that the RA’s submissions were helpful, it does not consider them to contain any materially unique information that would have influenced the outcome of the Appeal.
 - (d) Accordingly, no award of costs is made to the RA.

Respondent’s Submission

- 10. The Respondent has claimed a total cost of \$7,756.25, consisting of legal costs and the Respondent and his organisation’s time addressing the appeal, as summarised in Attachment 1, consisting of copies of:
 - (a) A draft invoice from Company One (the Respondent’s employer) outlining costs associated with his and a colleague’s time addressing the Appellant’s appeal to CPEC and complaint to the Disputes Tribunal. The Respondent has claimed 50%

of the total cost of a draft invoice (\$13,512.50 incl. GST), of \$6,756.25 as being reasonable for addressing the appeal and the complaint in parallel.

(b) Invoice from Mr C for legal costs (\$1,000 incl. GST)

11. The Respondent submits that the claimed costs represent a fair portion of his total costs addressing the appeal to CPEC only, although he incurred costs in terms of personal toll and personal time spent addressing the appeal, that he has not claimed.
12. The Appeal Panel has considered the costs claimed by the Respondent and submissions by the parties. In particular, the Appeal Panel acknowledges the sentiments raised by the Appellant in his reply submission on costs including his motivation, which the Appeal Panel accepts was not malicious nor frivolous in intent.

1 Draft Invoice

- (a) The Appeal Panel does not consider it appropriate to award costs based on the estimated professional fees (i.e. hourly charge out rates) that may have been claimed had this been a matter where the Respondent's firm, Company One, was engaged to provide engineering services.
- (b) The Panel has instead taken the indication of the time spent by the Respondent (personally) on addressing the appeal to CPEC from this draft invoice, 9.5 hours, and applied the daily rate for a 'party acting in person' provided in Schedule 5 to the District Court Rules 2014, being \$500 per day.
- (c) The Appeal Panel therefore awards \$593.75 in respect to the Respondent's personal time on this matter.
- (d) None of the other costs claimed by the Respondent including his colleague's time and time spent after the CPEC decision, are awarded.

Mr C Invoice

- (e) The Appeal Panel considers it appropriate in the circumstances for the Respondent to recover \$926.70 (incl. GST) of the legal costs in this invoice. This excludes a cost of \$63.74+GST for the “CAES” claim in the invoice.

Decision

- 13. The Appeal Panel therefore exercises its discretion under s 37(5) to make the following decision:
 - (a) None of the costs claimed by the RA are awarded.
 - (b) The Appellant is ordered to pay the Respondent costs of \$1,520.45 (incl. GST if any).

Signed by the Appeal Panel



Manjit Devgun



Megan Neill



Dr Carron Blom

04/12/2024
194837

Date	Fee Earner
01/11/2024	

Fee Earner	Position

\$869.56

\$130.44

(NZD) \$1,000.00

To pay by credit card:

DRAFT INVOICE



Invoice Date: 08 Sep 2025

Invoice No: INV-14703

Reference:

Description	Amount NZD
Engineering Consultation - time spent after Engineering New Zealand decision, in preparation for CPEC hearing and Disputes Tribunal second hearing (in person, Aug 13th)	11,100.00
- Geotechnical CPEng - 3hrs30m @ \$300+GST/hr	
- Senior Engineer - 30hrs @ \$275+GST/hr	
Engineering Consultation - time spent after CPEC Decision (rec'd 01 Sep 2025) to date	
- Geotechnical CPEng - 1hr15m @ \$300+GST/hr	650.00
- Senior Engineer - 1hr @ \$275+GST/hr	
Subtotal	11,750.00
Total GST 15%	1,762.50
Invoice Total NZD	13,512.50

Due Date: 15 Sep 2025

Thank you for your custom

Payment can be made via Credit Card or Direct Credit to

Credit Card payments will incur a processing fee
Interest of 2.5% per month will be charged on overdue accounts