

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

Appeal 01/20

AND

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

From

Mr A
Appellant

Against a decision of

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

Decision in Respect of Costs
Dated 1 March 2021

Background

1. Mr A appealed a decision of the Competency Assessment Board (CAB) of the Registration Authority (RA) declining his application for continued registration as a Chartered Professional Engineer (CPEng).
2. An appeal panel of the Chartered Professional Engineers Council (CPEC) heard the appeal and issued its decision on the substantive matter of renewal of registration on 22 December 2020. That decision was final.
3. An outcome sought in Mr A's Notice of Appeal was a ruling on costs and when issuing its decision on renewal of registration the panel invited submissions on costs, from the parties, with deadlines as follows:

Submission by Appellant	22 January 2021
Submission by Respondent	9 February 2021
Submission by Appellant (strictly in response)	16 February 2021

4. This decision, which addresses only the matter of costs should be read in conjunction with the panel's decision issued on 22 December 2020.

Authority

5. Under s37 (5)(d) of the Chartered Professional Engineers of New Zealand Act 2002 (the Act) the Council may "*make any order as to the payment of costs that it thinks fit.*".

Submissions

6. No submission was received on behalf of Mr A.
7. A submission was received from the RA on 9 February 2021, in support of the proposition that costs in the appeal should lie where they fall.
8. No submission in response was received on behalf of Mr A.

Discussion

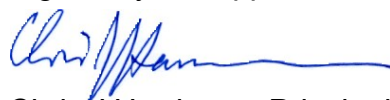
9. In paragraph 187 of its 22 December 2020 decision on the substantive matter of renewal of registration, the appeal panel indicated it would rule on costs following submissions from the parties.
10. The panel further noted in para 188 of the above decision that given the contribution of both parties to the drawn-out process and the panel's view that the case was marginal, the parties should address in their submissions why costs should not lie where they fall.
11. The only submission received, that of the RA, supported the proposition that costs in the appeal should lie where they fall.
12. Neither party has sought a specific order against the other for costs and no argument has been presented to support a decision other than that the costs of the appeal should lie where they fall.

Outcome

13. The decision of the panel is that the costs shall lie where they fall.
14. In accordance with s35 of the Act either party may appeal this decision to the District Court within 28 days.

Dated this 1st day of March 2021

Signed by the Appeal Panel



Chris J Harrison – Principal



Sue Simons



Sarah Sinclair