



RESTORATION OF REGISTRATION POLICY

1. PURPOSE

This policy states the Board's decision on how it will consider restoration applications.

This policy has been approved by the Board.

This policy applies to all Board members and employees working for the Board (both Board appointed employees and public servants). It also applies to other persons who perform work for the Board including contractors, students gaining work experience and volunteers.

This policy applies to Board members and employees in all of their work-related dealings with external parties.

2. POLICY STATEMENT

The Restoration period is the period from 1 July to 31 August in the calendar year of the expiry of registration.

If a person's registration has expired, the person may, within the Restoration period (i.e. two months after the expiry of registration), apply to the Board for restoration of the registration.¹

The Board may accept an application for restoration of registration made outside of the Restoration period (i.e. more than two months after the expiry of registration) if the Board is satisfied it would be reasonable in all the circumstances to accept the application.²

For applications made outside of the Restoration period, the onus is on the applicant to demonstrate that their application should be accepted out of time.

3. RESPONSIBILITIES

The Board decides restoration applications in two steps, the Board decides:

- Step 1: whether an application for restoration will be accepted; and
- Step 2: whether the application is granted or refused.

Step 1: Whether an application for restoration is an accepted application:

Applications made within two months of expiry (i.e. 1 July to 31 August in the same calendar year as expiry): applications for restoration made within two months from expiry are accepted applications.³

Applications made outside two months of expiry (i.e. after 31 August of the same calendar year as expiry): application for restoration made outside of two months from the expiry of registration are not accepted as a matter of course and cogent reasons need to be advanced for them to be accepted.

¹ *Professional Engineers Act 2002*, s 23(1).

² *Professional Engineers Act 2002*, s 23(3).

³ *Professional Engineers Act 2002*, s 24(5).



The Board will not accept an application outside of the Restoration period unless it is proper to do so. As a guide, the factors the Board may consider include:

- whether there is an acceptable explanation of the delay and thus it is fair and equitable in the circumstances to extend time;
- whether the applicant made any attempt to apply for renewal or restoration or to contact the Board during or prior to the Restoration period;
- whether there is any prejudice to the Board caused by the delay;
- whether any others or the general public would suffer any prejudice as a result of the extension, or established practices be upset;
- whether the substantial application for restoration would otherwise be granted or refused (e.g. membership with an approved entity for the purposes of (continuing professional development (CPD) may be considered favourably in establishing the Applicant meets the Board's continuing registration requirements); and
- whether it would be fair to other persons in a similar position.

However, there are other principles the Board will bear in mind when deciding whether to accept an application. They include a consideration of:

- each application on its own specific facts and merits being guided by “what the justice of the case requires” and ensuring that all relevant factors are evaluated;
- whether the applicant has alternative avenues should the application not be accepted.

There is no specific rule related to how far beyond the Restoration period the Board may decide to accept a restoration application. However, the period by which the Restoration period has been exceeded is a highly relevant consideration.

Only when the Board decides it would be reasonable in all the circumstances to accept the application will the Board proceed to consider the factors described in Step 2 (below).

Step 2: Whether the application is granted or refused

For any accepted application, the Board will consider the applicant's fitness to practise as a registered professional engineer and their compliance with the Board's continuing registration requirements (CPD in particular).⁴

If the Board decides to approve the application, registration will recommence from the date of the Board's decision.⁵ The Board does not have the power to grant retrospective registration for the period the applicant's registration was lapsed.

4. APPROVAL

This policy was approved by the Board on 24 July 2024.

⁴ *Professional Engineers Act 2002*, s 24(2).

⁵ *Professional Engineers Act 2002*, s 25(4)(a).