



## **Rules of CSNZ a Division of the NZIS**

*(effective date 22<sup>nd</sup> March 2019)*

### **Section 1 CONSTITUTION**

- 1.01** The Consultants Division of the NZIS is constituted as a Division within the Institute by Resolution of the Council of the NZIS, dated the 10th day of December in the year 1973.

### **Section 2 NAME**

- 2.01** The Division shall be named CSNZ. Hereinafter referred to as "The Division".

### **Section 3 INTERPRETATIONS**

- 3.01** A "Consultant" means a person in private practice possessing the necessary qualifications to practice in one or more of the various branches of surveying and spatial industries and who gives independent advice on matters relating to all branches of surveying and land development.
- 3.02** All terms used in these Rules shall have the interpretations given in the Constitution of the NZIS together with those added herein.

### **Section 4 OBJECTS**

- 4.01** The objects of the Division shall be to further the practice of consultancy and to advance the objects of the Profession. This is to be achieved by involvement with those matters that are primarily the interests of the Consultant.

### **Section 5 MEMBERSHIP**

- 5.01** The word "Member" as hereafter used shall mean a person holding membership of the Division.

### **Section 6 QUALIFICATIONS FOR MEMBERSHIP**

- 6.01** Membership of the Division shall be individual and personal. There shall be one grade of membership and all members shall be known as Consultants who:
- (a) are in private practice on their own account; or
  - (b) are in partnership; or
  - (c) are directors of a company offering surveying and/or spatial services in accordance with the Constitution of the Institute; or
  - (d) are shareholders who have full voting rights of a company offering surveying services and/or spatial services in accordance with the Constitution of the Institute and who are elected full members in accordance with the Division or;
  - (e) are employees of member firms in charge of a branch office or operating division of their employer and have been nominated by two members and have the approval of the Management Committee; or
  - (f) were previously members of the Division, and who continue to be members of NZIS. This includes members who have fully retired and those who have partially retired. Application shall be on the prescribed form and include approval of the members new employer if that is the case.

**6.02** Member - A person shall be eligible for admission as a Member and be entitled to remain a Member so long as they:

- (a) **are a member** of the New Zealand Institute of Surveyors; and
- (b) have signed an undertaking agreeing to abide by the Rules and By-laws of the Division for the time being in force or as they may thereafter be altered, amended or enlarged, and to pay the annual subscription.

**6.03 Application for Membership**

Each application for membership shall be made on the form provided by the Division and the applicant shall supply such information as may be required by the Management Committee and its appointed officers.

**6.04 Admission**

Subject to the Rules and any By-laws relating to Membership, it shall, inter alia, be the duty of the Management Committee to admit any eligible person to membership of the Division. Following acceptance by the Management Committee, an applicant's membership shall commence upon the date of receipt of their initial subscription.

**6.05 Special Admission**

An applicant for membership who is a voting Member of NZIS of the Institute practicing as a Surveyor or spatialist in accordance with the principles and ethical standards of the Institute and who because of their particularly unusual circumstances cannot fulfil all of the requirements for membership may, within the discretionary powers of the Management Committee, be admitted as a Member by the unanimous agreement of the whole Management Committee. In granting any Special Admission, the Management Committee shall delineate such conditions and rights to that membership as are appropriate in the special circumstances.

**Section 7 RESIGNATION AND READMISSION**

- 7.01** Each member of the Division may by notice in writing to the Secretary resign their membership.
- 7.02** Each person who has ceased to be a member may apply for re-admission to the Division and the Management Committee may approve such re-admission under such conditions as it may see fit to impose.
- 7.03** If a member of the Division ceases to be eligible for membership of the Division in terms of Section 6, then he shall automatically cease to be a member:

**Section 8 RIGHTS OF MEMBERSHIP**

- 8.01** Any Member may attend any General Meeting of the Division or of an Area, or a Specialist Group of which they are a member and, subject to provisions of the Rules, may introduce for consideration any matter which comes within the scope of the objects of the Division and may speak to or vote upon any motion considered by such meeting.
- 8.02** Any Member may vote in an election, referendum or ballot conducted by the Division, or by an Area or a Specialist Group of which they are a member.
- 8.03** Any Member may nominate or be nominated for the elective offices of the Division, or an Area or a Specialist Group of which they are a member.
- 8.04** Each Member shall be entitled to receive a copy of the published proceedings and documents of the Division; except that where necessary for the welfare of the Division, the Management Committee may limit distribution of a document.
- 8.05** Information acquired by the Division in the course of any application for membership shall remain confidential to the Management Committee and the officers they specifically appoint in connection with that application. In event of "Special Admission" only, the Management Committee shall reveal only that portion of the relevant application information as is necessary in the circumstances.
- 8.06** Any member may seek the advice and support of the Division through its officers on any matter coming within the Objects of the Division and on any other matter concerning their welfare.
- 8.07** Each member shall have the right to address them self to or to interview by appointment, any officer or committee

of the Division. The Management Committee shall have the power to curb any member's abuse of this right.

#### **8.08 Appointed Officers**

Each member shall have the right to accept an appointed office of the Division.

#### **8.09 Conflict of Interest**

No appointed or elected officer of the Division shall adjudicate upon, or investigate in an official capacity any matter relating to his partner. Likewise, any immediate direct competitor in practice or former partner shall normally withdraw from such duties and shall have the right to excuse them self. For like reason, any member or applicant for membership shall have the right to object to any member undertaking such duties on their behalf, and such objection shall normally be accorded by the Management Committee. Any member shall have the right to make submissions upon any other member to the Management Committee.

#### **8.10 Rights of Appeal**

Any decision of the Management Committee concerning refusal of admission, discipline, or determination of membership of any member of the Division, shall be promptly communicated to that member in writing by registered mail. Each member shall have the right of appeal to Council to review such decision by the Management Committee. Unless such notice of appeal is lodged with the Chief Executive Officer of the Institute within 28 days of posting of the Management Committee's written decision, the Management Committee's decision in the matter shall be final. Upon receipt of the notice of appeal, the President of the Institute and the Chairman of the Division shall jointly determine the interim rights of membership that may be enjoyed by the member until such time as the appeal is resolved by Council whose decision shall be final. The member shall be advised accordingly.

Always, and notwithstanding the conditions heretofore, the Management Committee shall upon receipt of fresh information, not previously considered in its determination, be obliged to review and, if necessary, amend its decision concerning the Member.

### **Section 9 ANNUAL SUBSCRIPTIONS**

**9.01** The subscription rate payable by Members for each subscription year shall be determined by the Management Committee in terms of the Budget approved by Members at the Annual General Meeting.

**9.02** The annual subscription to the Division which shall be payable in advance shall become due on the first day of July of each year and shall be payable to the Secretary provided that:

- (a) a Member elected after the thirtieth day of June in any year shall pay only a proportion of his subscription, such proportion being determined by the Management Committee.
- (b) a Member who is setting up a Consulting Surveying practice for the first time may pay a reduced subscription, such reduction being determined by the Management Committee. The reduced subscription may be granted for a period not exceeding two years.

**9.03** Any Member whose annual subscription has not been paid within four months (or longer as decided by the NZIS) of the date the subscription became due shall be regarded as being 'in arrears of subscription' and their rights of Membership shall be suspended until the arrears have been paid. If a Member remains in arrears of subscription for a year, they shall be considered to have relinquished their Membership and their name shall be deleted from the list of Members.

### **Section 10 MANAGEMENT OF THE DIVISION**

**10.01** The affairs of the Division shall be managed by a Management Committee comprising of:

- The Chairperson
- The Vice-Chairperson
- and three (3) Regional Representatives

In addition, the immediate Past Chairperson shall be a member of the Management Committee for two years following their last year of office as Chairperson.

At any time, the Management Committee may invite to attend its meetings one other member considered necessary to provide a representative geographical spread throughout New Zealand. Such member shall have in all respects the rights of an elected member of the Management Committee. The invitation shall be for such period as determined by the Management Committee, except that it shall not continue beyond the next succeeding Annual General Meeting.

- 10.02** The three Regional Representatives shall represent the following regions:
- (a) Northern: Northland, Auckland and Waikato/Bay of Plenty
  - (b) Central: Taranaki, Wanganui, Manawatu, Gisborne, Hawke's Bay, Wairarapa, & Wellington
  - (c) Southern: The South Island
- 10.03** Area Representatives, whose duties are described in Section 13, shall be elected to represent such areas as constitute the Local Branches of the Institute. Nothing in this Section shall preclude an Area Representative from representing more than one such area if the Management Committee considers this to be expedient.
- 10.04** The Secretary shall be responsible for the submission of Minutes of all meetings of the Management Committee and an Annual Report of the Division to the Council of the Institute. The Secretary shall not be entitled to vote on any matter before the Management Committee.
- 10.05** The Institute shall be invited to appoint a member of Council to attend meetings of the Management Committee for liaison purposes: such member shall not be entitled to vote on any matter before the Committee.
- 10.06** At meetings of the Management Committee, the quorum shall be three (3) members, one of whom shall be either the Chairperson or Vice-Chairperson.

## **Section 11 ELECTION OF OFFICERS**

- 11.01** The Chairperson, the Vice-Chairperson and the three regional members shall be elected annually by the members of the Division, in a manner herein described, to form the Management Committee.
- 11.02** The Chairperson and Vice-Chairperson shall be elected by vote conducted at the Annual General Meeting. The Chairperson and Vice-Chairperson shall each be elected to serve for one year but may be re-elected or re-appointed save that the Chairperson may only be re-elected or re-appointed for a maximum number of three consecutive years.
- 11.03** The three Regional Representatives shall be elected by vote, conducted at the Annual General Meeting. Regional members shall be elected to serve for one year, but may be re-elected or re-appointed.
- 11.04** The Area Representatives shall be elected by vote conducted at the Annual General Meeting. Area Representatives shall be elected to serve for one year but may be re-elected or re-appointed.
- 11.05** If a casual vacancy occurs in the office of either the Chairperson or Vice-Chairperson an appointment shall be made from and by, the remaining members of the Management Committee.
- 11.06** If a casual vacancy occurs in the Regional Representative membership of the Management Committee during its term of office, such vacancy shall be filled by the appointment of one of the Area Representatives in the appropriate region. Such an appointment shall be made by the Management Committee.
- 11.07** If a casual vacancy occurs in the Area Representatives during their term of office, such vacancy may be filled by an appointment made by the Management Committee.
- 11.08** The appointment of the Secretary and Division Auditors shall be made at the Annual General Meeting.

## **Section 12 POWERS AND DUTIES OF THE MANAGEMENT COMMITTEE**

- 12.01** The Management Committee shall meet as often as the business of the Division may require, but such meetings shall where practicable, be not less frequent than once every three months.
- 12.02** Area Representatives shall meet with the Management Committee as and when considered appropriate and practicable.
- 12.03** The Management Committee shall be responsible to the members for the implementation of policies approved by the Annual General Meeting or by a Special General Meeting or as a result of any Referendum voted on by the members and for the administration of the division.
- 12.04** The decisions of the Management Committee on the interpretation of the rules of the Division on all matters dealt with by it in accordance with such rules and on matters not provided for in such rules shall be final and binding on all members of the Division, subject to the overall authority of Council.
- 12.05** The Management Committee shall be responsible through the Secretary for the preparation and prior circulation of the Annual Report of the Management Committee for presentation to the Annual General Meeting.
- 12.06** The Management Committee shall be responsible for the admission of new members.
- 12.07** In furtherance of the objects of the Division it shall, inter alia, be the duty of the Management Committee to

investigate any complaint of service laid against any member of the Division. For the purpose of any such investigation, every member shall afford full information to their Area Representative, the Management Committee and its appointed investigation officers.

- 12.08** If after the preliminary investigation, in accordance with rule 12.07, it appears to the Management Committee that a member of the Division has acted in any improper or unprofessional manner the facts shall be reported to the Institute for action in accordance with the Constitution of the Institute.

### **Section 13 AREA REPRESENTATIVE—DUTIES AND RESPONSIBILITIES**

- 13.01** Area Representative Members shall be responsible for convening meetings within their areas for the purpose of communicating to area members the activities of the Division. Area meetings shall be held where practicable not less than twice yearly and Area Representatives shall forward reports on area meetings to the Secretary.
- 13.02** Area Representatives shall be responsible for liaison with the Secretary for general administration and for publicity and promotion of Division activities within their areas.
- 13.03** They shall also be responsible for reporting on complaints of service laid against members within their areas.

### **Section 14 TASK COMMITTEES**

- 14.01** Task Committees shall be 'ad hoc' committees set up by the Management Committee and shall be responsible for reporting progress to the Management Committee from time to time.

### **Section 15 FINANCE**

- 15.01** The financial and subscription year means the period commencing on the first day of July of each year and ending on the thirtieth day of June of the following year.
- 15.02** A budget shall be established for each financial year and shall be presented to the members of the Division at the Annual General Meeting.
- 15.03** The Secretary shall handle the finance of the Division including the collection of subscriptions and shall keep a record of the income received and expenditure incurred by the Division.
- 15.04** At the end of each financial year, the Secretary shall prepare an annual statement of accounts, which, after having been certified by the Auditor, shall be circulated to each member of the Division to reach him not less than fourteen (14) days before the Annual General Meeting and shall be laid before the Annual General Meeting.
- 15.05** The funds of the Division together with the records shall be in the custody of the Secretary of the Division.

### **Section 16 ANNUAL GENERAL MEETING**

- 16.01** Notice of each Annual General Meeting shall be provided to each member not less than twenty-eight (28) days before such Annual General Meeting.
- 16.02** The quorum for the Annual General Meeting shall be fifteen (15) financial members.

### **Section 17 SPECIAL GENERAL MEETING**

- 17.01** A Special General Meeting of the Division may be called by the Management Committee at any time, and shall be called by the Committee if requisitioned by not less than fifteen (15) financial members.
- 17.02** Notice of each Special General Meeting and of the nature of the business to be transacted thereat, shall be provided to each member not less than fourteen (14) days before such meeting.
- 17.03** The quorum for each Special General Meeting shall be fifteen (15) financial members.

**Section 18 COMPLIANCE WITH THE RULES OF THE INSTITUTE**

- 18.01** The Division and its members shall comply with the Constitution of the Institute as they exist at any time. Nothing in the Rules of the Division shall act to permit a member of the Division to contravene the Constitution of the Institute.

**Section 19 ALTERATION OF RULES**

- 19.01** Alteration to the Rules of the Division may be recommended only by a majority vote of a Special General Meeting. Such recommendation shall be submitted to Council and shall not take effect unless Council approves the alteration. An amendment to Rule 22 shall not be recommended to the Council without the prior approval of the Inland Revenue Department to the alteration.

**Section 20 VOTING BY PROXY**

- 20.01** Any member may appoint in writing signed by them one other member as their proxy to vote on their behalf at a General Meeting. All proxies must be handed to the Secretary before the commencement of a meeting in respect of which such proxies are given.

**Section 21 BY-LAWS**

- 21.01** The Management Committee may from time to time make By-laws elaborating in detail rules regulating the conduct of the Business of the Division and of its members.
- 21.02** By-laws shall be subordinate to the Rules of the Division.

**Section 22 WINDING UP**

- 22.01** The Division may be wound up by the passing of a resolution, of which due notice has been given, at a General Meeting and in that event the remaining assets and funds after payment of all liabilities and winding up expenses shall become the property of the Council but so that no part of the income or other funds of the Division shall be used or be available to be used for the private pecuniary profit of a member.