

CONSTITUTION OF THE INSTITUTE OF CADASTRAL SURVEYING INCORPORATED

1. NAME

The name of the organisation shall be the **Institute of Cadastral Surveying Incorporated**.

2. OBJECTIVES

2.01 Organisation

To provide an organisation to which those actively engaged in cadastral surveying may belong.

2.02 Best Practice

To collate and disseminate best practice with regard to cadastral surveying, and promote a high standard of professionalism among its members.

2.03 Representation

To make representations on cadastral surveying as appropriate in the best interests of the public, and the members of the Institute.

3. MEMBERSHIP

3.01 Ordinary Member

To be eligible for Ordinary Membership of the Institute, a person shall be actively engaged in all aspects of cadastral surveying (namely, the searching of the cadastral record, the searching of the legal record, the searching of the field record, the definition of land, and the production of cadastral datasets to be included in the cadastral record) within New Zealand, and have been so for a minimum period of the proceeding three years.

3.02 Associate Member

To be eligible for Associate Membership of the Institute, a person shall be actively engaged in, and have considerable experience of, one or more aspects of cadastral surveying within New Zealand, but not be eligible for Ordinary Membership. The number of Associate Members shall generally be no more than ten percent of Ordinary Member numbers.

3.03 Non-Practising Member

The Committee may admit to Non-Practising Membership of the Institute, a person who has been previously actively engaged in one or more aspects of cadastral surveying within New Zealand.

3.04 Honorary Member

The Committee may admit to Honorary Membership of the Institute any person who in its opinion has rendered extraordinary services to the Institute, and such Members shall be permitted to enjoy the same rights and privileges as Ordinary Members except that they shall not be liable to pay annual subscriptions.

3.05 Student Member

To be eligible for Student Membership of the Institute, a person shall be engaged in study at a recognised New Zealand educational institution that includes one or more aspects of cadastral surveying subjects. Student Membership will extend for a

maximum of two years beyond graduation from that educational institution (unless the Student extends their study period (for example by further post-graduate study).

3.06 Retired Member

To be eligible for Retired Membership of the Institute, a person shall have previously been an Institute member (Ordinary/Associate/Non-Practicing) for at least 10 years, and no longer be practicing cadastral surveying.

3.07 Rights

To be able to speak on all things considered by the Institute, to vote at meetings of the Institute as set out in Rule 5, and hold office as set out in Rule 6.

3.08 Obligations

To contribute to the considerations of the Institute on matters set out in Rule 2.

To notify the Secretary of any changes in circumstances that would necessitate a change in the class of membership held.

To notify the Secretary of any changes in contact details.

To pay all subscriptions or other monies due to the Institute set out in Rule 7.

3.09 Application

An application for membership of the Institute shall be on the approved application form. Submission of the form to the Institute by the applicant constitutes their consent to become a member of the Institute.

3.10 Resignation

A member shall be deemed to have resigned from the Institute (or a committee of the Institute) on their death, incapacity, or on written notice to the Secretary.

3.11 Expulsion

Any member whose subscription is 3 months in arrears, shall at the discretion of the Committee cease to be a member of the Institute, but the Committee shall have the power at their discretion to reinstate such member on payment of all arrears.

The Committee may, if in its opinion, by a special resolution expel or suspend from membership any member wilfully disobeying any of these Rules or is deemed to be guilty of any conduct rendering him or her unfit to be a member of the Institute. Provided that before moving as above, the Committee shall call upon the member for an explanation of his or her conduct and shall hear what he or she may wish to be taken into account by the Committee.

4. MEETINGS

4.01 Annual General Meetings

The Annual General Meeting of the Institute shall be held not later than the 31st day of August each year, members shall be given notice at least thirty (30) days before the meeting, of the time and place the Committee shall appoint for that purpose, and the matters to be transacted, while a quorum shall consist of ten (10) members entitled to vote.

The business that shall take precedence over all other business at the Annual General Meeting shall be, the consideration and adoption of the annual reports, the

consideration and adoption of the statements of account, the fixing of annual subscriptions for the ensuing financial year, the election of members of the Committee for the ensuing year, the appointment of an auditor for the ensuing year, the consideration of and dealing with proposals for any new Rule and the rescission or alteration of any of the existing Rules.

The Secretary shall record minutes of the Annual General Meetings.

4.02 Special General Meetings

The Committee may at any time, and shall on receipt by the Secretary of a requisition in writing signed by no fewer than ten (10) members of the Institute entitled to vote, call a Special General Meeting of the Institute in the manner prescribed by these Rules, for any specific purpose or purposes, such meeting shall be held not more than twenty one (21) days after the date of the receipt by the Secretary of the requisition, which shall set out the form of resolution the business proposed to be transacted at such meeting.

Members shall be given notice at least fourteen (14) days before the meeting, of the time and place the committee shall appoint for that purpose, and the matters to be transacted, while a quorum shall consist of ten (10) members entitled to vote.

The Secretary shall record minutes of any Special General Meeting.

4.03 Committee Meetings

Committee meetings shall be called by the Secretary, in the case of a requisition in writing signed by the President or no fewer than two (2) members of the Committee, given notice at least fourteen (14) days before the meeting, of the time and place the Committee shall meet, the matters to be transacted, where a quorum shall consist of three (3) members of the Committee.

The Secretary shall record minutes of the Committee Meetings.

4.04 Quorums

Provided that within ten (10) minutes of the time for which the meeting shall have been called, a quorum is not present, the meeting shall be dissolved. The meeting shall stand adjourned to such time and place as shall be fixed by the members present, and if at such adjourned meeting a quorum is not present, those members present may transact the business for which the meeting shall have been called.

4.05 Notice

Notice of meetings of the Institute shall be by circular or E-mail to the last advised New Zealand address the member has provided to the Secretary.

5. VOTING

5.01 Eligibility

To be eligible to vote at an Annual General Meeting or a Special General Meeting of the Institute, a member must hold either Ordinary Membership or Associate Membership of the Institute, and be a current financial member of the Institute, or hold Honorary Membership.

To be eligible to vote at a Committee meeting of the Institute, a member must have been elected as an Officer of the Institute.

Every member entitled to vote shall hold a single vote, except that the Chairman of a meeting may exercise a casting as well as a deliberative vote.

5.02 Method

The result of any vote shall be determined by voice in the first instance, but if any member present requests, the Chairperson shall call for a show of hands or a secret ballot to be conducted.

A member entitled to vote at any General Meeting of the Institute may appoint in writing a proxy who shall be any member entitled to vote. All proxies shall be in the hands of the Secretary 24 hours prior to the commencement of the meeting.

5.03 Majority

All questions submitted to any general or committee meeting of the Institute shall be decided by a simple majority vote (unless otherwise specified).

6. OFFICERS

6.01 General

All nominations for Officer's of the Institute shall reach the Secretary forty (40) days before the Annual General Meeting and must be proposed and seconded. Every nominee must have given written consent to be a candidate.

The election of Officers of the Institute shall be held by ballot at the Annual General Meeting of the Institute. Voting papers shall be distributed to all members entitled to vote being present at the meeting and such members shall indicate their intention by striking out the names of candidates for whom they do not wish to vote. No member shall be entitled to more than one voting paper for each proxy held by that member.

At the Annual General Meeting of the Institute two scrutineer's shall be chosen for each election by a show of hands from the members present and entitled to vote, and the ballot for each election shall be conducted by such scrutineer's who shall certify in writing to the Chairperson the results of the voting. Such scrutineer's shall (if eligible to vote) themselves be entitled to vote prior to conducting the ballot.

If at the Annual General Meeting of the Institute the number of candidates duly proposed for office does not exceed the number of vacancies the Chairperson shall declare the candidates elected, otherwise the election shall be by ballot as aforesaid.

The Officer's so elected shall hold office for one year, or shall continue in office until their successors are elected. They shall be eligible for re-election.

No person shall be entitled to be elected as an Officer of the Institute unless a current financial member of the Institute. Should any casual vacancy occur in the Committee of the Institute the Committee shall have power to fill such vacancy by a member qualified as above, and such member so appointed shall hold office until the next succeeding Annual General Meeting of the Institute.

6.01 President

The President shall be a person holding ordinary membership of the Institute elected to the position at the Annual General Meeting.

The President shall be the senior official of the Institute and shall represent the Institute in all matters.

It shall be the responsibility of the President to have all meetings of the Institute chaired.

6.02 Secretary

The Secretary shall be a person holding ordinary membership of the Institute elected to the position at the Annual General Meeting.

The Secretary shall conduct and record the correspondence of the Institute, shall maintain a register of the membership, receive requests for and issue notice of meetings, retain custody of the Common Seal, title deeds, securities and other documents belonging to the Institute.

The Secretary (sec@ics.org.nz) is identified as the contact person for the Institute (for the purposes of the Incorporated Societies Act 2022).

6.03 Treasurer

The Treasurer shall be elected to the position at the Annual General Meeting.

The Treasurer shall (in conjunction with the Committee) oversee the financial management of the Institute and present the audited annual financial accounts to the membership.

6.04 Committee

The Committee shall consist of the President, the Secretary, the Treasurer, and up to eight (8) members of the Institute (at least half of whom shall be ordinary members) elected to the Committee at an Annual General Meeting.

Where there is a vacancy on the Committee (up to a maximum of two (2) positions), the Committee may co-opt a member of the Institute to fill the vacancy until the next Annual General Meeting, or such shorter period as the Committee determines.

The Committee of the Institute shall have the entire management and control of the funds, affairs, concerns and business of the Institute and shall have the power to do all things (subject to such limitations and restrictions as may be prescribed by these Rules) as are necessary to carry out the Objectives of the Institute.

6.05 Officer Honorariums

The office of Secretary shall be entitled to an honorarium payment of \$1000.

The offices of President and Treasurer shall be entitled to honorarium payments of \$500 each.

The honorarium shall be claimed by the Office holder via presentation of a GST invoice – nominally from September in each calendar year for that financial year. The honorarium value is GST inclusive.

The honorariums can be declined by the Office holder for any calendar year.

The honorarium values will be reviewed quinquennially, at every decade and half decade (eg: 2020 and (2025)).

7. MANAGEMENT

7.01 General

The Committee may appoint and set up Sub-committees (whether members of the Institute or not) whenever deemed expedient for the management and control of the various activities in which the Institute or its members may be engaged for the purpose of more effectually carrying out the Objectives of the Institute.

The Committee may delegate to any sub-committee such powers as it may from time to time determine and deem expedient. Each Sub-committee shall be responsible to

the Committee of the Institute and shall keep minutes of its meetings and if and when required shall furnish a report of its activities to the Committee.

7.02 Financial

The financial year of the Institute which shall extend from the 1st day of April in any year until 31st day of March in the succeeding year.

The annual subscription shall be such sum as shall be fixed by resolution at the preceding Annual General Meeting, and shall be payable no later than 30th day of June in any year.

Every person ceasing to be a member of the Institute shall forfeit all right to or claim upon the Institute or its property which he or she would have by reason of his or her membership.

The resignation or expulsion of any member from the Institute shall not release that member from liability from all arrears of subscriptions or other monies owing to the Institute.

The Institute may have account(s) at such banks as the Committee may from time to time determine such account(s) to be operated on jointly by any two of the following Officers. The President and the Treasurer or such other members of the Committee as may from time to time be appointed by the Committee.

The Committee shall have the general control of the funds of the Institute, which shall be paid into the Institutes bank account(s). Any part of such funds not immediately required may be invested by the Committee on term deposit at a bank or any other investment authorised by a resolution of any General Meeting of the Institute.

Members of Committee shall be entitled to claim such expenses as the Committee shall determine as having been properly incurred in or about the business of the Institute.

The Committee shall indemnify any person who has entered into or accepted any liability on behalf of the Institute at the request of the Committee.

The Committee (through the Treasurer) shall have the annual accounts of the Institute audited, and shall present such audited accounts to the members at least thirty (30) days prior to the Annual General Meeting of the Institute.

A copy of the approved audited accounts shall be forwarded to the Registrar of Incorporated Societies.

7.03 Common Seal

The Institute shall have a Common Seal which shall be kept in the custody of the Secretary and shall only be used in pursuance of a resolution of the Committee of the Institute, and every instrument to which the seal is affixed shall be signed by the Chairperson of the Committee and shall be countersigned by the Secretary.

8. DISPUTES

8.01. How complaint is made

1. A member or an officer may make a complaint by giving to the committee (or a complaints subcommittee) a notice in writing that —
 - a. states that the member or officer is starting a procedure for resolving a dispute in accordance with the society's constitution; and
 - b. sets out the allegation to which the dispute relates and whom the allegation is against; and

- c. sets out any other information reasonably required by the society.
2. The society may make a complaint involving an allegation against a member or an officer by giving to the member or officer a notice in writing that —
 - a. states that the society is starting a procedure for resolving a dispute in accordance with the society's constitution; and
 - b. sets out the allegation to which the dispute relates.
3. The information given under subclause 1b. or 2b. must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
4. A complaint may be made in any other reasonable manner permitted by the society's constitution.

8.02. Person who makes complaint has right to be heard

1. A member or an officer who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined.
2. If the society makes a complaint —
 - a. the society has a right to be heard before the complaint is resolved or any outcome is determined; and
 - b. an officer may exercise that right on behalf of the society.
3. Without limiting the manner in which the member, officer, or society may be given the right to be heard, they must be taken to have been given the right if —
 - a. they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - b. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - c. an oral hearing (if any) is held before the decision maker; and
 - d. the member's, officer's, or society's written statement or submissions (if any) are considered by the decision maker.

8.03. Person who is subject of complaint has right to be heard

1. This clause applies if a complaint involves an allegation that a member, an officer, or the society (the respondent) —
 - a. has engaged in misconduct; or
 - b. has breached, or is likely to breach, a duty under the society's constitution or bylaws or the Incorporated Societies Act 2022; or
 - c. has damaged the rights or interests of a member or the rights or interests of members generally.
2. The respondent has a right to be heard before the complaint is resolved or any outcome is determined.
3. If the respondent is the society, an officer may exercise the right on behalf of the society.
4. Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if —
 - a. the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
 - b. the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - c. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - d. an oral hearing (if any) is held before the decision maker; and
 - e. the respondent's written statement or submissions (if any) are considered by the decision maker.

8.04. Investigating and determining dispute

1. The society must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with its constitution, ensure that the dispute is investigated and determined.
2. The complaint will be investigated and determined by a sub-committee of a minimum of three (#3) decision makers (see also clause 8.07). The decision makers shall include at least two (#2) members of the committee and at least one (#1) non-committee member who is also an ordinary member of the Institute.
3. The President and Secretary will determine the sub-committee decision makers. In the event that one or both the President and/or Secretary are subject to the complaint, and/or cannot act impartially, one or both will be replaced by one or two other committee members.
4. Disputes must be dealt with under the constitution in a fair, efficient, and effective manner.

8.05. Society may decide not to proceed further with complaint

Despite the clause 'Investigating and determining dispute' above, the society may decide not to proceed further with a complaint if —

- a. the complaint is trivial; or
- b. the complaint does not appear to disclose or involve any allegation of the following kind:
 - i. that a member or an officer has engaged in material misconduct;
 - ii. that a member, an officer, or the society has materially breached, or is likely to materially breach, a duty under the society's constitution or bylaws or the Incorporated Societies Act 2022;
 - iii. that a member's rights or interests or members' rights or interests generally have been materially damaged;
- c. the complaint appears to be without foundation or there is no apparent evidence to support it; or
- d. the person who makes the complaint has an insignificant interest in the matter; or
- e. the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- f. there has been an undue delay in making the complaint.

8.06. Society may refer complaint

1. The society may refer a complaint to —
 - a. a subcommittee or an external person to investigate and report; or
 - b. a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision.
2. The society may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

8.07. Decision makers

1. A person may not act as a decision maker in relation to a complaint if 2 or more members of the committee or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be —
 - a. impartial; or
 - b. able to consider the matter without a predetermined view.

9. ALTERATIONS TO CONSTITUTION

9.01 General Meetings

All or any of these Rules may be added to, altered or rescinded by resolution at a General Meeting of the Institute, provide always that no less than thirty (30) days'

notice of such resolution shall be given to members in a manner prescribed by these Rules for notices of General Meetings.

A Notice of Motion to any proposals for addition to, alteration or rescission of any of these Rules must be given to the Secretary, signed by both mover and seconder of the motion, at least forty (40) clear days before the date on which the General Meeting is to be held. Nothing in the Rules shall prohibit the amendment of any proposal which has been specified in the notice.

9.02 Omissions

In the event of any question not provided for in the rules arising, it shall be referred to the Committee for resolution, such resolution to stand until the next General Meeting of the Institute.

10. DISSOLUTION

In the event of the dissolution of the Institute, after all the liabilities of the Institute have been duly discharged, its funds and properties shall be disposed of to a similar professional body or a registered charity in a manner provided by a resolution passed at a General Meeting of the Institute called for that purpose.

A copy of the resolution of dissolution shall be forwarded to the Registrar of Incorporated Societies.

Version 8 – August 2024

