



New Zealand
Institute of
**BUILDING
SURVEYORS**



New Zealand
Institute of
**BUILDING
SURVEYORS**

RULES

OF THE

**NEW ZEALAND INSTITUTE OF
BUILDING SURVEYORS INCORPORATED**

2021

A handwritten signature in purple ink, appearing to read 'M.P. Whimp'.

M P Whimp
Solicitor



CONTENTS

1.1	NAME.....	1
1.2	REGISTERED OFFICE.....	1
1.3	OBJECTIVES.....	1
1.4	POWERS.....	1
1.5	MEMBERSHIP	2
1.6	CESSATION OF MEMBERSHIP	3
1.7	EXECUTIVE	3
1.8	CHAIRMAN	6
1.9	GENERAL MEETINGS.....	6
1.10	APPOINTMENTS AND DUTIES OF OFFICERS	7
1.11	FINANCE	7
1.12	AUDITOR.....	8
1.13	ANNUAL GENERAL MEETING	8
1.14	NOTICE OF MEETING	8
1.15	QUORUM.....	8
1.16	ELECTIONS	8
1.17	INTERPRETATION OF RULES	9
1.18	ALTERATION OF RULES.....	9
1.19	THE COMMON SEAL	9
1.20	DISSOLUTION.....	10
1.21	SCHEDULE OF REGULATIONS	11
1.22	ALTERATIONS, ADDITIONS AND DELETIONS	12

RULES OF THE NEW ZEALAND INSTITUTE OF BUILDING SURVEYORS INC

1.1 NAME

The name of the Institute is the “New Zealand Institute of Building Surveyors Incorporated” (hereafter referred to as the “Institute”).

1.2 REGISTERED OFFICE

The Registered Office of the Institute shall be situated in New Zealand **at a location determined by the Executive from time to time. The Executive Assistant’s contact details from time to time will be published on the Institute’s website.**

1.3 OBJECTIVES

The objectives for which the Institute is established are:

- (a) To Promote the profession of Building Surveying and raise market recognition of the Institute, its members and its professional standards.
- (b) To co-ordinate and direct the presentation of Building Surveyors in order to achieve consistence and excellence in the surveying of buildings and construction works for the public advantage and the enhancement of the profession.
- (c) To co-ordinate the education and training of Building Surveyors within the Institute and provide leadership in the regulation and standards of this profession.
- (d) To promote and encourage proper conduct among Building Surveyors to suppress dishonourable and/or objectionable practices.
- (e) To manage the Institute in an efficient and cost-effective manner to ensure the advancement of the Institute and its members.

1.4 POWERS

The Institute shall have the power to do all such lawful acts and things that are incidental or conducive to the attainment of the above mentioned objects. Without in any way limiting the generality of the foregoing powers, the Institute shall have the power to:

- (a) Use the funds of the Institute in payment of all costs and expenses property incurred in carrying out the objects of the Institute, including the employment of such Officers, agents and servants as shall appear expedient to the Institute’s Executive.

- (b) To invest monies and assets belonging to the Institute and not immediately required for use, in such forms of investment as the Executive sees fit and as are authorised in New Zealand for trustee investments.
- (c) Purchase, take on lease, hire or otherwise acquire or hold on any tenure any real or personal property both within or outside New Zealand.
- (d) Raise or borrow such sum or sums of money as the Executive may, from time to time, see fit and with or without security.

1.5 MEMBERSHIP

- (a) Membership of the Institute shall be applied for on the prescribed membership application form and accompanied by the application fee as may be set by the Executive from time to time.
- (b) Qualification and experience criteria for membership shall be set by the Executive from time to time.
- (c) The Executive of the Institute shall interview prospective members who shall be admitted as a member, providing they satisfy the Executive as to their professional and personal fitness for membership.
- (d) All such duly elected members may attend and take full part in all the affairs of the Institute, providing they have paid such annual fees as may be set at the Annual General Meeting of the Institute.
- (e) A full and detailed register shall be kept and maintained by the **Executive Assistant** of the Institute.
- (f) A member shall be an individual only. A member may not be a firm, partnership, company, estate, trust or corporate body.
- (g) At the Annual General Meeting of the Institute, the meeting may elect any of their membership to life membership providing they have been a financial member for not less than ten (10) years and have made a significant contribution towards the functioning of the Institute. Life members shall enjoy all the rights of members and shall not be required to pay an annual subscription.
- (h) The Annual General Meeting of the Institute may confer recognition of service by titles on their members as may be laid down from time to time.
- (i) The Annual General Meeting of the Institute may confer a maximum of two (2) Honorary memberships each year. An Honorary member shall enjoy all the rights of members, excluding voting rights, and shall not be required to pay an annual subscription. Honorary membership may be renewed annually by the Annual General Meeting of the Institute.

- (j) A Registered Member who wishes to retire and is not working as a building surveyor may become a “Retired Member”. Retired members shall not have voting rights and shall be subject to regulations set from time to time by the executive.

1.6 CESSATION OF MEMBERSHIP

The membership of a member of the Institute shall cease:

- (a) A member may resign at any time by giving notice in writing to the **Executive Assistant**.
- (b) If any member shall not abide by the Rules of the Institute, or shall not comply with any resolution, regulations, agreement or contract that may be passed, adopted or entered into by the Institute, the Executive by resolution may request in writing such member to resign and in the event of such member refusing or neglecting to resign, within ten (10) days of the delivery of such notice, such member may be expelled by a majority vote of the Executive present and voting.

Such member shall have a right to appeal against such expulsion to a Special General Meeting of members called for such purpose, a bare majority of the members then present and voting will be binding on such member and on the Institute.

Notice of any appeal shall be given by the member to the **Executive Assistant** within fourteen (14) days of the posting to the address of the member held by the Institute, a copy of the resolution of the Executive.

- (c) Any member who no longer qualifies for membership under clause 1.5(b) of this Constitution, or whose subscription has been requested and which remains unpaid after the expiration of three (3) calendar months from the date of the invoice, shall cease to be a member and shall be struck off the register by the **Executive Assistant**, providing that in the absolute discretion of the Executive, such member’s name may be restored to the register any time upon payment of all arrears due at the date of striking off. All arrears due at the date of striking off shall be recoverable by the Institute, notwithstanding such striking off.

1.7 EXECUTIVE

The general management and control of the Institute shall vest in the Executive committee (the Executive). The Executive shall exercise all the powers and perform all the duties for which the Institute has been established and shall have full power to do all such things as may be necessary to attain the objectives of the Institute.

In particular, but without limiting the operation of this rule, the Executive may:

- (a) Determine regulations and provide documented instruction for the conduct of any business of the Institute and any other matter affecting the general conduct of the members of the Institute.

- (b) Demand payment of all subscriptions, fees or other money due to the Institute.
- (c) Appoint such committee of any two or more members for such purposes as the Executive may from time to time think fit and may co-opt any person or persons to any sub-committee and each such sub-committee shall carry out such functions and exercise such powers as the Executive may prescribe, provided that the Executive may at any time revoke any appointment, or any authority so made or given and may disband any committee by notice to that effect.
- (d) Control the funds of the Institute and open and maintain accounts at a bank as the Executive deems necessary in the name of the Institute.
- (e) Invest the money of the Institute not immediately required and such securities as are authorised by law for the investment of trust funds or placed on deposit with any Bank, Municipal Authority or Building Society or other similar monetary institution as the Executive determines.
- (f) Borrow or raise money with or without security in such manner as the Institute thinks fit.
- (g) Purchase, hire, take on lease or receive by way of gift or otherwise acquire for the purposes of the Institute, any real or personal property and to likewise dispose of the same on such terms and conditions as the Executive deems fit.
- (h) To construct, maintain, alter, improve, enlarge, pull down, remove or replace, manage or control any offices, rooms, houses, sheds or any other buildings, yards or improvements likely to advance the Institute's interest directly or indirectly.
- (i) Engage and dismiss employees on such salary, terms and conditions as the Executive deems fit.
- (j) Enter into all such negotiations, contacts, agreements in the name of and on behalf of the Institute as the Executive considers expedient for the purposes of the Institute.
- (k) The Executive has the power to establish, from time to time, types of membership and subscription rates.
- (l) The Executive shall be up to nine (9) Registered members and comprise:
 - 1. The President - elected for a two year term by the members at every second Annual General Meeting.
 - 2. The Immediate Past President - serves after Presidency term, until The President's term is completed.
 - 3. Vice President - who shall be appointed by the Executive from those elected at the Annual General Meeting.

4. A maximum of seven additional (7) Registered members elected at the Annual General Meeting, which number includes the Vice President.
 5. Any other employee so engaged by the Institute that the Executive invites to serve the Executive.
 6. Any co-opted Registered member so invited by the Executive to attend.
- (m) Each such member of the Executive shall be entitled to one vote on any motion before the Executive. The Executive shall be guided by a senior leadership group, consisting of the President, Vice President, Immediate Past President and one other Executive member, so agreed to by these office holders.
- (n) Each elected member, except for the President and Immediate Past President shall hold office until the next Annual General Meeting, but on completion of term shall be eligible for re-election. Elected Executive members may hold office for a maximum period of four (4) consecutive years. The President shall be elected for a two (2) year term. Following the completion of the two year term, the retiring President may be re-elected for further terms on a year by year basis, but not exceeding two (2) further one year terms. The consecutive four year period will not apply to the term served consecutively by President, Immediate Past President or Vice President with their consecutive period of service being broken and re-set during the term of these office bearers.
- (o) The Executive may carry on the business of the Institute, notwithstanding any vacancy in its membership and may fill any casual vacancy by appointing another member of the Institute who shall hold office until the next Annual General Meeting and who shall have full voting rights.
- (p) If a casual vacancy occurs in the offices of the President, Vice President or if any other such Officer is unable to perform the duties of the office for any reason, the Executive shall appoint a member to that office until the next Annual General Meeting.
- (q) The Executive may establish such sub-committees as it shall, from time to time, see fit and shall appoint a member to be the Chairman of any such committee so established. The Chairman shall appoint the members of such sub-committees subject to confirmation by the Executive. Appointed members need not be Executive members, but must be nominees of the Institute members.
- (r) The Executive may by resolution, co-opt any other person for any special or advisory purpose during the year, but such person shall not be an elected member of the Executive. Such co-opted persons to be co-opted for a specified period of time (not greater than one year).
- (s) The Executive shall appoint a person, whether or not that person is a member of the Institute, for such remuneration as determined by the Executive, to carry out the role of the Executive Assistant under these Rules. The current Executive Assistant of the Institute is deemed to have been appointed under this power.**

(t) Privacy Act 2020 & Confidentiality.

Each member of the Executive will comply with, and take all reasonable steps to ensure the Institute complies with, the Privacy Act 2020 in respect of all personal information of other individuals (including staff, members, and other third parties) which they became aware of in the course of undertaking their office for the Institute.

Each member of the Executive will treat as strictly confidential all information obtained in their capacity as a member of the Executive except if:

- (a) disclosure of the information is required to comply with these Rules or for the operation and governance of the Institute;**
- (b) the information is required to be disclosed by law;**
- (c) the information was known to the recipient, other than by reason of being a member of the Executive, on the date of its receipt; or**
- (d) the information was in the public domain on the date of its receipt or entered the public domain after the date of its receipt other than by an unauthorised disclosure by the Executive, the Institute or any other person.**

1.8 CHAIRMAN

- (a) The President shall be Chairman at each General Meeting of the Institute and at each meeting of the Executive. In the absence of the President, the Vice President shall take the chair. In the absence of either, then the members present shall elect a Chairman of the meeting.**
- (b) The Chairman of any meeting shall have a deliberate vote in the case of any equality of votes, shall have a casting vote.**

1.9 GENERAL MEETINGS

General meetings of the Institute shall be:

- (a) Held as considered necessary by the Executive of the Institute.**
- (b) Not less than five (5) Registered members may require the President of the Institute to call a General Meeting to discuss any matters specified in the notice of the meeting and at such meeting may make recommendations to the Executive, which will take such action as it sees fit.**
- (c) The Executive shall meet within one (1) month following the Annual General Meeting and thereafter as the Executive determines.**

- (d) No member whose subscription is more than three (3) months in arrears shall be entitled to vote at any General Meeting or Executive Meeting of the Institute.

1.10 APPOINTMENTS AND DUTIES OF OFFICERS

- (a) The Executive may appoint Officers, Servants and Agents as it sees fit and on such terms under such conditions as it may, from time to time, consider necessary for the effective carrying out of the objectives of the Institute. The Executive shall define in writing the duties of each such Officer, Agent or Servant.
- (b) No member shall receive or obtain any remuneration except by honorarium approved by the Executive, or as a salaried officer, from the property or operations of the Institute.
- (c) An Executive member who is in any contract or proposed contract within the Institute, or whether directly or indirectly interested in a contract or proposed contract with the Institute, shall declare the nature of such interest to a meeting of the Executive.
- (d) No member of the Institute, or any person associated with a member, shall participate in, or materially influence any decision made by the Institute in respect of the payment to, or on behalf of that member or associated person of any income, benefit or advantage whatsoever.

Any such income paid shall be reasonable and relative to that which would be paid in an arms length transaction (being the open market value).

The provisions and effects of this clause shall not be removed from these rules, and shall be included and implied into any document replacing these issues.

1.11 FINANCE

- (a) The **Executive Assistant** shall deposit all money received on behalf of the Institute in the bank used by the Institute as promptly after receipt as circumstances may permit. The account of the Institute at such bank shall be operated upon and cheques and other bills of exchange and instruments endorsed by such signatories and otherwise in such manner as the Executive may, from time to time, determine.
- (b) Reasonable out-of-pocket expenses incurred by members of the Institute on approved Institute business may, with the approval of the Executive, be reimbursed on application by the member, which application shall be supported by appropriate documentation.
- (c) The financial year of the Institute shall be from the 1st day of July to the 30th day of June in the following year.

1.12 AUDITOR

The Auditor of the accounts of the Institute shall be appointed at each Annual General Meeting of the Institute. He shall retire annually from office, but shall be eligible for re-election. The Auditor shall examine the books and accounts of the Institute and shall verify and certify the Annual Balance sheet and accounts of the Institute.

1.13 ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of members shall be held not later than three (3) months following the date of the financial year end, at such place and time as the Executive shall determine after taking into account the wishes of members, as expressed at a prior Annual General Meeting.
- (b) The Executive of the Institute shall be elected at the Annual General Meeting and shall assume office immediately after the Annual General Meeting has concluded.

1.14 NOTICE OF MEETING

Notice of the Annual General Meeting **or Special General Meeting** shall be advised to all members, no less than fourteen (14) days before the date appointed for holding same.

All notices of motion and the like shall also be advised to the members no less that fourteen (14) days prior to any meeting.

1.15 QUORUM

Twenty five (25) members of the Institute present and entitled to vote shall constitute a Quorum at a General or Special General Meeting.

Five (5) members of the Executive present and entitled to vote shall constitute a Quorum at an Executive meeting, which should include at least one of the office bearers (President, Vice President or Immediate Past President). If at the expiration of thirty (30) minutes after the time appointed for the commencement of a meeting a quorum is not present, then the meeting shall be abandoned.

1.16 ELECTIONS

- (a) Only Registered members are entitled to put forward nominations to serve on the Executive. Nominations for the offices of President—and elected members of the Executive shall be in writing and shall be signed by the nominating member and endorsed with the consent of the nominee. Nominations shall be received by the **Executive Assistant** no later than 5:00 pm twenty eight (28) days prior to the Annual General Meeting.
- (b) Where there is only one nomination for the office of President, the person so nominated for the respective office shall be deemed to be elected. Where there are further seven

(7) nominations for the elected members of the Executive committee (out of which number the Vice President is appointed), those nominees shall be deemed to be elected.

- (c) Where there are no nominations for the offices of President and fewer than seven (7) nominations for the elected members of the Executive committee, the President may call for nominations from the floor immediately prior to the election.

No such nomination shall be accepted by the President unless the nominee is present at the meeting and signifies their consent to the nomination to the President. The President may accept the nomination of a person not present at the meeting provided that person has given an apology, accepted by the meeting, and has, prior to the meeting, notified the **Executive Assistant** in writing of their consent to the nomination to the specific office.

- (d) If there are more nominations than vacancies for any of the foregoing positions, there shall be a ballot of those members entitled to vote.

In the event of a tie in the number of votes for the positions of President and for the last position for the elected members of the Executive committee, a further ballot shall be conducted and the candidates shall be those persons receiving the tied vote.

1.17 INTERPRETATION OF RULES

In case any matter at any time arises not provided for in the rules or any doubt arises as to the interpretation of these rules, that same shall be determined by the Executive, whose decision shall be final.

1.18 ALTERATION OF RULES

No alteration or addition to, or revision of these rules shall be made except by a resolution passed by a majority of the members present and entitled to vote at an Annual or Special General Meeting of which notice shall have been given in the manner provided in Rule 1.14 and notice of intended change or changes must be included.

No addition to, or alteration or recession of the rules, shall be approved if it affects the non-profit objectives, the private pecuniary profit clause 1.10(d), or the dissolution clause 1.20(b). The provisions and effect of this clause shall not be removed from these rules and shall be included and implied into any document replacing these rules.

1.19 THE COMMON SEAL

The Institute shall have a common seal which shall be in a form approved by the Executive. The seal shall be impressed on documents requiring execution by the Institute, in the presence of the President and **two (2) other members of the senior leadership group (as defined at Rule 1.7(m))** who shall subscribe their signatures to all documents on which the seal is impressed. The Seal may also be affixed on the authority of the Annual General Meeting.

1.20 DISSOLUTION

- (a) The Institute may be wound up voluntarily if the Institute at the General Meeting of members passes a resolution requiring the Institute so to be wound up and the resolution is confirmed at a subsequent General Meeting, held no sooner than thirty (30) days, nor more than two (2) calendar months after the date on which the resolution so to be confirmed was passed.

- b) If upon the winding up or dissolution of the association, there remains after the satisfaction of all debts and liabilities, any property whatsoever the same shall not be paid to or distributed among members, but shall be transferred to or applied towards any non profit Institute having substantially similar non profit objectives and activities to those of the Institute to be used by it, or by them, for non profit purposes, similar to the non profit objectives of the Institute, and in such manner, and upon such conditions, as the then members of the Institute in general meeting may determine.

1.21 SCHEDULE OF REGULATIONS

	Updated
1. Membership	November 2019
2. Code of Ethics	September 2014
3. Disciplinary Procedures	June 2015
4. Professional Development (CPD)	August 2017
5. The Surveying of Residential and Commercial Properties	(withdrawn 2014)
6. Marketing	(withdrawn 2006)
7. Survey Inspection Checklist	(withdrawn 2006)
8. Student Membership	(withdrawn 2013)
9. Transitional Membership	(withdrawn 2013)
10. Weathertightness Remediation Panel	(withdrawn 2015)
Explanatory Guidelines for Regulation 10	(withdrawn 2015)
11. The Roles of a Building Surveyor	September 2015
12. Retired Membership	(withdrawn 2015)
13. Social Media	September 2016
14. Education and Training	July 2020

1.22 ALTERATIONS, ADDITIONS AND DELETIONS


Rule 1.5(g) changed at 5th AGM 28/08/99

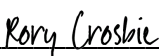
Rule 1.5(i) added at 5th AGM 28/08/99

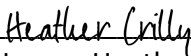
Rule 1.03(b) - wording change	16/03/00
Rule 1.03 (c) - wording change	16/03/00
Rule 1.04(d) - deleted	16/03/00
Rule 1.05(h) - wording change	16/03/00
Rule 1.06(b) - add word "regulations"	18/08/01
Rule 1.07(a) - add words " and provide documented instruction"	18/08/01
Rule 1.07(b) - part deleted	16/03/00
Rule 1.10(d) - deleted and replaced	16/03/00
Rule 1.18 - paragraph added	16/03/00
Rule 1.20(b) - deleted and replaced	16/03/00
Rule 1.5(j) – added	24/08/02
Change of common seal	21/01/04
Rule 1.5(g) – deleted and replaced	31/08/05
Rule 1.5(j) – deleted	31/08/05
Rule 1.6 (c) – deleted and replaced	31/08/05
Rule 1.7(n) – deleted and replaced	31/08/05
Rule 1.9(a) – deleted and replaced	31/08/05
Rule 1.9(d) – deleted and replaced	31/08/05
Rule 1.13(a) – deleted and replaced	31/08/05
Rule 1.5(j) – added	08/03/08
Rule 1.16(a) – wording change	19/09/09
Rule 1.7(l) – wording change	22/09/12
Rule 1.7(n) – wording change	22/09/12
Rule 1.2 – wording change	29/09/18
Rule 1.3 – wording change	29/09/18
Rule 1.3(a) – wording change	29/09/18
Rule 1.3 (c) - wording change	29/09/18
Rule 1.4(a) – wording change	29/09/18
Rule 1.7 – wording change	29/09/18
Rule 1.7 (c) - wording change	29/09/18
Rule 1.7(l) – wording change	29/09/18
Rule 1.7(l) (2) – wording change	29/09/18
Rule 1.7(l) (3) – wording change	29/09/18
Rule 1.7(l) (5) – wording change	29/09/18
Rule 1.7(l) (7) – wording change	29/09/18
Rule 1.7(m) – wording change	29/09/18
Rule 1.7(n) – wording change	29/09/18
Rule 1.7(r) – wording change	29/09/18
Rule 1.9(b) – wording change	29/09/18
Rule 1.10(a) – wording change	29/09/18

Rule 1.10(c) – wording change	29/09/18
Rule 1.11(a) – wording change	29/09/18
Rule 1.15 – wording change	29/09/18
Rule 1.16(a) – delete ‘Vice President’ and wording change	29/09/18
Rule 1.16(b) – delete ‘Vice President’ and wording change	29/09/18
Rule 1.16(c) – delete ‘Vice President’ and wording change	29/09/18
Rule 1.16(d) – wording change	29/09/18
Rule 1.16(d) – wording change	29/09/18
Rule 1.18 – wording change	29/09/18
Rule 1.20(b) – wording change	29/09/18
Rule 1.2 – replace ‘Secretary’ and wording change;	20/03/21
Rule 1.5(e) – replace ‘Secretary’;	20/03/21
Rule 1.6(a), (b) and (c) – replace ‘Secretary’;	20/03/21
Rule 1.7(l) – delete ‘Secretary’;	20/03/21
Rule 1.7(l)4. – deletion of this rule;	20/03/21
Rule 1.7(p) – delete ‘Secretary’;	20/03/21
Rule 1.7(s) – new clause included	20/03/21
Rule 1.7(t) - new clause included	20/03/21
Rule 1.11(a) – replace ‘Secretary’;	20/03/21
Rule 1.14 – wording change;	20/03/21
Rule 1.16(a) – delete ‘Secretary’ and replace ‘Secretary’;	20/03/21
Rule 1.16(b) – delete ‘Secretary’; and wording change;	20/03/21
Rule 1.16(c) – delete ‘Secretary’ and replace ‘Secretary’;	20/03/21
Rule 1.16(d) – delete ‘Secretary’;	20/03/21
Rule 1.19 – delete ‘Secretary’ and wording change;	20/03/21
Rule 1.21 – updated current schedule of regulations;	20/03/21

Signed by three members of the society:

DocuSigned by:

 Name – Darryl August

DocuSigned by:

 Name – Rory Crosbie

DocuSigned by:

 Name – Heather Crilly