



**The New Zealand Institute of Agricultural & Horticultural Science Inc**

**THE NEW ZEALAND INSTITUTE OF  
AGRICULTURAL & HORTICULTURAL  
SCIENCE (INC)**

**CONSTITUTION**

**BY LAWS**

**MEMBERSHIP ELECTION PROCEDURE**

**CODE OF ETHICS**

**COMPLAINTS PROCEDURE**

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**CONSTITUTION OF  
THE NEW ZEALAND INSTITUTE OF  
AGRICULTURAL AND HORTICULTURAL SCIENCE (INC)**

**1.0 PURPOSE**

1.1 The purpose of The New Zealand Institute of Agricultural and Horticultural Science (Inc.) is to promote:

1.1.1 The professional interests of its members.

1.1.2 The continued development and use of agricultural and horticultural science and technology in New Zealand.

1.1.3 The interests of the agricultural and horticultural industries for the benefit of the membership and the industries in New Zealand.

**2.0 DEFINITIONS**

2.1 For the purpose of interpretation of the Constitution, By-Laws, Code of Ethics, Code of Practice, Complaints Procedure and Membership Election Procedure of The New Zealand Institute of Agricultural and Horticultural Science (Inc), unless otherwise specified, the following definitions apply:

2.2 APPEAL BOARD - The Board established by The New Zealand Institute of Agricultural and Horticultural Science (Inc) to hear appeals against any decision arising from the Complaints Procedure.

2.3 CONSTITUENT BODIES - Any other professional body which co-operates or works in conjunction with The New Zealand Institute of Agricultural and Horticultural Science (Inc).

2.4 CORPORATION - Any word signifying a person shall also apply to a corporation.

2.5 COUNCIL - The affairs of The Institute shall be governed by a Council which will consist of the President, Vice President, Immediate Past President, Secretary, Treasurer, and up to four (4) other Elected Members, all of whom shall have voting rights. The offices of Secretary and Treasurer may be held by the same person. Additional Members may be co-opted onto Council (until the next Council elections are held) if Council determines that additional Council members will best serve the interests of The Institute.

2.6 DISCIPLINARY COMMITTEE - The Committee established by The New Zealand Institute of Agricultural and Horticultural Science (Inc) to arbitrate upon complaints arising from allegations of mis-conduct, etc. against any member of The New Zealand Institute of Agricultural and Horticultural Science (Inc) .

2.7 EMPLOYING ORGANISATION - Any private or public company, partnership, Crown or other research institute or organisation, or Government Department which employ members of The New Zealand Institute of Agricultural and Horticultural Science (Inc).

- 2.8 GENDER - All words will have equal significance to the masculine or feminine gender.
- 2.9 AGRICULTURE – The term agriculture shall include all activities involved in the production and management of animals and plants and their products, the processing and marketing of the associated products, the agricultural business sectors of commerce, the conservation of natural resources and the use of land for recreation and pleasure.
- 2.10 AGRICULTURAL SCIENCE - The creation and/or application of scientific knowledge and methods to agriculture.
- 2.11 HORTICULTURE - The term horticulture shall include all activities involved in the production and management of crops and other plant products of the soil or other mediums, the processing and marketing of the associated products, the horticultural business sectors of commerce, the conservation of natural resources and the use of land for recreation and pleasure.
- 2.12 HORTICULTURAL SCIENCE - The creation and/or application of scientific knowledge and methods to horticulture.
- 2.13 IN WRITING - "In Writing" or "Written" shall mean hand-written, printed, or typewritten.
- 2.14 INTEREST GROUP - Any group of persons operating outside the control of, but who have an interest in the affairs of The New Zealand Institute of Agricultural and Horticultural Science (Inc) e.g. science, or grower organisations, formal or informal groups of Institute members such as scientists, consultants and educators.
- 2.15 MEMBER - A member as defined in paragraph 6.0 of the Constitution and, if applicable, words signifying a member will include the plural and vice versa.

### **3.0 NAME AND MEMBERSHIP**

- 3.1 The name of The Institute will be The New Zealand Institute of Agricultural and Horticultural Science Incorporated (“NZIAHS”), hereafter in this document referred to as “The Institute”.
- 3.2 The constituent societies forming The Institute were formerly know as The New Zealand Institute of Agricultural Science (“NZIAS”) and The New Zealand Society for Horticultural Science (“NZSHS”).
- 3.3 Current members of NZIAS and NZSHS at the time that The Institute is formally constituted automatically become members of The Institute.

### **4.0 OBLIGATIONS**

- 4.1 To emphasise obligations of members of The New Zealand Institute for Agricultural and Horticultural Science (Inc.) the following definitions apply to the Constitution, By-Laws, Code of Ethics, Complaints Procedure and Membership Election Procedure:

- 4.1.1 Will - means an obligation without exception
- 4.1.2 Shall - means an obligation with virtually no exceptions
- 4.1.3 May - means no obligation is implied.

## **5.0 OBJECTIVES**

- 5.1 The objectives of The Institute shall be to:
  - 5.1.1 Act as the national organisation representing agricultural and horticultural science and technology in New Zealand.
  - 5.1.2 Contribute to the formulation of agricultural and horticultural science policy, and its funding and management by relevant agencies.
  - 5.1.3 Promote and encourage the interchange of ideas and information amongst practitioners of agricultural and horticultural science, nationally and internationally.
  - 5.1.4 Promote the highest scientific, professional and ethical standards amongst members.
  - 5.1.5 Encourage and reward the pursuit of excellence in agricultural and horticultural science.
  - 5.1.6 Represent the views and promote the interests of the agricultural and horticultural science professions.
  - 5.1.7 Encourage fraternity and rapport among members.
  - 5.1.8 Foster education of the community about agricultural and horticultural science.
- 5.2 The Institute shall assume responsibility for the following activities of the former NZSHS:-
  - 5.2.1 Paying the annual International Society for Horticultural Science country registration fee.
  - 5.2.2 Representing ISHS in the organisation of New Zealand-arranged ISHS symposia and workshops (from which any profit shall normally be directed to the New Zealand Horticultural Science Advancement Trust).
  - 5.2.3 Organising an annual horticultural science conference supported by a horticultural science convention reserve.

## **6.0 CLASSES OF MEMBERSHIP**

- 6.1 The Institute shall encourage membership of persons and organisations practising agricultural and horticultural science in New Zealand who have good standing and uphold the standards of the profession.
- 6.2 Classes of Membership - Membership of The Institute shall be divided into four principal classes: Full Members, Associate Members, Corporate Members, Family Members and Retired Members.
- 6.2.1 **Full Members** - Individuals elected in accordance with the By-Laws of The Institute with the right to one vote. Full members may be honoured by election to the status of:
- 6.2.1.1 Fellows
  - 6.2.1.2 Honorary Life Members
  - 6.2.1.3 Honorary Fellows
- 6.2.2 **Associate Members** - Financial members with all the privileges of Full Membership except the right to vote. Associate Members may be:
- 6.2.2.1 Persons who at the time of their election do not qualify for Full Membership in accordance with the By-Laws of The Institute, or
  - 6.2.2.2 Persons elected as Honorary Members, or
  - 6.2.2.3 Persons elected as Student Members.
  - 6.2.2.4 Associate Members may not be elected to the Council of The Institute.
  - 6.2.2.5 Individual Associate Members may become Full Members upon qualification in accordance with the By-Laws of The Institute.
- 6.2.3 **Corporate Members** - Organisations, who pay an appropriate annual fee to support The Institute. Financial Corporate Members are entitled to the rights of Full Membership and may each nominate one representative to act on their behalf.
- 6.2.4 **Family Members** - Have privileges according to their class of membership.
- 6.2.5 **Retired Members** – Financial members with all the privileges of Full membership.
- 6.3 All classes of Members shall be entitled to attend all meetings of The Institute and to receive a copy of any publication issued by The Institute.

## **7.0 ELECTION OF MEMBERS**

7.1 **Honorary Fellows, Fellows and Honorary Life Members** - Nominations for Honorary Fellows, Fellows and Honorary Life Members shall be made in writing to the Secretary or Executive Secretary of The Institute by any Council Member, Section Committee, Honorary Fellow, Fellow or Honorary Life Member by 31<sup>st</sup> March in any year. Nominations, describing the accomplishments of the member, shall be documented and shall include reference as to character, training, experience and contribution. Election of such Members shall require at least a two-thirds majority vote of Council and the names of those so elected shall be announced at the next Annual General Meeting or Annual Dinner of The Institute or at such other national event as shall be deemed appropriate by Council.

7.2 **Other Members** - Candidates shall be proposed and seconded by any Honorary Fellow, Fellow, Honorary Life Member, Full, Retired or Associate Member of The Institute. The candidate shall then apply in writing to the Secretary or Executive Secretary of The Institute for membership and supply an account, in a form approved by Council, of their qualifications, training, character and vocation. The Members shall be elected by a two-thirds majority vote of Council.

## **7.3 Foundation Members**

7.3.1 Members of The Institute who were previously members of The New Zealand Institute of Agricultural Science at 31 March 1955 shall be designated Foundation Members of The New Zealand Institute of Agricultural Science.

7.3.2 Members of The Institute who were previously members of The New Zealand Society of Horticultural Science at 31 March 1982, shall be designated Foundation Members of The New Zealand Society for Horticultural Science.

## **8.0 ANNUAL FEES**

8.1 Annual fees for members shall be fixed by Council and shall be paid in accordance with the By-Laws of The Institute.

## **9.0 RESIGNATION**

9.1 Financial members may resign at any time with one month's written notice to the Secretary or Executive Secretary of The Institute.

## **10.0 TERMINATION OF MEMBERSHIP**

10.1 Membership of The Institute may be terminated by Council for misconduct or non-payment of dues in accordance with the By-Laws of The Institute.

## **11.0 MANAGEMENT OF THE INSTITUTE**

11.1 The responsibility for the conduct of the business and affairs of The Institute shall rest with a Council. The Council shall discharge its duties in accordance with the

Constitution and By-Laws of The Institute and in accordance with good practice for the management of incorporated societies.

- 11.2 Council may appoint from time to time a person to the office of a Secretariat to manage the affairs of The Institute in accord with a written and agreed list of duties. Such person shall be known as the Executive Secretary and may be remunerated for his or her duties. The Executive Secretary may attend Council meetings at Council's discretion, but shall not have voting rights.
- 11.3 Constitution of the Council - The Council shall consist of the President, Vice President, Immediate Past President, Secretary, Treasurer, and up to four (4) other Elected Members, all of whom shall have voting rights representing agriculture and horticulture. The offices of Secretary and Treasurer may be held by the same person. Additional Members may be co-opted onto Council (until the next Council elections are held) if Council determines that additional Council members will best serve the interests of The Institute.
- 11.4 All Council members shall be elected bi-annually by postal ballot and shall hold office for two (2) years. Council members may be eligible for re-election for terms not exceeding six (6) consecutive years. After standing down for at least two (2) years following six (6) years consecutive service, any member may be eligible for re-election to Council.
- 11.5 All members of the Council shall normally be resident in New Zealand during their term of office.
- 11.6 Election of the Council - The Secretary or Executive Secretary shall call for nominations for election to the Council by sending nomination forms to each financial member of The Institute not less than forty-two (42) days before the Annual General Meeting and shall set a closing date for nominations. Nominations shall be proposed and seconded in writing to the Secretary or Executive Secretary by any financial Full Member or Associate Member.
- 11.7 When the number of nominations exceeds the number of Council places available, ballot papers for the election shall be notified to all financial Full Members and papers returned by the due date notified (at least twenty-eight (28) days before the Annual General Meeting) shall be eligible to be counted in the election.
- 11.8 The election shall be conducted by such officers as the Council shall appoint for this purpose.
- 11.9 All ballot papers will be deemed valid where the intention of the voter is clear.
- 11.10 The results of the election shall be announced at The Institute's Annual General Meeting and in The Institute's publication. Section Secretaries may also be notified.
- 11.11 Duties of the Council - The Council shall meet at the call of the President, or at the request of the Secretary or Executive Secretary if the Secretary or Executive Secretary has received notice in writing from two members of Council requesting a meeting.
- 11.12 The Council of The Institute will, at all times, act in the best interests of The Institute's overall membership.

- 11.13 In conducting its duties the Council shall:
- 11.13.1 Meet at regular intervals, and at other times as required.
  - 11.13.2 Properly conduct the administration of The Institute.
  - 11.13.3 Keep true accounts of monetary transactions.
  - 11.13.4 Elect members and review membership status.
  - 11.13.5 Promote the Sections of The Institute in conjunction with other vocationally similar societies.
  - 11.13.6 Promote education, training, seminars, meetings and conventions for the benefit of the members and agricultural or horticultural science.
  - 11.13.7 Liaise with overseas agricultural and horticultural science societies, such as the International Society of Horticultural Science and Australian Institute of Agricultural Science.
  - 11.13.8 Commission surveys and consultants for approved projects.
  - 11.13.9 Solicit and make awards for the benefit of members.
  - 11.13.10 Recognise deserving contributions to agricultural and horticultural science.
  - 11.13.11 Ensure that adequate communication exists between the Council and The Institute members through a regular newsletter, or any other method that may from time to time be appropriate.
- 11.14 Competence of the Council - The Council of The Institute shall only make binding resolutions at its meetings when a quorum of five (5) members of the Council is present.
- 11.15 The Council may meet at any time provided that notice of the meeting has been conveyed to all members of the Council by the Secretary or Executive Secretary, except that the Council may meet without prior notice at the time of the Annual General Meeting of The Institute.
- 11.16 In the event of any member of the Council being incapable of acting or having to vacate their office, then the Council may appoint any other member of The Institute to fill that position for the remainder of the term of office.
- 11.17 Additional Powers of the Council:
- 11.17.1 The Council shall have the power to appoint advisory committees for assistance on specific subjects (eg. membership, awards, publications or any other subject where assistance is needed). The Council may appoint Full or Associate Members, call for nominations or hold elections for persons to serve on these committees.
  - 11.17.2 The Council shall appoint annually a suitably qualified independent person to check and review the annual accounts of The Institute (see clause 14.5).

- 11.17.3 The Council may appoint any other official of The Institute to an honorary or paid position.
- 11.18 Delegation of Power - Except in matters financial, the Council may delegate full power of attorney to any constituted committee of The Institute, to facilitate or expedite the management of The Institute. Any delegation of power shall be made in writing, recorded in the minutes of the Council meeting and expire at the end of each financial year.
- 11.19 Minutes of Meetings - The Secretary or Executive Secretary, or other delegated person, shall keep proper minutes of all meetings and resolutions of the Council.
- 11.20 The minute book shall be open to inspection by any member of The Institute on appointment with the Secretary or Executive Secretary.
- 11.21 Types of Meetings - The Council, or any other official committee of The Institute may meet in person, by teleconference or other electronic communication means, provided full minutes of the meeting are kept by the appointed secretary.
- 11.22 Editor - The Council shall appoint an editor or editors to facilitate the publication of Institute matters to members. Editor(s) shall not necessarily be a member of The Institute, but may attend meetings of Council, but without the entitlement to vote. Editor(s) shall be responsible to Council, who may at any time in the event it is not satisfied with his or her performance, terminate the appointment. Editor(s) shall not be a responsible party in any claim for damages lodged against The Institute.
- 11.23 Code of Ethics and Complaints Against Members - The Council shall fully investigate each and every complaint made to the Council against any member for whatever reason. In so doing it may appoint a sub-committee for the purpose. Any such sub-committee shall be chaired by the President of The Institute or his or her nominee. In making its investigation the Council or its sub-committee may seek information from any person and may require the member, against whom the complaint has been made, to appear in person before it to answer questions. No person against whom a complaint has been made shall have any involvement in investigation of the complaint other than to answer questions or make submissions.
- 11.24 Any member of The Institute may attend Council meetings in open session but may only speak at the invitation of the Council. Members who are not Council members will not be entitled to vote on any matter. Members may not attend committee sessions of the Council.

## **12.0 CONTROL OF THE COMMON SEAL**

- 12.1 The Common Seal of The Institute shall be in the custody of the Secretary or Executive Secretary, and shall be affixed to any document or writing only by resolution of the Council and in the presence of the President and Secretary or Executive Secretary, or two other persons that the Council may appoint for the purpose. The President and Secretary, or other persons appointed, shall sign each and every document or writing, to which the seal is affixed in their presence.

### **13.0 MEETINGS OF THE INSTITUTE**

- 13.1 The Annual General Meeting of The Institute shall be held in conjunction with the Annual Convention or at such other time as Council may decide, providing that an Annual General Meeting is held within each financial year as defined in Paragraph 14.3.
- 13.2 Special General Meetings of The Institute may be called at any time by the President. The President shall, upon receipt of a written request from at least ten (10) voting members, call a Special General Meeting at any time or place.
- 13.3 The Secretary or Executive Secretary shall give not less than fourteen (14) days written notice of the date, place and business of every Annual General or Special General Meeting to all members of The Institute and shall set forth in such notice the business to be dealt with at such meeting.
- 13.4 A Special General Meeting shall only deal with matters set out in the official notice convening the meeting, except as stated herein in Paragraph 15.2.
- 13.5 At an Annual General or Special General Meeting of The Institute twenty (20) voting members shall form a quorum.
- 13.6 At all General Meetings or Special General Meetings of The Institute each Honorary Fellow, Honorary Life Member, Fellow and Full Member shall be entitled to one vote only on his or her own behalf. Corporate members shall each be entitled to nominate one member of their organisation to speak and vote on behalf of that Corporate member.

However, any such person unable to be present at any meeting of The Institute may appoint in writing another Honorary Fellow, Fellow, Honorary Life Member or Full Member as his or her proxy at any such meeting to exercise his or her vote, provided always that the power of proxy may not be exercised in any vote on a matter which is not specifically identified on the agenda paper for the meeting. Such appointments are to be in the hands of the Secretary or Executive Secretary before the commencement of the meeting.

- 13.7 All resolutions shall be decided by a majority of votes cast by those eligible to vote. Unless a ballot is demanded by five (5) voting members voting shall be recorded by the voices or a show of hands. Should a ballot be demanded it shall be taken in a manner as the chairperson directs and the results of the ballot shall be deemed to be the resolution of the meeting at which the ballot was demanded.
- 13.8 In the case of equality of votes, whether by a show of hands or by a ballot, the chairperson of the meeting shall be entitled to a casting vote as well as a deliberative vote. In the use of the casting vote it will be normal to preserve the status quo.

### **14.0 FINANCE**

- 14.1 Control of funds for The Institute

14.1.1 The Council shall exercise control of the funds of The Institute.

- 14.1.2 All monies received shall be paid into a banking account with such bank as the Council shall decide.
- 14.1.3 All withdrawals from the bank account shall be signed by two members of the Council or by the Executive Secretary followed by one member of the Council.
- 14.1.4 The Council shall have the power to prudently invest funds at its discretion and to acquire goods or other property as may be necessary to further the aims of The Institute.
- 14.2 Borrowing Powers - The Council shall, subject to the majority approval of any Annual General Meeting or Special General Meeting, have the power to raise money for the purposes of The Institute and to pledge, mortgage or give as security all or any of the property, assets and effects of The Institute.
- 14.3 Financial Year - The financial year of The Institute shall be from the first (01) of January until the thirty first (31) of December inclusive.
- 14.4 Annual Accounts - At the Annual General Meeting the Council shall present a financial statement detailing The Institute's financial position for the previous financial year ending on the 31st of December.
- 14.5 Accounts Checking and Review - At each Annual General Meeting of The Institute voting members shall elect a suitably qualified independent person to be appointed as Reviewer. The financial records of The Institute shall be checked by this suitably qualified person and reviewed in time for presentation at the AGM of the year for the past financial year. This person shall be a current member of the New Zealand Institute of Accountants.
- 14.6 Provision for Winding up The Institute - The Institute may be wound up if at a General Meeting a resolution is passed requiring The Institute to be wound up, and if the resolution is confirmed at a subsequent General Meeting called for that purpose and held not earlier than thirty (30) days after the date on which the resolution to be confirmed was passed. In the event of The Institute being wound up, any surplus after payment of all liabilities and liquidation costs shall be transferred to the Royal Society of New Zealand to be administered for the benefit of agriculture and horticulture or agricultural and horticultural science as determined by a majority vote at the meeting confirming the winding up.

## **15.0 AMENDMENTS TO CONSTITUTION OF THE INSTITUTE**

- 15.1 The Constitution of The Institute may be amended by a two-thirds majority of the votes cast at any Annual or Special General Meeting of The Institute providing that notice of motion has been sent to the Secretary or Executive Secretary and transmitted to each Full Member of The Institute at least four (4) weeks in advance of such a meeting. The notice of the meeting shall contain the motion(s) for a constitutional change.
- 15.2 Any new motion in respect to constitutional amendments not appearing on the agenda for an Annual or Special General Meeting, but which is considered by a majority of two-thirds of voting members, as defined in Paragraph 6.2, present at the meeting,

consisting of part, or parts, of notified motions may itself be regarded as a notified motion.

- 15.3 All amendments so carried will be registered with the Registrar of Incorporated Societies.
- 15.4 The chairperson of any Annual or Special General Meeting considering amendments to the Constitution of The Institute may exercise a casting vote in accordance with Paragraph 13.8.

## **16.0 AMENDMENTS TO BY-LAWS, CODE OF ETHICS AND DISCIPLINARY PROCEDURE OF THE INSTITUTE**

- 16.1 The By-Laws, Code of Ethics and Disciplinary Procedure of The Institute may be amended by a simple majority of the votes cast at any Annual General Meeting, or Special General Meeting of The Institute, providing that Notice of Motion has been sent to the Secretary or Executive Secretary at least two (2) weeks in advance of such a meeting.
- 16.2 The chairperson of any Annual or Special General Meeting considering an amendment to the By-Laws, Code of Ethics and Disciplinary Procedure of The Institute may exercise a casting vote in accordance with Paragraph 13.8.

## **17.0 INTERPRETATION OF THE CONSTITUTION AND BY-LAWS OF THE INSTITUTE**

- 17.1 Where any questions arise regarding the interpretation of the Articles of the Constitution or By-Laws of The Institute, or the construction thereof, they shall be referred to Council for interpretation.

## **BY-LAWS OF THE NEW ZEALAND INSTITUTE OF AGRICULTURAL AND HORTICULTURAL SCIENCE (INC.)**

### **18.0 MEMBERSHIP OF THE INSTITUTE**

- 18.1 **Full Members** - Applicants for election as Full Members shall, at the time of their application, be actively engaged in the profession of agricultural or horticultural science.
- 18.2 Full Members shall be persons who,
- 18.2.1 Hold a four year agricultural or horticultural science degree, or its equivalent, which is approved by Council, with at least two years' service in the profession, or,
- 18.2.2 Hold a three year agricultural or horticultural science or commerce degree, or its equivalent, which is approved by Council, with at least three years' service in the profession, or,

- 18.2.3 Hold any other degree or diploma which is approved by Council with at least three years' service in the profession, or,
- 18.2.4 Have in the opinion of Council displayed exceptional merit in the profession of agricultural or horticultural science but do not come within 18.2.1, 18.2.2 or 18.2.3, or,
- 18.2.5 Have been an Associate Member for a minimum of five years, and in the opinion of Council have demonstrated a sufficient concern for, an involvement with agricultural or horticultural science.
- 18.3 Persons so elected to Full Membership shall be entitled to use the letters MNZIAHS to signify that they are Full Members of The New Zealand Institute of Agricultural and Horticultural Science Inc.
- 18.4 **Associate Members** - Applicants for election as Associate Members shall, at the time of their application, be actively engaged in or committed to, the profession of agricultural or horticultural science.
- 18.5 Associate Members shall be persons who,
- 18.5.1 Hold an agricultural or horticultural degree or diploma as for Full Members, but have not fulfilled the requirements for service in the profession, or,
- 18.5.2 Hold an agricultural or horticultural, or equivalent, diploma from any institution approved by the Council, or,
- 18.5.3 Are working in a field of value to agricultural or horticultural science, or an allied profession approved by Council, or,
- 18.5.4 In the opinion of Council, should be elected to Associate Member status.
- 18.6 Associate members may nominate new members, nominate members for any applicable Awards and nominate members to sit on Council although they may not sit on Council themselves.
- 18.7 An applicant for membership who is eligible for Full Membership shall not be elected as an Associate Member.
- 18.8 **Honorary Members** - Persons eligible for election as Honorary Members shall be,
- 18.8.1 Agricultural or horticultural advisors or observers attached to diplomatic offices within New Zealand, or,
- 18.8.2 Agricultural or horticultural scientists visiting New Zealand for a limited period to carry out research, teaching, consultancy or extension work providing the qualifications held by such scientists would entitle them to Full Membership if residing permanently in New Zealand, or
- 18.8.3 Senior public servants and senior executive officers of other organisations having overall responsibility for the work of agricultural or horticultural scientists engaged in research, teaching or extension, but not otherwise qualifying for membership.

- 18.9 Honorary Members appointed as above shall be entitled to the privileges of a Full member without the payment of fees, but shall not be entitled to voting rights or to hold any office. Honorary Membership shall lapse under relinquishment of such responsibility, upon departure from New Zealand, or as otherwise determined by Council.
- 18.10 **Student Members** - Applicants for membership as a Student Member shall be students enrolled at a tertiary education institution pursuing a course which could eventually lead to Full or Associate Membership of The Institute.
- 18.11 A Student Member becoming eligible for a membership upgrade shall cease to be a Student Member except where adequate evidence is provided to the Council that the member is continuing with studies on a substantially unpaid basis.
- 18.12 **Corporate Members** - Corporate Membership may be available to companies and organisations actively involved in agriculture and/or horticulture.
- 18.13 **Retired Members** - Persons who qualify for Full or Associate Membership but have retired from the profession of agricultural or horticultural science may be eligible for Retired Membership status.
- 18.14 **Family Membership** - Where husband and wife or partner are members and one set of correspondence is required, then husband and wife or partner may apply for Family Membership of The Institute. Other family relationships shall not qualify for Family Membership.
- 18.15 **Overseas Members** - Persons permanently resident overseas may qualify for Full or Associate Membership under the membership category of an Overseas Member.
- 18.16 Admission of Members - Candidates for Full or Associate Membership shall apply in writing to the Secretary or Executive Secretary for membership having been proposed and seconded by any two (2) Full Members or Associate Members. The proposer and seconder shall provide the Secretary or Executive Secretary with evidence of the candidate's worthiness for admission.
- 18.17 Candidates may be elected to Full Membership or Associate Membership by a two-thirds majority vote at a meeting of the Council or Executive after the Membership Processing Procedure has been followed.
- 18.18 If the Council declines to accept any proposed member or associate they shall notify the candidate's proposer and seconder of their reasons. If these reasons seem insufficient then the proposer and seconder may ask the Secretary or Executive Secretary to include the proposal on the agenda for the next General Meeting of The Institute.
- 18.19 Promotion of Associate Members to Full Membership – The Council shall review the standing of all Associate Members before the 31<sup>st</sup> December each year and those who qualify for Full Membership according to the By-Laws of The Institute, upon advice to the Associate Member, shall be elected by the Council to Full Membership status.
- 18.20 Recognition of Deserving Members - Members deserving of recognition may be elected by the Council to the positions of,

- 18.20.1 **Honorary Fellows** - Honorary Fellows shall be the most distinguished members who have made outstanding contributions to agricultural or horticultural science and, in addition, have rendered eminent service to The Institute.
- 18.20.2 Honorary Fellows shall be financial members at the time of nomination and for at least five years previously. After election they shall not be required to pay fees.
- 18.20.3 Honorary Fellows shall be entitled to use the letters HNZIAHS to signify that they are Honorary Fellows of The New Zealand Institute of Agricultural and Horticultural Science.
- 18.20.4 **Honorary Life Members** - Honorary Life Members shall be members who have rendered eminent service to The Institute.
- 18.20.5 Honorary Life Members shall be financial members at the time of their nomination and for at least five years previously. After election they shall not be required to pay fees.
- 18.20.6 Honorary Life Members shall be entitled to use the letters LNZIAHS to signify that they are Honorary Life Members of The New Zealand Institute of Agricultural and Horticultural Science.
- 18.20.7 **Fellows** - Fellows shall be members who have made outstanding contributions to agricultural or horticultural science.
- 18.20.8 Fellows shall be financial members at the date of nomination and for at least five years previously.
- 18.20.9 Fellows shall be entitled to use the letters FNZIAHS to signify that they are Fellows of The New Zealand Institute of Agricultural and Horticultural Science.
- 18.20.10 Other Recognition - The Council of The Institute may at any time recognise contributions made to the cause of The Institute by any member by awarding an appropriate certificate or trophy.
- 18.21 Nomination and Election of Deserving Members - Any Full or Associate Member of The Institute may advise the Council of members they consider worthy of special recognition at any time.
- 18.22 Nominations for the recognition of deserving members may be made by any Member of Council, Section Committee, Honorary Fellow, Fellow or Honorary Life Member. Nominations describing the accomplishments of the member shall be documented and include references as to character, training and experience. These shall be forwarded to the Secretary or Executive Secretary by the 31st of March in any year to be eligible for consideration in that year. The nomination shall contain both a full and précis citation for the use of the Council should such nomination be accepted.
- 18.23 All nominations shall be considered by a selection panel comprising an independent Convenor, the President and two Council appointees.

- 18.24 The Selection Panel shall make recommendations of awards to the Council. On approval of the Council the awards shall be confirmed.
- 18.25 The Secretary or Executive Secretary shall, upon receipt of the decision of the Council inform the nominator(s) of the Council's decision. If the decision to make an award is confirmed the nominee shall be informed at an appropriate time prior to any public announcement of the decision.

## **19.0 MEMBERSHIP FEES**

- 19.1 All fee paying members shall be liable for all current fees unless they have notified the Secretary or Executive Secretary of The Institute in writing of their wish to terminate membership with The Institute.
- 19.2 All fee paying members shall be liable for all fees in arrears at the time of termination of their membership.
- 19.3 The annual membership fee for various classes of members shall be such fees as Council shall decide as being requisite to meet the commitments of Council and meet Section capitation and other costs.

19.3.1 The fees for members shall be set for the time being as shown below (rounded to the nearest dollar and inclusive of GST), but the Council of the Institute shall have the power to alter fees from time to time.

Full	100%
Associate	50%
Student	25%
Retired	37%
Overseas	50%
Family	111%
Corporate	850%

Discounts may be set by either Council or Executive according to the requirements of the budget. Council of The Institute has authorisation to reduce or defer membership subscriptions for individual members in any one year on the grounds of extreme financial hardship suffered by such members, following the receipt of written submissions.

19.3.2 Proportionate fees for persons joining during the financial year:

January, February	100%
March, April	80%
May, June	60%
July, August	40%
September, October	20%

Persons joining in November/December are not charged a fee in the current financial year.

19.3.3 Capitation payments may be made to Sections on the basis of 8% of the fees paid (exclusive of GST) by members who reside in each section. Payments will be made at the discretion of Council at the first Council meeting following each Annual General Meeting.

19.4 The Council may set reductions in fees for early payment or other purposes.

## **20.0 TERMINATION OF MEMBERSHIP AND DISCIPLINARY PROCEDURES**

20.1 **Fees in Arrears** - Membership of The Institute may be terminated if any member's fees remain unpaid for a period of more than one (1) year. The Treasurer or Executive Secretary shall give twenty-eight (28) days notice to the offending member of the intention to terminate membership unless fees are paid in full.

20.2 **Misconduct** - The Council is authorised to investigate the conduct of any member whose actions have prejudiced the standards of the profession or The Institute. If, after proper enquiry, it is found that the said member's actions have been a discredit to the profession or The Institute, and an opportunity has been provided to the member concerned to show why his or her membership should not be revoked, then membership shall be terminated.

## **21.0 LOCAL SECTIONS OF THE INSTITUTE**

21.1 Local Sections of The Institute may be formed wherever there are sufficient members to support the Local Section. Where appropriate Local Sections may co-operate with Local Sections of other professional bodies for the purposes of meetings, field days, seminars, etc.

21.2 Any Local Section shall style itself The (e.g. Canterbury) Section of the New Zealand Institute of Agricultural and Horticultural Science.

21.3 Management - Local Sections shall abide by the Constitution, By-Laws and Code of Ethics of The Institute.

21.4 Every Local Section shall elect at least a Section Chairman and Secretary/Treasurer. The Secretary of each Section of The Institute shall be responsible for keeping the Secretary or Executive Secretary of The Institute informed of any changes in the Section organisation or executive.

21.5 Meetings - Meetings of Local Sections of The Institute shall be open meetings, but only those persons registered as Members of the Section may vote at Local Section meetings.

21.6 Levies - Local Sections may, if they wish, levy all Section Members, whether members of The Institute or not, to cover Local Section operating costs. Local Sections exercising this option to collect levies shall submit a report and statement of accounts to the Council covering their financial activities during the preceding year prior to The Institute's Annual General Meeting.

21.7 Capitation Fees - Capitation fees may be paid by Council to Local Sections on a fee paying membership basis, only as decided by the Council of The Institute at the first Council meeting following each Annual General Meeting.

21.8 Accounts - The financial year of Local sections shall be the same as that of The Institute.

21.9 The Treasurer of the Local Section shall supply the Treasurer or Executive Secretary of The Institute with a set of accounts no later than twenty-eight (28) days after the end of the Local Section's financial year.

21.10 Except in the event of winding up the Local Section or where annual turnover of the local section exceeds ten thousand (10,000) dollars there will be no need for audited accounts to be supplied to The Institute's Treasurer.

21.11 Winding Up - Local Sections may be wound up if at a general meeting a resolution to do so is passed by a majority of the current financial members with the approval of the Council of The Institute. Alternatively, the Council of The Institute may elect to wind up a Local Section in circumstances where there are insufficient local members to warrant its continuation.

21.12 Where winding up of a Local Section is undertaken within five years of this Constitution coming into force, any surplus monies after the payment of all liabilities and liquidation costs shall be apportioned equitably between the former NZSHS and NZIAS based on the Section members' affiliations in the year preceding the merger of the Institute and Society. That portion attributable to former NZSHS members shall be passed to the New Zealand Horticultural Science Advancement Trust; that portion attributable to NZIAS shall be paid to The Institute. Where winding up of a local Section is undertaken later than five years after this Constitution comes into force, any surplus monies after payment of all liabilities and liquidation costs shall be paid to The Institute.

## **22. DUTIES OF OFFICERS**

### **22.1 President**

It shall be the duty of President to preside at meetings of The Institute and of Council, and to maintain a general supervision of the business of The Institute.

At all meetings the President as chairman or his or her representative, shall have a deliberative and a casting vote.

### **22.2 Vice President**

It shall be the duty of the Vice President to preside over the meetings of The Institute in the absence of the President, or at his or her request, and generally to act in the place of the President when the latter is unable to act.

### **22.3 Immediate Past President**

It shall be the duty of the Immediate Past President to preside over the meetings of The Institute in the absence of the President and Vice President, or at his or her request, and generally to act in the place of the President or Vice President when they are unable to act.

### **22.4 Secretary**

It shall be the duty of the Secretary, in conjunction with the Secretariat, to keep an accurate record of the proceedings of The Institute, to keep a register of all the names of the members, with their addresses and dates of their election, to conduct the correspondence of The Institute, to give notice of all meetings, and to perform such other secretarial and other duties as may be assigned to him or her by The Institute.

The role of Secretary and Treasurer may be held by the same person.

### **22.5 Treasurer**

It shall be the duty of the Treasurer, under the direction of Council and in conjunction with the Secretariat, to have charge of all monies of The Institute, to pay all accounts, to keep a record to the financial standing of each member, and to deliver annually to the Annual General Meeting an audited statement of income and expenditure, and of the assets and liabilities of The Institute. The role of Secretary and Treasurer may be held by the same person.

### **23. CONDUCT OF ELECTION**

- 23.1 a) The Officers of The Institute (other than the Immediate Past President) shall be elected bi-annually by letter ballot and shall hold office until the conclusion of the Annual General Meeting two years after the announcement of their election.
- b) The Councillors of The Institute will hold office for two years. Any Councillor so retiring will be eligible for re-election. The election of new Councillors will take place by letter ballot at the same time as the election of Officers.
- c) Council members may be eligible for re-election for terms not exceeding six (6) consecutive years. After standing down for at least two (2) years following six (6) years consecutive service, any member may be eligible for re-election to Council.
- 23.2 Nominations for Council and for office shall be proposed and seconded by Honorary Fellows, Honorary Life Members, Fellows, Full Members and/or Associate Members and after acceptance by the Secretary or Executive Secretary, ballot papers shall be forwarded by the Secretary or Executive Secretary to all voting members at least 28 days prior to the holding of the Annual General Meeting each year.
- Nominations for office shall be proposed and seconded by Honorary Fellows, Honorary Life Members, Fellows and/or Full Members and after acceptance by the Secretary or Executive Secretary to all voting members at least 28 days prior to the holding of the Annual General Meeting each year.
- 23.3 Only Honorary Fellows, Honorary Life Members, Fellows and Full Members are entitled to be nominated for office. Any such member may be nominated for more than one office, but may be elected to only one. If elected to a higher office as determined by the order of ranking shown in 22.1 to 22.5 above, his or her name shall be deleted from the list of nominations for any subsequent office before the successful candidate or candidates for such office are determined.
- 23.4. Ballots shall be counted by two scrutineers appointed by Council and the results shall be announced at the Annual General Meeting by the Secretary or Executive Secretary. The highest polling candidate for each office shall be elected. In the event of two candidates receiving the same number of votes, the matter shall be decided by lot.

### **24. VACANCIES ON COUNCIL**

- 24.1 In the event of an extraordinary vacancy occurring in Council by death, absence from New Zealand for six months (except by leave of Council) incapacity from mental or

bodily disease or by resignation of any of its members, such a vacancy may be filled by Council, at its next or any subsequent ordinary meeting occurring after such vacancy by the election of another Honorary Fellow, Honorary Life Member, Fellow or Full Member of The Institute, but the person so appointed shall hold office only for the unexpired term caused by the extraordinary vacancy.

## **25. EXECUTIVE SECRETARY**

- 25.1 Council may appoint an Executive Secretary to carry out such executive, administrative, secretarial or other duties as Council from time to time may require. The Executive Secretary need not necessarily be a member of, or be eligible for election to The Institute. He or she may attend such meetings of Council and its various committees and of The Institute generally as shall be necessary for the execution of his or her duties. He or she shall not be entitled to vote on any deliberations of Council. He or she shall be responsible to Council who may at any time in the event it is not satisfied with his or her performance, terminate his or her appointment.

If at any time the position of Executive Secretary be vacant, the Secretary shall undertake responsibility for those duties necessary for the continuing function of The Institute.

## **26. DUTIES OF COUNCIL**

- 26.1 Council shall meet at regular periods throughout the year and a record of such meetings as may seem appropriate shall be presented to Institute Members through transactions as prescribed in Clause 27.
- 26.2 It shall be the duty of Council to conduct the administration of The Institute according to the Constitution. It may from time to time propose amendments to, or the revocation of, rules of The Institute for adoption at an Annual General Meeting, or Special General Meeting of The Institute.
- 26.3 Council shall be responsible for the employment of any person for service in The Institute and may expel or suspend such person from any such employment. It may fix salary, emolument or wages for any such services, and decide the form such employment should take to meet the administrative needs of The Institute.
- 26.4 It shall be the responsibility of Council to:
- 26.4.1 Elect all classes of membership to The Institute.
  - 26.4.2 Appoint special committees to conduct special aspects of Institute activities. The President is an ex officio member of all such committees.
  - 26.4.3 Ensure that true accounts are kept of the monies received and expended so that at the Annual General Meeting the Treasurer's report will have been given with Council approval.

- 26.4.4 Consider and act as required on recommendations or suggestions from Sections and decide on the Capitation Grant to be paid to Sections at the discretion of Council.

## **27. TRANSACTIONS**

Council may arrange for the publication of such journals, bulletins, books or other publications as it may decide is necessary for the needs of The Institute or for the furtherance of its objects, including professional papers submitted by members, and it may arrange each year for the publication of papers deemed to have general professional interest which may be delivered at any Convention of The Institute or at any meeting of any local Section of The Institute.

**MEMBERSHIP ELECTION PROCEDURE FOR  
THE NEW ZEALAND INSTITUTE OF AGRICULTURAL & HORTICULTURAL  
SCIENCE (INC.)**

**28.0 APPLICATION FOR MEMBERSHIP**

- 28.1 Any potential new member of the Institute shall complete the prescribed "Membership Form" and forward it to the National Secretariat.
- 28.2 The nomination of any potential new member shall be proposed and seconded by Full or Associate Members of The Institute (Paragraphs 18.2 and 18.5).

**29.0 PROCESSING THE APPLICATION**

- 29.1 Upon receipt of the application the National Secretariat shall forward a copy of the application to the Secretary of The Institute and retain the original on their membership file.
- 29.2 Upon receipt of the application the Secretary of the Institute shall check that,
- 29.2.1 All the necessary details are completed and, if not, seek to obtain such details.
- 29.2.2 The proposer and seconder have signed the application and that they are Full or Associate Members of The Institute.
- 29.2.3 The applicant has not previously been struck off the membership due to non-payment of fees. (Paragraph 20.1)
- 29.3 The Secretary upon being satisfied that the application is in order, or the National Secretariat on behalf of the Secretary, shall write to the applicant
- 29.3.1 Acknowledging receipt of the application.
- 29.3.2 Advising the need for ratification of the application at the next Council or Executive meeting.
- 29.4 Prior to the next Council or Executive meeting the Secretary shall prepare a report for each new member which shall include,
- 29.4.1 The name and address of the applicant.
- 29.4.2 The claimed academic qualifications of the applicant.
- 29.4.3 The claimed work experience of the applicant.
- 29.4.5 The names of the proposer and seconder of the nomination.

**30.0 RATIFICATION OF MEMBERSHIP**

- 30.1 The ratification of the new member's application shall take place at the next Council or Executive meeting by at least a two thirds majority vote.
- 30.2 The Council or the Executive at the ratification shall allocate the appropriate category of membership.
- 30.3 Once ratification of the membership application is complete the applicant shall be considered a member of NZIAHS.

### **31.0 NOTIFICATIONS**

- 31.1 Upon ratification of the new membership the President, or the Secretary on behalf of the President, shall write to the applicant advising of the acceptance, their membership category and welcoming them into The NZIAHS, together with a "welcome information pack" which shall contain,
  - 31.1.1 NZIAHS Mission Statement.
  - 31.1.2 NZIAHS Benefits of Membership.
  - 31.1.3 Information on CPAg.
  - 31.1.4 Past issues of *AgScience*.
  - 31.1.5 Details of the Local Section officers and contacts.

The NZIAHS Constitution, By-Laws, Membership Election Procedure and Code of Ethics are available on request.
- 31.2 Upon receipt of the notification of acceptance the National Secretariat shall calculate fees and send a tax invoice to the newly elected member.
- 31.3 If the application for membership has not been ratified, the Secretary shall write advising the applicant with reasons.
- 31.4 Upon ratification of the new member the Secretary shall write to the proposer and seconder of the nomination advising them of the outcome. Reasons should be included if the application for membership has failed.
- 31.5 Upon ratification of the new member the National Secretariat and the Secretary shall update the membership files.

## **32.0 UPGRADING OF MEMBERSHIP**

- 32.1 Prior to the first meeting of each calendar year the Secretary shall prepare a list of Associate and Student Members together with any new information of their professional status.
- 32.2 At the first meeting of each calendar year the Council or Executive shall examine the list of Associate and Student Members and upgrade the membership for those that qualify.
- 32.3 Upon receipt of any upgradings of membership the Secretary shall notify the members and the National Secretariat in writing.
- 32.4 Upon the upgrading of a member the National Secretariat and the Secretary shall update the membership files.

**CODE OF ETHICS OF  
THE NEW ZEALAND INSTITUTE OF AGRICULTURAL AND HORTICULTURAL  
SCIENCE (INC.)**

**1.0 GENERAL**

- 1.1 The following is the Code of Ethics of The New Zealand Institute of Agricultural and Horticultural Science (Inc.), hereinafter referred to as “The Institute”.
- 1.2 A breach of any provision of this Code of Ethics by a member will render that person liable to disciplinary action as provided in The Institute's By-Laws.
- 1.3 Cases of unprofessional conduct by any member that are not specifically covered by this Code of Ethics will be dealt with by the Council of The Institute.

**2.0 SERVICE**

- 2.1 The first duty of every member is to render service to their clients and/or employer with absolute fidelity. At the same time, the member's conduct shall, at all times, be to uphold the reputation of The Institute and the dignity and standing of the profession.

**3.0 RESPONSIBILITIES TO CLIENTS AND EMPLOYERS**

- 3.1 No member shall undertake any professional activity or consultancy for which that member is not qualified by both training and experience.
- 3.2 Every member shall act towards a client(s) in all professional matters in a trustworthy manner, holding all client information confidential until released from this obligation by the client or clients.
- 3.3 No member shall be deemed to commit a breach of clause 3.2 by reason of being required to answer any questions which the member is legally compelled to answer in judicial proceedings.
- 3.4 All members will inform the client of the nature of any business connections, interests or other affiliations the member may have in connection with services to the client.
- 3.5 No member will undertake any such service if connections, interests or affiliations have, or could have, any bearing on the professional judgment and recommendations made by the member.
- 3.6 A member in employment shall not accept professional work on their own account unless with the knowledge and consent of their employer, or unless their work contract expressly authorises such.

**4.0 PROFESSIONAL FEES**

- 4.1 Where professional fees are charged the fee basis or structure shall be declared to the client prior to the acceptance of any engagement.
- 4.2 Members shall only charge a client a fair fee which is reasonable for the work undertaken, having regard to the interest of both client and member.
- 4.3 It shall not be ethical practice for a member to reward by commission or otherwise any person who may introduce clients exclusively to that member.
- 4.4 Payment to a member for a particular service may be accepted from more than one client only with the knowledge and consent of all interested parties.
- 4.5 No member shall receive any reward, whether financial or otherwise, of which a client is unaware, in respect of services rendered to the client for goods sold, or services rendered to the client, whether by that member or any other person.
- 4.6 From time to time the Council of The Institute may publish guidelines of matters to be considered when setting fees.

## **5.0 RELATIONSHIPS WITH FELLOW MEMBERS**

- 5.1 At all times members will have due regard to the rights of other members and will promote and maintain proper standards of professionalism in relation to other members.
- 5.2 There shall be an obligation on every member who has grounds to suspect any breach of the Constitution, By-Laws or Code of Ethics of The Institute by another member to make a confidential report at the earliest possible time to the Secretary or Executive Secretary of The Institute.

## **6.0 ACCURACY AND GOOD FAITH**

- 6.1 All members will conform within The Institute's Code of Ethics in preparing and supplying documents, providing advice and in all other matters.

## **7.0 ADVERTISING**

- 7.1 All advertising carried out by, or on behalf of, any member shall be consistent with the professional standards of The Institute, and the Constitution, By-Laws and Code of Ethics of The Institute.
- 7.2 Any advertising by members shall,
  - 7.2.1 Not contain any untruth, or statement liable to mislead or misrepresent, or indicate any specialist skills in which the member is not competent,
  - 7.2.2 Not denigrate, compare or refer to the services or work of any fellow member,
  - 7.2.3 Be consistent with standards of good taste so that neither The Institute nor its members will be brought into disrepute,

7.2.4 Be subject to the Fair Trading Act 1986 and any other particular legislation applying at the time.

7.3 The Council shall have full discretion to decide whether any advertising, or proposed advertising, is in breach of, or likely to be in breach of paragraph 7.2 and shall be entitled (in addition to any other disciplinary action it may be empowered to undertake) to prohibit the advertising, or similar advertising, on the subject of the complaint.

## **8.0 USE OF MEMBER'S NAME AND DESIGNATION**

8.1 A member shall not allow the use of their name by, or have personal association with, any enterprise or activity of a known questionable nature which may bring the member, Institute or the profession into disrepute.

8.2 The member's name and/or signature must appear on any report or document made by that member. The approved initials, as set out in the By-Laws of The Institute indicating the member's status within The Institute may be used. Associate and Student Members shall not use The Institute initials.

8.3 Members carrying on business on their own account, or in partnership, or employed as principal officers of a corporation or group, where one of the principal objects is the provision of consultancy services, may use The Institute's logo on personal business cards only after the design has received the approval of the Council.

## **9.0 OTHER**

9.1 A member shall not publish, broadcast, reprint or otherwise use any published or unpublished material of a professional, scientific, technical or other nature, whether prepared or produced by The Institute, or a member or members thereof, or any other person, without fully acknowledging the source of such material. Permission to use such material shall be obtained whenever possible.

9.2 All members shall at all times faithfully observe and perform all obligations as a member under the Constitution, By-Laws and Code of Ethics of The Institute.

**COMPLAINTS PROCEDURE FOR  
THE NEW ZEALAND INSTITUTE OF AGRICULTURAL AND HORTICULTURAL  
SCIENCE (INC.)**

**1.0 GENERAL**

1.1 Each and every complaint received by The Institute will be fully investigated.

**2.0 NOTIFICATION AND ACKNOWLEDGMENT OF A COMPLAINT**

2.1 Any person may lodge a complaint against any individual Institute member or The Institute as a whole.

2.2 All complaints shall be made confidentially, and in writing, to the Secretary or Executive Secretary of The Institute. Any complaints received by the Secretariat or any other agency of The Institute shall be forwarded immediately to the Secretary or Executive Secretary.

2.3 The Secretary or Executive Secretary upon receipt of the complaint shall acknowledge it by way of a "Standard Letter" to the complainant enclosing copies of the Constitution, By-laws, Code of Ethics, Disciplinary Procedures and any other relevant constitutional documents pertinent to the complaint. The "Standard Letter" will seek specific information regarding the complaint from the complainant giving twenty-one (21) days in which to reply.

2.4 The Secretary or Executive Secretary upon receipt of the complaint shall notify the President of The Institute of the complaint and the member(s) affected by the complaint.

2.5 The Secretary or Executive Secretary shall upon receipt of the complainant's reply to the "Standard Letter" refer the substance of the complaint to the defendant, requesting written comments within fourteen (14) days for consideration by The Institute.

**3.0 ACCEPTANCE OR REJECTION OF THE COMPLAINT**

3.1 Upon receipt of the initial documentation of the complaint by both the complainant and the defendant, the Council of The Institute shall establish a Disciplinary Committee for the purposes of investigating the complaint, and this committee will meet to consider whether the complaint is trivial, frivolous, malicious, mischievous or vexatious and therefore rejected, or is serious and therefore accepted.

3.2 If the complaint is rejected the complainant shall be informed immediately. The complainant may request that an investigation be undertaken regardless, in which case the complainant will be asked to deposit a sum of money sufficient to cover the investigation. On receipt of the money the complaint shall be investigated within fourteen (14) days.

3.3 If the complaint is accepted the full complaints procedure will be followed.

#### **4.0 DISCIPLINARY COMMITTEE**

##### 4.1 Complaint against a member of The Institute:

4.1.1 The Disciplinary Committee shall comprise an "Independent Person" in the role of chairperson, the President of The Institute, and one other "Nominated Institute Member".

4.1.2 The "Independent Person" and the "Nominated Institute Member" will be mutually acceptable to both the complainant and the defendant.

##### 4.2 Complaint against The Institute:-

4.2.1 The Disciplinary Committee shall comprise an "Independent Chairperson" and two other "Independent Persons".

4.2.2 The "Independent Chairperson" and the two other "Independent Persons" will be mutually acceptable to both the complainant and the Council of The Institute.

4.3 The Secretary or Executive Secretary of The Institute, or nominee, shall be responsible for correspondence, minute taking, etc. with regard to matters of the disciplinary hearing. The Secretary or Executive Secretary will not take any other part in the disciplinary hearing.

4.4 The Disciplinary Committee shall meet as and when required or as dictated by the circumstances of the complaint.

#### **5.0 INVESTIGATION AND HEARING OF THE COMPLAINT**

5.1 The initial investigation of the complaint shall be undertaken by the Chairperson of the Disciplinary Committee upon the agreed appointment of the Disciplinary Committee.

5.2 Within fourteen (14) days of appointment the Disciplinary Committee shall hold a preliminary meeting to decide whether,

5.2.1 There is sufficient information on hand to uphold the complaint and to conduct a hearing.

5.2.2 There is insufficient information to uphold the complaint but further investigation is warranted.

5.2.3 There is insufficient information to uphold the complaint, the complaint is of a frivolous or vexatious nature and no hearing is warranted.

5.3 If the complaint is rejected at the preliminary meeting of the Disciplinary Committee the Secretary or Executive Secretary shall notify both parties of the decision giving twenty-one (21) days for a written notification of intention to appeal.

5.4 If the complaint is upheld at the preliminary meeting of the Disciplinary Committee the Secretary or Executive Secretary shall,

- 5.4.1 Arrange a time and place to hold an inquiry.
- 5.4.2 Give twenty-eight (28) days notice in writing to both the complainant and defendant of the intention to hold the inquiry, the time and place of the hearing and the nature of the charge.
- 5.5 The Disciplinary Committee shall be entitled to hear witnesses, call evidence and regulate the proceedings in such a manner, including to allow or disallow the cross examination of witnesses, as it thinks fit.
- 5.6 The Disciplinary Committee shall allow the defendant a reasonable opportunity of being heard in their own defence.
- 5.7 At any stage of the hearing the defendant or complainant may, if they think fit, appoint Counsel to represent them.

## **6.0 THE FINDING AND THE AWARD**

- 6.1 The Disciplinary Committee, after hearing and considering all the evidence, and making any further investigation considered desirable, shall at its absolute discretion make a finding on the complaint.
- 6.2 The finding shall be made within twenty-eight (28) days of the end of the hearing and notified to all parties concerned.
- 6.3 If the Disciplinary Committee is of the opinion that the defendant was guilty of improper conduct, it may make an award in writing, subject to appeal against the defendant, as follows:-
  - 6.3.1 Remove the defendant from membership of The Institute.
  - 6.3.2 Censure the defendant.
  - 6.3.3 Order the defendant to make a public apology.
  - 6.3.4 Suspend the defendant from membership for a period not exceeding 12 months.
  - 6.3.5 Order the defendant to pay any costs and expenses related to the inquiry.
- 6.4 If the Disciplinary Committee is of the opinion that the defendant was not guilty of improper conduct, it may make an award in writing subject to appeal against the complainant, as follows:-
  - 6.4.1 Censure the complainant.
  - 6.4.2 Order the complainant to make a public apology.
  - 6.4.3 Order the complainant to pay any costs and expenses related to the inquiry.

This is subject to the complainant being a member of The Institute.

- 6.5 Any decision of the Disciplinary Committee shall not take effect in any case until twenty-one (21) days after the notification of the award to the defendant and the complainant.
- 6.6 The Disciplinary Committee may cause to be published, in full or in part, details of the hearing and the award, notwithstanding the lodging of an appeal.
- 6.7 Except in the event of an appeal the decision of the Disciplinary Committee will be final. Where an appeal is permitted the decision of the Appeal Board shall be final.
- 6.8 On appeal the Appeal Board may confirm or alter the decision of the Disciplinary Committee as appropriate, with the Appeal Board having the right to exercise all the disciplinary powers available to the Disciplinary Committee.
- 6.9 Until the findings and the award are announced by the Disciplinary Committee the matter shall be conducted in confidence.

## **7.0 APPEAL AGAINST THE FINDING AND/OR THE AWARD**

- 7.1 The Disciplinary Committee has absolute discretion in reaching its findings and making an award. These can only be challenged on matters of law or procedure. For example, rules at variance with legislation or procedures that did not follow the rules, would be grounds for appeal.
- 7.2 Any party to the complaint shall have the right of appeal.
- 7.3 All appeals shall be lodged in writing with the Secretary or Executive Secretary within twenty-one (21) days of the publication of the notice of the findings and the award.
- 7.4 Upon notice of intention to appeal the Council of The Institute will convene to determine the level of security required to be lodged by the appellant to cover costs and expenses likely to be incurred by The Institute during the appeal process.
- 7.5 The Secretary or Executive Secretary shall notify the appellant of the likely costs and expenses and security required to be lodged.
- 7.6 Upon receiving adequate security for costs and expenses likely to be incurred by the appeal process the Executive Committee shall take the necessary steps to constitute the Appeal Board which shall consist of:
  - 7.6.1 A suitably qualified arbitrator.
  - 7.6.2 Two independent assessors.
- 7.7 Upon confirmation of the Appeal Board members the Secretary or Executive Secretary shall:
  - 7.7.1 Arrange a time and place to hold the appeal.
  - 7.7.2 Give twenty-eight (28) days notice in writing to the appellant of the intention to hold the appeal and the time and place of the appeal.

- 7.8 The Appeal Board shall be convened within fifty-six (56) days of the Secretary or Executive Secretary receiving the lodgement of security for the appeal.
- 7.9 The Appeal Board may conduct its business in any way it deems fit. The parties to the appeal may, at any stage, be represented by legal counsel.
- 7.10 The Appeal Board may reject the appeal or accept it in whole or in part. If accepted the Appeal Board may in accordance with the rules, impose penalties or remove or alter any penalties previously imposed by the Disciplinary Committee.
- 7.11 Upon making its decision the Appeal Board shall allocate costs of the appeal on the following basis:
- 7.11.1 In the event of the appeal being dismissed, or a disciplinary sanction being altered but not removed, the appellant shall meet all the costs incurred by the Appeal Board.
- 7.11.2 In the event of the appeal being upheld, The Institute shall meet all the costs of the appeal, excluding the costs of the appellant.
- 7.12 The decision of the Appeal Board shall be final.
- 7.13 The decision of the Appeal Board shall be notified to the Secretary or Executive Secretary of The Institute within twenty-eight (28) days of the end of the hearing.
- 7.14 On receiving the decision the Secretary or Executive Secretary shall notify, in writing, all parties involved.
- 7.15 The Disciplinary Committee may cause to be published, in full or in part, details of the appeal and the decision thereof.
- 7.16 The Disciplinary Committee shall implement all decisions of the Appeal Board within fourteen (14) days of receiving the decision.