

**RULES OF  
NEW ZEALAND INSTITUTE OF FORESTRY (NZIF)  
TE PŪTAHI NGĀHEREHERE O AOTEAROA INCORPORATED**

(Incorporated in 1929)

*History*

- *Registered 2 August 2012.*
- *Amended by AGM on 6 July 2014. Rule 120.4 amended to change threshold for electing Fellows.*
- *Amended by AGM on 30 August 2016 to incorporate provisions for a possible exemption for Registered Members under section 156 of the Real Estate Agents Act 2008. The change added Section VIII (Rules 163-175).*
- *Amended by AGM on 3 September 2017 to:*
  - *Incorporate provisions required by the Real Estate Agents (Exemptions) Regulations 2017 (“NZIF Exemption Regulations”). This added Rule 55, amended Rules 112, 115 and 164-176 and updated Rule numbers and cross references;*
  - *Clarify in Rule 149 that the Board prescribes procedures and the Council approves them.*
- *Amended by AGM on 9 July 2018 to:*
  - *Replacing rules 133.1 and 135.1 so that the Chairperson of the Registration Board need not only be chosen from within Council*
  - *Adding a definition of eminence to Rule 120 in relation to election of Fellows. Amending Rule 120.4 to clarify that the Council checks eligibility of nominations, whereas members decide on eminence]*
  - *Incorporating further provisions required by the REA (Exemptions) Regulations 2017 overlooked in 2017. This included adding Rules 172.2A & B after Rule 172.2 and replacing Rule 174.*
- *Amended by AGM on 25 August 2019 to:*
  - *Amending rule 158 so that the due date for Registered Members renewal of their Registration is extended to be no later than 31<sup>st</sup> May in each year.*
  - *Amending rule 158 to extend the date for issuance of a Certificate of Registration to be in line with the date change described in rule 158 above.*

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## SECTION I NAME

1. The Society shall be named the New Zealand Institute of Forestry (NZIF) Te Pūtahi Ngāherehere o Aotearoa Incorporated.

## SECTION II DEFINITIONS AND INTERPRETATION

2. In these Rules, unless the context otherwise requires, the following terms shall have the meanings shown;
  - 2.1. “Administrator” means an employee of the Institute appointed by the Council in accordance with the Rules to manage the administration of the Institute;
  - 2.2. “Ballot” may include any appropriate method of voting, as determined by the Council, including postal voting and electronic voting;
  - 2.3. “Board” means the Registration Board as set out in Rules 130 to 133;
  - 2.4. “Certificate of Registration” means the annual certificate required under Rule 159;
  - 2.5. “Code of Ethics” means the Code of Ethics specified in Rules 54 and 56;
  - 2.6. “Council” means the Council comprised as specified in Rules 65 and 66;
  - 2.7. “CPD” means continuing professional development;
  - 2.8. “Fellow” means a person elected as a Fellow in terms of Rule **Error! Reference source not found.**;
  - 2.9. “Fellows’ Committee” means the Committee elected in accordance with Rule 125;
  - 2.10. “Financial” when applied to a Member means a Member who is not in arrears with the annual subscription payment for their class of Membership at the relevant date;
  - 2.11. “Financial Year” means the period commencing 1 April and ending on 31 March the following year;
  - 2.12. “Forestry” includes all those activities involved in the management and use of forests and their products, the purposes of which are the production of wood or other forest benefits and the maintenance of forest environments in their most beneficial form;
  - 2.13. “Full Voting Members” means Honorary Members, Retired Members other than Retired Associate Members, Registered Members and Ordinary Members;
  - 2.14. “Institute” means the New Zealand Institute of Forestry (NZIF) Te Pūtahi Ngāherehere o Aotearoa Incorporated;
  - 2.15. “Institute Meeting” means any Annual or Special General Meeting of the Institute and any meeting of a Local Section or Special Interest Group but does not include meetings of the Council, the Board or committees;
  - 2.16. “Local Section” means a regional group of members established according to Rule 179;
  - 2.17. “Member” means a person who holds any current class of membership as defined in Rule 7;
  - 2.18. “Objects” means the Objects of the Institute as set out in Rule 6;
  - 2.19. “On-hold” when applied to membership means a member whose membership has been placed on hold according to Rule 46;
  - 2.20. “Register of Members” means a database containing the names, addresses of all Members, the dates when they became Members and such other information as the Council may determine. The Register of Registered Members is a subset of the Register of Members, recording details of Registered Members;

- 2.21. “Registration” means the process for becoming and maintaining the status as a Registered Member as set out in Rules 148 to 178;
  - 2.22. “Regulations” means approved by the Council according to the procedures set out in Rules 114 to 117;
  - 2.23. “Rule” means a Rule of the Institute;
  - 2.24. “Special Interest Group” means a group of Members established according to Rule 187;
  - 2.25. “written notice” and “in writing” includes communication by post, electronic means (including email and web site posting), or advertisement in periodicals, or a combination of these methods.
3. Where the context requires, the singular shall include the plural and vice versa and the masculine shall include the feminine and vice versa.
  4. Headings are a matter of reference and are not part of the Rules.
  5. If any question or difference arises concerning the interpretation of the Rules and Regulations or the construction of any of them, it shall be referred to the Council whose decisions shall be final.

### **SECTION III OBJECTS**

6. The Objects of the Institute shall be the advancement of the profession of forestry within New Zealand by means including but not limited to:
  - 6.1. Establishing, maintaining and improving standards of professional forestry;
  - 6.2. Contributing to the development and recognition of good forestry practice;
  - 6.3. Recognising, regulating and supporting those demonstrating competence in the forestry profession;
  - 6.4. Supporting forestry professionals in their career development;
  - 6.5. Representing the forestry profession;
  - 6.6. Acting as an independent advocate for forestry;
  - 6.7. Serving Members by:
    - 6.7.1. Affording them opportunities to express and exchange views;
    - 6.7.2. Encouraging fraternity and “esprit de corps”.

### **SECTION IV MEMBERSHIP**

#### **MEMBERSHIP CLASSES**

7. The membership shall be divided into seven classes, namely:
  - 7.1. Honorary Member;
  - 7.2. Retired Member;
  - 7.3. Registered Member;
  - 7.4. Ordinary Member;
  - 7.5. Graduate Member;
  - 7.6. Associate Member; and
  - 7.7. Student Member.

### **Honorary Member**

8. An Honorary Member shall be a person who has been outstanding in:
  - 8.1. Service to the Institute; and/or
  - 8.2. Contributing to or influencing the practice of forestry in New Zealand.
9. Honorary Members shall be recommended by Council and elected at an annual general meeting of the Institute by a majority vote of the Full Voting Members present at the meeting who are financial at the commencement of the meeting.
10. A person recommended for election as an Honorary Member shall not be a Member at the time of nomination.

### **Retired Member**

11. A Registered Member, Ordinary Member or Associate Member may apply to be transferred to Retired Member if:
  - 11.1. They have been a financial member for at least ten years; and
  - 11.2. They have reached the age of entitlement to New Zealand Superannuation.
12. A Registered Member who is transferred to Retired Member will be known as a Retired Registered Member.
13. An Ordinary Member who is transferred to Retired Member will be known as a Retired Member.
14. An Associate Member who is transferred to Retired Member will be known as a Retired Associate Member.

### **Registered Member**

15. A Registered Member is one who has met the requirements for Registration and who holds a current Certificate of Registration.

### **Ordinary Member**

16. An applicant for entry to the class of Ordinary Member must:
  - 16.1. Be proposed and seconded by two members each of whom must be an Honorary Member or Retired Registered Member, or Retired Member or Registered Member or Ordinary Member; and
  - 16.2. Have completed a formal course of standing recognised by Council in some branch of forestry or an allied discipline; and
  - 16.3. Have completed at least five years in the practice, administration or teaching of, or research in some branch of forestry.

### **Graduate Member**

17. An applicant for entry to the class of Graduate Member must:
  - 17.1. Be proposed and seconded by two Members each of any membership class other than Student Member; and
  - 17.2. Have completed a formal course of standing recognised by the Council in some branch of forestry or an allied discipline; and
  - 17.3. Be engaged in the practice, administration or teaching of or research in some branch of forestry.
18. A Graduate Member:

- 18.1. Who ceases to be engaged in the practice, administration or teaching of or research in some branch of forestry shall apply for transfer to Associate Member;
- 18.2. On gaining a minimum of five years' experience in the practice, administration or teaching of or research in some branch of forestry shall apply for transfer to the class of Registered Member or Ordinary Member.
19. The Council may transfer any Graduate member who has been a Graduate Member for at least seven years and who has not applied for or been accepted as a Registered or Ordinary Member to Associate Member without having received an application for transfer.

### **Associate Member**

20. An applicant for entry to the class of Associate Member must:
- 20.1. Be proposed and seconded by two Members each of any membership class other than Student Member; and
- 20.2. Have an interest in forestry; and
- 20.3. Be a person who, in the opinion of the Council, will be able to contribute to the advancement of forestry and the objects of the Institute.

### **Student Member**

21. An applicant for admission to the class of Student Member:
- 21.1. Must be proposed and seconded by two Members neither of whom shall be Student Members;
- 21.2. Shall be a student receiving formal training of a standard recognised by the Council in forestry or in an allied discipline;
- 21.3. Shall be:
- 21.3.1. A resident of New Zealand; or
- 21.3.2. A New Zealand citizen who is studying at an overseas institution; or
- 21.3.3. An overseas student studying at a New Zealand institution; or
- 21.3.4. A person who can demonstrate an interest or connection with forestry in New Zealand or the Institute.
22. Student Members shall remain as such only while they are receiving formal training or, on completion of that training await entry into full employment. If, on entry to full employment, a Student Member does not make application to transfer to Graduate or Associate Member, the Council may terminate his/her membership.

### **Post-Nominal Abbreviations**

23. Members who wish to use a post-nominal abbreviation to designate themselves as belonging to the Institute must use the relevant abbreviation shown below:
- |       |   |                 |
|-------|---|-----------------|
| 23.1. | Fellows of the Institute  | FNZIF           |
| 23.2. | Registered Members with a current Certificate of Registration               | RMNZIF          |
| 23.3. | Retired Members (other than Retired Associate Members) and Ordinary Members | MNZIF           |
| 23.4. | All other Members, including Members on hold                                | No post-nominal |
24. A Registered Member may:
- 24.1. Use the appellation "Registered Forester";

- 24.2. With the approval of the Board and subject to any conditions that the Board specifies, use the appellation “Registered Forestry Consultant” (Registered Trade Mark number 267996, owned by the Institute).

### **ADMISSION TO THE INSTITUTE AND TRANSFER TO ANOTHER MEMBERSHIP CLASS**

25. Each application for membership of the Institute or for transfer to another membership class shall be in the form prescribed by the Council. Applications for Registration shall be in the form prescribed by the Board.
26. Approval for admission to the Institute or for transfer to another class of membership except Honorary Member and Registered Member shall be by a majority vote of Council.
27. The Council, or in the case of a Registered Member the Board, may decline an application for admission or transfer if it considers that the applicant is not a fit and proper person to be associated with the Institute or for any other reason. The Council and the Board are not bound to give a reason for declining such an application.
28. When an application for membership has been approved, the Council shall notify the applicant and request payment of the appropriate fees. An application shall not be considered complete until such fees have been paid and any other conditions specified by the Council have been met. If fees are not paid or conditions not met within three months from the time of notification, the approval for admission or transfer shall be deemed to have lapsed.
29. Should approval for admission to the Institute or transfer to another membership class be granted as a result of the applicant supplying misleading or inaccurate information, of which the Council shall be the sole judge, such admission or transfer may be declared null and void.
30. Notwithstanding any other provision in these rules, the Council may at its sole discretion determine the membership class in which an applicant for admission to the Institute or transfer to another membership class shall be placed.
31. Members other than Student Members shall be entitled to a certificate of membership inscribed on a form approved by Council and signed by the President and Secretary.

### **OBLIGATIONS AND RIGHTS OF MEMBERS**

32. All Members shall be bound by the Rules, Regulations and Code of Ethics of the Institute and any future revisions thereof. This requirement continues until a Member resigns or is removed from the Register of Members.
33. All financial members of the Institute shall be entitled to attend any Institute Meeting, to take part in the proceedings thereof, and, subject to any fee that may apply, to receive a copy of any reports and journals issued by the Institute.
34. Full Voting Members who are financial shall have full rights of voting and holding office.
35. Graduate Members and, except for the provisions of Rule 66, Associate Members and Retired Associate Members may not hold office, but those who are financial have the right of voting on all questions except as specified otherwise in these Rules.
36. Student Members may not hold office and have no voting rights.
37. No Member shall claim, or lead any person to believe, that they are a Registered Forester or a Registered Member unless the member is a Registered Member and holds a current Certificate of Registration and nor shall they claim to be a Registered Forestry Consultant unless they have met the same conditions and been authorised by the Board to use that term.



38. No Member shall use the appellation “forestry consultant” or lead any person to believe that they may be a forestry consultant unless they are a Registered Member and hold a current Certificate of Registration.
39. Each Member is responsible for ensuring that their correct contact details have been provided to the Institute. The Council may, at its discretion, use any contact address, including an electronic address, provided by the Member for communicating with that Member.

## **MEMBERSHIP FEES**

### **Annual Subscriptions**

40. The annual fee for each membership class shall be fixed by the Council and published in a schedule, a copy of which shall be sent to each member with the request for payment of the fee.
41. The annual membership fee shall be payable in advance and shall become due on the first day of the financial year.
42. Each Member shall be liable for the payment of the annual fee until submitting his or her resignation in writing to the Council, unless the Member has been expelled from the Institute. A Member shall remain liable for any fees that were due prior to the date of resignation or expulsion and on such resignation or expulsion the Council may demand and may sue for any arrears.

### **Arrears**

43. Each Member whose fee for a financial year has not been paid within six months of becoming due shall be “in arrears” and the Member’s rights of membership shall be suspended until the arrears have been paid.
44. If a Member remains in arrears of subscription for six months after the suspension of his or her membership rights under Rule 43 the Council may have the Member’s name removed from the Register of Members and the Member shall then cease to be a Member.

### **Application and other Fees**

45. The Council may, from time to time, establish application fees payable by those making application for admission to the Institute or for transfer to another membership class.

### **Membership on Hold**

46. Membership may, with the approval of the Council, be put on hold for one financial year at any time by application to Council in writing. The Council may prescribe conditions and procedures for a membership to be put on hold and for resumption of membership.
47. If, at the end of a financial year in which membership has been on hold, the Member does not request resumption of membership or does not request and have approved an extension to the on-hold membership, the Council may have the Member removed from the Register of Members and the Member shall then cease to be a Member.
48. A Member whose membership is on hold is not eligible for any of the rights of a Member and is not entitled to use any NZIF post-nominal, but may receive limited services at the discretion of the Council.

### **Reduction of Fees**

49. The Council may reduce the annual fee for a Member admitted to the Institute or transferred to another membership class part way through a financial year providing the fee and any application fee has been paid within three months of notice of advice of admission or transfer.

50. The Council may reduce the membership and other fees for an individual Member or group of Members for a financial year or on an on-going basis where hardship or other good reason makes this desirable.

## **TERMINATION OF MEMBERSHIP**

### **Resignation**

51. Any Member shall be entitled to resign from membership of the Institute by giving written notice to the Council in the form prescribed by the Council.
52. A Member who resigns shall be liable for any fees and other amounts owing at time of resignation.

### **Reinstatement of Membership**

53. If a person who has previously resigned, or been struck off or been expelled from the Institute applies for readmission, the application must be made in the form prescribed by the Council and the Council may prescribe conditions for readmission, which may include payment of any fees and other payments that were due to the Institute at the time the applicant had previously ceased to be a member.

## **CODE OF ETHICS**

54. The Council must ensure the availability to all Members of a Code of Ethics that has been approved at an annual general meeting of the Institute. The Council may, from time to time, make minor amendments to the Code of Ethics by following the procedure set out at Rules 115 to 117, but any significant amendments must be approved by an annual general meeting.
55. Amendments to the Code of Ethics are subject to Rule 165.
- [Rule 55 added at 2017 AGM to meet requirements for NZIF Exemption Regulations.]*
56. The Code of Ethics shall have the force of a Regulation.

## **COMPLAINTS ON CONDUCT OF MEMBERS AND DISCIPLINE**

57. The Council must prescribe procedures for the submission, investigation, hearing and determination of complaints against Members.
58. When a complaint is received against a Member, whether by another Member or by some other person, or where the Council receives information that suggests a Member may be in breach of the Member's obligations under Rule 32, the Council shall, as soon as practical but subject to Rule 60, appoint a Complaints and Disciplinary Committee to investigate the complaint or possible breach. A Complaints and Disciplinary Committee shall consist of not less than three people of appropriate qualifications and experience. At least two appointees must be Members. If the complaint or possible breach relates to a current or former Registered Member, the Council shall consult with the Board before appointing a committee.
59. If, after proper enquiry into the complaint or possible breach, the Complaints and Disciplinary Committee is of the opinion that the Member concerned is guilty of a breach of Rule 32, the Committee may make one or more of the following orders:
- 59.1. That such Member be expelled from the Institute;
- 59.2. That such Member be suspended from Membership for a specified period and/or until specified conditions have been met;
- 59.3. That if a Registered Member, Registration may be cancelled or may be suspended for a specified period and /or until specified conditions have been met;
- 59.4. That if by a prescribed date the Member fails to fulfil any requirements specified by the Committee, the Member may be suspended from Membership for a specified period of time;

- 59.5. That a fine not exceeding an amount determined from time to time by the Council and notified to Members be imposed on such Member;
- 59.6. That such Member be reprimanded or admonished;
- 59.7. That such Member pay a sum not exceeding an amount determined from time to time by the Council and notified to Members towards such costs incurred by the Institute and/or the complainant as are directly attributable to the investigation, hearing and/or determination of the complaint;
- 59.8. That upon completion of consideration of the complaint according to the procedures prescribed by the Council, the Member be named, the order made against the Member be stated and the nature of the breach be publicised in any manner as may be prescribed by the Committee;
- 59.9. If a Member does not satisfy any conditions specified by the Committee by the required date, the Committee may make further orders according to Rule 59.
60. If the complaint is the subject of a proceeding or prosecution by a competent authority, then the Council is not required to appoint a Complaints and Disciplinary Committee until the proceeding or prosecution has been completed.

### **Appeals**

61. The Member complained against shall have the right to appeal to Council against any finding of the Complaints and Disciplinary Committee and/or any steps taken by the Committee pursuant to that decision under Rule 59. Any such appeal must be exercised by notice in writing to Council within 20 working days after the member is notified of the Committee's decision.
62. On receipt of an appeal, the Council shall, as soon as practical, appoint an Appeal Committee to investigate the appeal. An Appeal Committee shall consist of not less than three people of appropriate qualifications and experience, none of whom shall have been members of the Complaints and Disciplinary Committee that investigated the complaint that is the subject of the appeal. At least two appointees must be Members.
63. In considering the appeal the Appeal Committee shall consider only the grounds for appeal submitted by the appellant and the written evidence that was available to the Complaints and Disciplinary Committee when the decision appealed against was made.
64. An Appeal Committee may affirm, vary or reverse any order of a Complaints and Disciplinary Committee, or make any order that a Complaints and Disciplinary Committee is able to do under Rule 59. The decision of the Appeal Committee shall be final.

## **SECTION V GOVERNANCE AND MANAGEMENT**

### **COUNCIL**

#### **Composition of Council**

65. The affairs of the Institute shall be governed by a Council, the members of which shall consist of the President, Vice President, Secretary, Treasurer and six Councillors. Council shall appoint from among its members such other positions as may from time to time be necessary. The members of Council must be Full Voting Members, or (subject to the provisions of Rule 66) Retired Associate Members or Associate Members, ordinarily resident in New Zealand.
66. A maximum of one Associate Member or Retired Associate Member, who must have been a member of the Institute for at least five years at the time of nomination, may serve on Council as one of the six elected Councillors, but not as President, Vice President, Secretary or Treasurer.

### **Meetings of Council**

67. Meetings of the Council may be held via video or telephone conference or other format as the Council may decide.
68. Six members of Council (excluding any co-opted members) shall form a quorum. Each elected member shall be entitled one vote only, except that the President shall have a casting vote as well as a deliberative one, on any resolution. Except where otherwise provided in these Rules, all resolutions shall be decided by a majority of votes cast by those present at the meeting.

### **Election of Council**

69. The members of the Council shall be elected biennially by ballot and shall hold office until the date specified in Rule 75.
70. The Secretary shall call for nominations for the offices of President, Vice-President, Secretary, Treasurer and six Councillors not later than the 1<sup>st</sup> day of February in the year that the term of the Council will expire, by notice to all Members.
71. Each candidate for election shall be nominated by no fewer than two Members, neither of whom may be a Student Member, and all nominations, together with the candidate's written acceptance of nomination, must be in the hands of the Secretary not later than the date specified in the call for nominations, but in any case not later than last day of February in the year in which the term of the Council expires.
72. If nominations exceed the number of vacancies, ballot papers shall be prepared and mailed to each financial member other than Student Members not later than the 15<sup>th</sup> day of March in the year in which the term of the Council expires.
73. Ballot papers must be returned to the Secretary by the date specified, which shall be no later than the 31<sup>st</sup> day of March in the year in which the term of the Council expires.
74. The ballot shall be counted by a committee composed of the Secretary and two scrutineers appointed by Council for the purpose.
75. The Secretary shall advise members of the result of the ballot immediately following the counting of the votes. The Council so elected shall assume office on the earlier of the 1<sup>st</sup> day of June following the election or immediately following the AGM due in that year.
76. In the event of two or more nominees for any position other than President receiving equal votes, the incoming President shall exercise a casting vote. Should equal votes be cast for the office of President, the Convenor of the Fellows' Committee shall exercise the casting vote.
77. A Full Voting Member may be nominated for more than one office (including an elected position on the Registration Board) but may be elected to only one. If a nominee is elected to more than one office the nominee shall at once specify which office they elect to retain, and the nominee having the next highest vote for that position shall then be declared elected to the remaining office.
78. In the event that more than one Associate Member or Retired Associate Member is nominated for a position of Councillor and if more than one is in the six highest polling nominees for the positions, only the one receiving the most votes will be eligible to serve on Council and the others will be required to stand aside in favour of the next highest polling nominees who are Full Voting Members. In the event that more than one Retired Associate Member or Associate Member is nominated for a position of Councillor, but there are no more than six nominations in total (therefore negating the need for an election), then, in order to meet the requirements of Rule 66, either one (or if necessary more than one) of the nominated Associate Members shall voluntarily withdraw their names, or, failing a voluntary withdrawal, the incoming President will select one and ask the other(s) to step aside.

### **Extraordinary Vacancies on Council**

79. If there is no suitable nomination for any office, it shall be proper for such office to be filled by election at the annual general meeting.
80. 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 (of which fact Council shall be sole judge), resignation of any of its members, or other cause, such vacancy may be filled by a majority vote of Council by another Full Voting Member or, subject to the provisions of Rule 66, Retired Associate Member or Associate Member, but the person so appointed shall hold office only for the unexpired term caused by the extraordinary vacancy.

### **Co-opted Members of Council**

81. Council may from time to time co-opt any person to be an extra member of Council. A co-opted person shall not have a right to vote. The term of any co-opted member of Council shall expire at the same time as the term of the elected members of the Council.

### **DUTIES OF OFFICERS**

82. It shall be the duty of the President to preside at all meetings of the Institute and of Council, and to maintain a general supervision of the business of the Institute.
83. 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 the President's request, and generally to act in the place of the President where the latter is unable to act.
84. It shall be the duty of the Treasurer to have charge of all monies of the Institute; to ensure payment of accounts; to ensure records are kept of the financial standing of each member; to deliver each year to the annual general meeting a statement of income and expenditure, a statement of the assets and liabilities of the Institute and a budget for the financial year in which the meeting is being held.
85. It shall be the duty of the Secretary to ensure an accurate record of the proceedings of the Institute is kept, to ensure the Register of Members is maintained, to conduct correspondence as directed by Council; to give notice of meetings and to perform such other secretarial and other duties as may be assigned by Council.

### **MEETINGS**

86. The annual general meeting of the Institute shall be held within six months of the end of the financial year at a time and a place to be determined by Council. Ordinary general meetings of the Institute may be held at any time and place that Council may decide.
87. The Secretary shall give not fewer than fourteen (14) days' written notice of the date and place of every annual or ordinary general meeting to all members of the Institute and shall set forth in such notice the business to be dealt with at such meeting.
88. It shall not be competent for a general meeting to deal with any matter not set out in the official notice convening the meeting unless by leave of two-thirds of the Members, other than Student Members, present at the meeting.
89. Special general meetings may be called at any time by the President. Moreover the President shall, upon receipt of a request by not fewer than twenty Full Voting Members who are financial at the time of the request, call a special meeting at any time or place. In either case the President shall cause to be sent to each member, ten days in advance of the date set for the meeting, a written notice stating the subjects to be considered at the meeting.
90. At all annual, ordinary or special general meetings of the Institute, thirty Full Voting Members who are financial at the commencement of the meeting, shall form a quorum.

91. At all Institute Meetings, each Member (other than Student Members) who is financial at the commencement of the meeting and who is present shall be entitled to one vote only on any resolution, except where otherwise specified in these Rules. Subject to Rule 112, all resolutions shall be decided by a majority of votes cast by those who are eligible to vote. Voting shall be recorded on the voices or by a show of hands.
92. Notwithstanding the foregoing, however, a ballot may be demanded, provided that such demand is supported by at least one-third of the financial Members other than Student Members who are present. At all meetings the President shall, if necessary, have a casting vote as well as a deliberative vote.
93. The financial Members, other than Student Members present at any Annual General Meeting or a Special General Meeting may resolve that a motion put to a vote at such meeting shall require ratification subsequent to the meeting through an electronic vote sent to all Members who would be eligible to vote on the motion if they had been present at the meeting. In such an event, any changes to the motion agreed at the meeting shall be incorporated in the motion put to members as an electronic vote and shall not be approved unless a majority of those who participate in the electronic vote (or in the case of a motion that is for a change in these Rules, two-thirds of those who participate) agree.

### **COMMITTEES AND WORKING PARTIES**

94. The Council may establish committees and/or working parties for specific purposes and may disestablish such committees or working parties when appropriate.
95. The terms of reference, chair and membership (which may, where appropriate, include non-members of the Institute) of each committee and working party shall be approved by the Council and may be reviewed and amended by the Council at any time. Committees and Working Parties shall be required to produce annual budgets for their activities and to report to the Council on their activity at the end of each financial year and at other times at the request of the Council.
96. The Council may delegate specific responsibilities to a committee or working party as the Council considers appropriate.
97. The Council may appoint persons to represent the Institute on other bodies and such persons need not be Members. Unless the Council otherwise approves, each appointment shall be deemed to continue until determined by the Council. Such appointed representatives shall report to the Council as prescribed by the Council.

### **ADMINISTRATION**

98. The Council may engage or appoint an Administrator and determine his or her remuneration. The Council may establish procedures to be followed for the employment or engagement of other staff or contractors and the determination of their remuneration.
99. The Administrator and other staff or contractors working under his or her direction shall perform such duties as the Council may decide.
100. The Council the Board, committees and working groups may delegate their respective powers to the Administrator as they deem fit.

### **Financial Provisions**

101. The Council may, from time to time, establish fees for publications, events and other Institute activities.
102. All incomes of the Institute shall be paid into a bank account approved by Council. All accounts amounting to \$50.00 or over shall be authorised by any two of the designated officers appointed by Council and shall be approved at a subsequent meeting of Council. A designated officer may not authorise a payment to himself/herself.

103. At the discretion of Council, funds shall be invested in a financial institution as defined in the Reserve Bank of New Zealand Act 1989 or its successors in an account to the credit of the Institute.
104. The Institute may borrow money and provide security for that if authorised in a vote at an Institute meeting by the majority of Full Voting Members who are present and financial at the time of the vote.
105. The Council may impose a special purpose levy on Members where the levy has been approved by a majority vote of financial (at the time of the vote) Members, other than Student Members, at an Institute Meeting.
106. The Council shall not approve payment of Institute funds except:
- 106.1. In furtherance of the objects of the Institute;
  - 106.2. For the management and administration of the Institute;
  - 106.3. As honoraria to certain officers of the Institute;
  - 106.4. As reimbursement of expenses incurred in carrying out Institute business.
107. No Member 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 payment shall be reasonable and relative to that which would be paid in an arm's length transaction (being the open market value). The provisions and effect of this Article shall not be removed from this document and shall be included and implied in any document replacing this document.
108. Council may accept in trust such bequests and other funds as are presented to the Institute, invest them in the manner set out in Rule 103, and apply the interest or principal together with such other monies as may become available from time to time, for the advancement of forestry in any manner approved by the Institute at a general meeting.
109. Council may each year appoint a qualified person to audit or review the financial affairs of the Institute.

### **Indemnity**

110. Members of the Board shall not be liable for any act or omission in the performance or purported performance by them of the functions of the Board provided they have carried out those functions with reasonable care and in good faith. In the event of any liability notwithstanding this Rule, the members of the Board will be indemnified by the Institute in respect of such liability.
111. The Council shall use its best endeavours to have in place at all times insurance to meet the purposes as set down in Rule 110.

### **ALTERATIONS TO THE RULES**

112. Subject to Rule 165 the Rules may be amended at any annual general meeting of the Institute, provided that notice has been sent to the Secretary at least four weeks in advance of such meeting, and that the proposed change shall be approved by two-thirds of the Full Voting Members who are present and who are financial at the commencement of the meeting.

*[Amended at 2017 AGM to meet requirements of NZIF Exemption Regulations.]*

113. No addition to or alteration or rescinding of the Rules shall be approved if it affects the non-profit aims, personal benefit Rule or the winding up Rule. The provisions and effect of this clause shall not be removed from this document and shall be included and implied in any document replacing this document.

## REGULATIONS

114. Except as otherwise stated in these Rules, the Council may make Regulations on matters referred to in the Rules that require further elaboration in detail.
115. Subject to Rule 165, Regulations shall be made, amended or rescinded by the assent of not less than two-thirds of the members of the Council.
- [Amended at 2017 AGM to meet requirements of NZIF Exemption Regulations.]*
116. The Council shall advise members of an intent to make, modify or rescind a Regulation and give members a minimum of four weeks to comment on a draft before the Council approves it.
117. Information regarding Regulations made, amended or rescinded shall be communicated to Members by notice to each Member or by publication in an official publication of the Institute of such Regulations or a summary thereof together with advice that a copy of such Regulations may be obtained from the Administrator on request.

## CONTROL OF THE COMMON SEAL

118. The common seal of the Institute shall be kept in the control of the Secretary, and shall be affixed to any document or writing only by resolution of Council and when so affixed shall be witnessed by the President and Secretary or any two Councillors and the Secretary.

## WINDING-UP

119. In the event of the Institute being wound up, any surplus after payment of all liabilities and liquidating fees shall be applied to the advancement of forestry in such manner as the Institute may prescribe.

## SECTION VI FELLOWS

120. A Fellow of the Institute shall be a Member who has achieved eminence in the profession.
- A member should be considered eminent if they have made a substantial contribution to forestry, resulting in large benefits to a region, the nation or the world through forestry. Generally, Fellows will be widely known in the sector for their contributions, but in rare cases their contributions, while important, may not be widely known prior to their nomination. These contributions may include such things as exemplary leadership, extensive work in voluntary organisations that benefit people, research resulting in important new knowledge, or major contributions to forest policy and legislation.
- [Definition of eminence added at 2018 AGM]*
121. For recognition as a Fellow:
- 121.1. The Member must have been nominated by two Members who shall be Full Voting Members;
- 121.2. The Member must be a Full Voting Member other than an Honorary Member at the time of nomination and must have been such a member for at least five years immediately prior to the nomination;
- 121.3. The Member, at the time of nomination, must have had at least 15 years' experience in the practice, administration or teaching of, or research in, some branch of forestry, of which at least five years must have been in New Zealand;
- 121.4. The nomination must have been considered by Council and, if the Council determines that the nominated member fulfils the requirements for a Fellow set out in sections 121.1, 121.2 & 121.3, included in an annual ballot in which all Full Voting Members who are financial when the ballot is held may participate. Any nominated Member who receives a minimum of 100 votes



of which a minimum of 80% are in favour of the election of the member as a Fellow will be elected as a Fellow. The ballot must be held prior to the Annual General Meeting of the Institute with the elected Fellows announced at that meeting.

*[Rule 120.4 amended at AGM 6 July 2014 replacing words "Any nominated Member who receives more than 50% of the votes cast in the ballot will be elected as a Fellow." with "Any nominated Member who receives a minimum of 100 votes of which a minimum of 80% are in favour of the election of the member as a Fellow will be elected as a Fellow"]*

*[Rule 120.4 further amended at 2018 AGM to clarify that the Council checks eligibility of nominations, whereas members decide on eminence]*

122. A nomination for a Fellow shall be in the form prescribed by the Council.

### **Fellows' Committee**

123. The Fellows' Committee shall consist of three members who shall be Fellows or Honorary Members. The committee shall elect one of their members as the Convenor of the Fellows' Committee.

124. The functions of the Fellows' Committee shall be:

124.1. The Convenor of the Fellows' Committee shall exercise a casting vote pursuant to Rule 76 in the event of equal votes being cast for the position of President;

124.2. To proffer advice to the Council on matters of concern to Fellows and Honorary Members; and

124.3. To provide advice to the Council or the President, when requested.

125. The election of members of the Fellows' Committee shall be carried out in the same manner and to the same time schedule (except for the provisions of Rule 127) as for an election of Council, except that:

125.1. Candidates for election must be Fellows or Honorary Members of the Institute;

125.2. Candidates for election must be nominated by no fewer than two Full Voting Members;

125.3. Only Fellows and Honorary Members shall be entitled to vote;

125.4. In the event of two or more nominees receiving equal votes, the President shall exercise a casting vote.

126. In the event of an extraordinary vacancy occurring in the Fellows' Committee by death, incapacity from mental or bodily disease (of which fact Council shall be sole judge), resignation or from lack of nominees at an election, such vacancy may be filled by a majority vote of Council, with another Fellow or Honorary Member, after consultation with the other members of the Fellows' Committee. The person so appointed shall hold office only for the unexpired term caused by the extraordinary vacancy.

127. Elections shall take place in the year between Council elections. The term of each Committee shall be two years.

## **SECTION VII REGISTRATION SCHEME**

128. The purpose of the Registration Scheme is to provide a means for individual members to be recognised by their peers and others for attaining and maintaining:

128.1. Appropriate qualifications and understanding of the principles of forestry processes;

128.2. Continuing development of professional skills, abilities and knowledge;

128.3. High standards of professional conduct.

129. Members achieving Registration are known as Registered Members.

## REGISTRATION BOARD

130. Registration shall be administered by the Registration Board, established under the authority of Council as a committee of Council.
131. The Board is responsible to Council for its procedures and its duties shall include the administration of all matters relating to applications, objections, and the maintenance of the Register of Registered Members.
132. The Board shall determine its own procedures provided that, in case of disagreement amongst its members as to matters of procedure, the matter shall be referred to Council, the decision of which shall be final.
133. The Board shall comprise:
- 133.1. One person appointed by Council to be the Chairperson of the Board;  
*[Amended at the 2018 AGM so that the Chairperson of the Registration Board need not only be chosen from within Council]*
- 133.2. Two members who shall be Retired Registered Members or Registered Members, elected at the same time and in the same manner as members of the Council, except that only Registered Members shall be eligible to cast a vote. These members shall be elected for four-year terms in alternate biennial periods;
- 133.3. Two members who shall be Full Voting Members, elected at the same time and in the same manner as members of the Council. These members shall be elected for four-year terms in alternate biennial periods;
- 133.4. One member appointed by Council by invitation and who shall be a member of another professional association in New Zealand and who shall have knowledge of and experience in the registration scheme of that association.

### Power to Co-opt

134. Subject to the approval of the Council, the Board may, from time to time, co-opt extra members of the Board for a period of up to twelve months. A co-opted member shall have the same rights as an ordinary Board member except they shall not have a right to vote.

### Vacancies

135. Where vacancies in the membership of the Board occur from whatever cause the following rules shall apply:
- 135.1. The Council shall appoint another person to be chairperson of the Board;  
*[Amended at the 2018 AGM as a consequential amendment to Rule 133.1]*
- 135.2. Members elected under Rule 133.2 shall be replaced with another Retired Registered Member or Registered Members by election by Registered Members;
- 135.3. Members elected under Rule 133.3 shall be replaced by election from Full Voting Members;
- 135.4. Members appointed under Rule 133.4 shall be replaced by invitation and appointment by Council.
136. Where a replacement is required under Rules 133.2 or 133.3, the nomination of candidates and the timetable for the election shall proceed in a manner prescribed by the Council on a timetable having regard to the timetable implied in Rules 133.2 and 133.3.
137. Anyone appointed or elected to a vacancy shall serve on the Board for the remainder of the term of the original member whom they replace.

138. The Board shall continue to operate notwithstanding any vacancy from time to time.

### **Quorum**

139. Four members of the Board shall form a quorum provided that at least one of them shall be one of the two elected under Rule 133.2.

### **Fees and Allowances**

140. Board members and co-opted Board members attending meetings of the Board shall be paid actual and reasonable expenses incurred in attending the meetings on presentation of relevant receipts, plus an attendance fee determined by Council.

### **Register of Registered Members**

141. The Board shall ensure the maintenance of the Register of Registered Members and the information contained in it.

142. The Board shall, after such inquiries as appear necessary, instruct the Registrar to remove the name of a Registered Member from the Register of Registered Members in any of the following events:

142.1. If the member tenders his/her resignation in writing from the Institute;

142.2. If the member requests in writing that his/her Registration be terminated;

142.3. If no reply is received within three months to a communication sent to the last known address of the member.

143. Any Member removed from the Register of Registered Members in accordance with Rule 142 may apply to the Board in writing, no sooner than 12 months after his/her name is removed, for reinstatement, and may be reinstated on such terms and conditions as the Board determines.

144. A Member removed from the Register of Registered Members by the Registrar pursuant to Rule 159 or Rule 161 on the instruction of the Board shall have the right to appeal to Council against the instruction of the Board. Any such appeal must be exercised by notice in writing to Council within 20 working days after the member is notified of the Board's intention to instruct the Registrar to remove the name of the member from the Register of Registered Members, and the decision of Council shall be final.

145. The Board shall ensure that the Register of Registered Members contains the names and contact details of all Registered Members, including those who have ceased to be Registered, the dates at which they were Registered and, where relevant, ceased to be Registered and such other information as the Council, following consultation with the Board, shall require.

146. The Council shall ensure that the names and specified contact details of Registered Members are available for public inspection.

### **REGISTRAR**

147. The Registrar shall be appointed by the Board and shall act as Secretary to the Board, but shall have no voting rights. The Registrar's duties shall include:

147.1. Ensuring the accuracy of the Register of Registered Members;

147.2. The carrying out of the procedures laid down in Rules 149 to 163 as directed by the Board;

147.3. The maintenance of minutes and other documents relating to the proceedings of the Board and carrying out other duties as the Board requires;

147.4. The provision of such information as the Secretary of the Institute may require.

## REGISTRATION

### Eligibility for Registration

148. An applicant for Registration must:
- 148.1. Be a member of the Institute at the time of application;
  - 148.2. Have passed a formal course of a standing recognised by the Board in some branch of forestry or an allied discipline unless otherwise agreed by the Board;
  - 148.3. Have completed at least five years' experience in forestry since graduation or certification, of which at least two must have been in New Zealand, and have reached a level of expertise recognised by the Board, and such other conditions as Council from time to time determines;
  - 148.4. Display to the satisfaction of the Board an understanding of the basic principles underlying the forestry process involved in the applicant's particular area of qualification and expertise, to an extent that allows interpretation and application to different situations that may reasonably be expected to be encountered in the course of the member's endeavours;
  - 148.5. Have undertaken continuing professional development (CPD) prior to application to the standard prescribed by the Board; and
  - 148.6. Affirm in writing the applicant's intention to abide by the Code of Ethics.

### Application for Registration

149. The Board shall prescribe the procedure for applying for Registration and may amend the requirements from time to time. The requirements shall be approved by the Council. The requirements shall include:

*[Rule 149 amended by AGM of 2017 to make the Board responsible for prescribing and the Council for approving.]*

- 149.1. The form in which the application must be made and the details that must be supplied;
  - 149.2. The continuing professional development requirements that the applicant must have completed prior to application;
  - 149.3. The application fee, if any, that must accompany the application;
  - 149.4. The process and timetable by which Members are advised of the application, of their right to object to the application and the form in which an objection must be submitted.
150. As soon as practicable, the Board will consider the application and any objections, which consideration may, at the Board's discretion, include a hearing of any objectors and/or the applicant, and will decide whether to grant the application. No application will be granted unless a majority of the Board votes in favour of granting the application and there is no more than one dissenting vote. Notwithstanding other requirements specified in these Rules, the Board may at its sole discretion determine whether or not an application is approved, having regard to all the circumstances.
151. The Council shall prescribe the process and timetable by which an unsuccessful applicant for Registration may appeal the Board's decision.

### Recognition of Skills

152. An applicant for Registration may request that they are recognised as having:
- 152.1. General skills in forestry;
  - 152.2. General skills in forestry but with specialist skills in a specified area; or
  - 152.3. Specialist skills in specified areas (but without general skills in forestry).

153. When considering an application for Registration, even when the applicant has not requested recognition under Rule 152, the Board may determine that the applicant is recognised as having skills within one of the categories listed in Rule 152.
154. If either of Rules 152 or 153 apply, then the Board, when approving an application for Registration may require that the entry in the Register of Registered members should be so qualified, otherwise no qualification shall be shown in the Register.
155. A Registered Member may, at any time, apply to the Board for approval for the addition, removal or amendment of any skills recognition attached to the member's entry in the Register of Registered Members.
156. The Board shall, at any review of Registration pursuant to Rule 157 require the Registrar to add, amend or remove any skills recognition, where the review indicates valid reasons for making such a change.

### **Continuing Registration Requirements**

157. The Board shall prescribe requirements for the continuing Registration of Registered Members and for review of Registration, and may amend the requirements from time to time. The requirements shall be approved by Council.
158. Registered Members shall be required to apply on an annual basis for renewal of their Registration. The application will be in a form prescribed by the Board and must be received by the Registrar no later than the 31<sup>st</sup> May in each year.
159. The Registrar, on being satisfied as to compliance with the provisions of Rule 158 shall issue a Certificate of Registration expiring on 31<sup>st</sup> May of the following year. Failure to comply with the provisions of Rule 158 will result in an instruction from the Board to the Registrar that the member's name be removed from the Register of Registered Members.
160. For the purposes of a review of Registration under Rule 157, the Member shall provide the Board with such information and other material as may be required by the Board.
161. In the event that the Registration Board is not satisfied that the requirements for continuing Registration are being met by the member, the Registration Board shall notify the member as to the respects in which it is not so satisfied and shall give the member an opportunity to be heard. If the member does not wish to be heard, or if, having heard the member, the Registration Board is still not satisfied that the requirements for continuing Registration are being met by the member, the Board may, following notice to the member, instruct the Registrar to remove the name of the member from the Register of Registered members.

### **Registration Fees**

162. Members applying for Registration shall pay an initial application fee as determined by Council from time to time following consultation with the Board.
163. Registered Members shall pay annual and continuing Registration fees as determined by Council following consultation with the Board.

## **SECTION VIII PROVISIONS RELATING TO EXEMPTION UNDER REAL ESTATE AGENTS ACT 2008**

*[Section VIII (Rules 164-178) were added by the AGM of 30 August 2016 and amended by the AGM of 3 September 2017 to provide for the requirements of the exemption for Registered Members under section 156 of the Real Estate Agents Act 2008 and contained in the Real Estate Agents (Exemptions) Regulations 2017.]*

164. Rules 164 to 178 apply from the date Schedule 2 Part 1 of the Real Estate Agents (Exemptions) Regulations 2017 ("NZIF Exemption Regulations") made under section 156 of the Real Estate

Agents Act 2008, exempting Registered Members from the requirement to be licensed under the Act, comes into force and for so long as it and the Act remain in force.

*[Members should note that the NZIF Exemption Regulations state in Clause 6 of Part 1 Schedule 2 that if there is any inconsistency between the Rules and the NZIF Exemption Regulations, then it is the provisions in the NZIF Exemption Regulations that apply. Members should ensure they are familiar with the NZIF Exemption Regulations and the Rules. The exemption does not apply if the Member has not complied with the NZIF Exemption Regulations.]*

165. The Institute must obtain the approval of the Ministry of Justice to any amendment to these Rules, the Code of Ethics or to any Regulation made under Rule 114. The NZIF Exemption Regulations will cease to apply if approval for an amendment has not been obtained.

166. The terms “Real estate agency work” and “Real estate transaction” in these Rules have the meaning given to *real estate agency work* and *transaction* in section 4 of the Real Estate Agents Act 2008 or an amendment to that Act. At the date the NZIF Exemption Regulations came into force, the definitions were:

**real estate agency work or agency work—**

- (a) means any work done or services provided, in trade, on behalf of another person for the purpose of bringing about a transaction; and
- (b) includes any work done by a branch manager or salesperson under the direction of, or on behalf of an agent to enable the agent to do the work or provide the services described in paragraph (a); but
- (c) does not include—
  - (i) the provision of general advice or materials to assist owners to locate and negotiate with potential buyers; or
  - (ii) the publication of newspapers, journals, magazines, or websites that include advertisements for the sale or other disposal of any land or business; or
  - (iii) the broadcasting of television or radio programmes that include advertisements for the sale or other disposal of any land or business; or
  - (iv) the lending of money on mortgage or otherwise; or
  - (v) the provision of investment advice; or
  - (vi) the provision of conveyancing services within the meaning of the Lawyers and Conveyancers Act 2006.

**transaction** means any 1 or more of the following:

- (a) the sale, purchase, or other disposal or acquisition of a freehold estate or interest in land:
- (b) the grant, sale, purchase, or other disposal or acquisition of a leasehold estate or interest in land (other than a tenancy to which the Residential Tenancies Act 1986 applies):
- (c) the grant, sale, purchase, or other disposal or acquisition of a licence that is registrable under the Land Transfer Act 1952:
- (d) the grant, sale, purchase, or other disposal or acquisition of an occupation right agreement within the meaning of the Retirement Villages Act 2003:
- (e) the sale, purchase, or other disposal or acquisition of any business (either with or without any interest in land).

167. In addition to the requirements set out in Rules 148 to 149, applicants for Registration and at each renewal and review of Registration must advise the Board:
- 167.1. Of their relevant qualifications and experience relating to Real estate agency work;
  - 167.2. Whether or not they are covered by professional indemnity insurance.
168. The following Members are not eligible for Registration or renewal of Registration:
- 168.1. A person who has been convicted, whether in New Zealand or another country, of a crime involving dishonesty (or of a crime that, if committed in New Zealand, would be a crime involving dishonesty) within the 10 years preceding the application for Registration or renewal of Registration;
  - 168.2. A person who has been convicted of an offence under sections 12A, 14, 17 to 22, or 24 of the Fair Trading Act 1986, within the 5 years preceding the application for Registration or renewal of Registration;
  - 168.3. A person who has been licensed under the Real Estate Agents Act 2008 but whose licence has been cancelled within the five years preceding the application for Registration or renewal of Registration;
  - 168.4. A person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993;
  - 168.5. A person who is an undischarged bankrupt or is subject to subpart 4 of Part 5 of the Insolvency Act 2006.
169. An applicant for Registration and a Registered Member, if requested by the Board, must provide a declaration under the Oaths and Declarations Act 1957 that they are not prevented from being registered for any of the reasons set out in Rule 168 and/or must give consent to the Board to allow it to conduct necessary enquiries to determine if the applicant or Registered Member is not eligible for Registration for any of the reasons set out in Rule 168. Failure to provide the necessary declaration and/or consent will result in Registration being denied or cancelled as the case may be.
170. To be eligible for the exemption, the Registered Member must hold a current Certificate of Registration and must have complied with these Rules. No other Member is entitled to undertake Real estate agency work, unless they are licensed or otherwise eligible under section 6 of the Real Estate Agents Act 2008.
171. The Board will inform applicants for Registration and all Registered Members at the time of renewal or review of their Registration, of the advisability of holding and maintaining professional indemnity insurance.
172. Before a Registered Member signs a contractual document with a client to undertake any Real estate agency work, the Registered Member must, in writing:
- 172.1. Advise the client the Member is not a licensed real estate agent or salesperson;
  - 172.2. Advise the client of any actual or potential conflicts of interest that may arise as a result of the Real estate agency work;
  - 172.2A Advise the client that if the Member fails to comply with Rule 172.2, the client—
    - (a) may cancel the contract with the Registered Member;
    - (b) may cancel any contract arising out of the contract with the Registered Member;
    - (c) is not liable to pay any fees regardless of whether the contract is cancelled;
    - (d) may recover any fees paid regardless of whether the contract is cancelled.
  - 172.2B To avoid doubt, fees excludes any expenses that a Registered Member has incurred on behalf of a client.

*[Rules 172.2A & B added at 2018 AGM to further meet the requirements of the REA (Exemptions) Regulations 2017]*

- 172.3. Recommend the client seeks legal advice;
  - 172.4. Advise the client they may also need to seek advice from a licensed real estate agent or from other parties;
  - 172.5. Allow the client a reasonable opportunity to seek that advice;
  - 172.6. Explain to the client in plain English, the differences between the disciplinary processes under the Real Estate Agents Act 2008 and the disciplinary processes available under Rules 57 to 64 and Rule 176;
  - 172.7. Advise the client of the remedies under the two regimes.
173. The Registered Member must retain a copy of a signed statement from the client:
- 173.1. Acknowledging receipt of written advice from the Registered Member concerning the matters set out in Rule 172;
  - 173.2. Setting out the actual or potential conflicts of interest disclosed to the client and acknowledging that the client wishes to continue to engage the Registered Member;
  - 173.3. Acknowledging they have fully understood the differences between the two regimes, including (but not limited to), the ability of the Real Estate Agents Disciplinary Tribunal (established under section 100 of the Real Estate Agents Act 2008) to award compensation of up to \$100,000.
174. If a Registered Member has failed to notify the client of a conflict of interest the Registered Member must remind the client, in writing, of their rights under Rules 172.2A and 172.2B.
- [Rule 174 amended at 2018 AGM to meet the requirements of the REA (Exemptions) Regulations 2017]*
175. Registered Members must not:
- 175.1. Seek or accept remuneration for Real estate agency work in the form of a commission in addition to or instead of the normal professional charges of the Registered Member;
  - 175.2. In connection with a Real estate transaction, prepare agreements of sale and purchase or to give advice about legal rights and obligations that is incidental to the preparing of an agreement;
  - 175.3. Manage funds relating to a real estate transaction through a trust or any other account;
  - 175.4. Carry out any Real estate agency work outside the Registered Member's forestry work. If a Real estate transaction relates to non-forestry uses, the Registered Member must not carry out Real estate agency work in relation to those other uses unless they are licensed under the Real Estate Agents Act.
176. In addition to the orders a Complaints and Disciplinary Committee may make under Rule 59 when a Member has breached Rule 32, the Committee may, where it appears a person has suffered loss because of a breach by a Registered Member relating to Real estate agency work, order the Registered Member to pay the aggrieved person a sum not exceeding \$100,000 by way of compensation.
177. The Board will maintain a register, available to the public of all Registered Members who have had a complaint upheld against them in the previous three years. Complaints decisions will not be published:
- 177.1. Until the period of filing an appeal (20 working days) has ended and, if an appeal is lodged until it has been completed under Rule 64;



- 177.2. If the Complaints and Disciplinary Committee, or in the case of an appeal the Appeal Committee has ordered that the complaint decision is not to be published;
- 177.3. If the complaint has not been upheld.
178. A complaint made against a Member in connection with the provisions of Rules 164 to 177 that relates to actions while those Rules were in force, may continue to be processed as if the rules were still in force, even the regulations referred to in Rule 164 have been rescinded.

*[Section VIII (Provisions Relating to Exemption Under Real Estate Agents Act 2008) added at the 2016 AGM to meet the requirements of the NZIF Exemption Regulations and amended to meet further requirements for the exemption at the 2017 AGM.]*

*[Former sections VIII (Local Sections and Special Interest Groups) and IX (Transition Procedures) and associated Rules were renumbered as Sections IX and X, following the insertion of Section VIII (Provisions Relating to Exemption Under Real Estate Agents Act 2008) by the AGM of 30 August 2016.]*

## **SECTION IX LOCAL SECTIONS AND SPECIAL INTEREST GROUPS**

### **LOCAL SECTIONS**

179. The Council may create Local Sections and shall define the geographical boundaries and the name for each Local Section.
180. The objects of the Local Section shall be the advancement of the Objects of the Institute within the geographic region that defines the Local Section by:
- 180.1. Providing networking amongst Local Section Members;
  - 180.2. Assisting with the mentoring of younger Members;
  - 180.3. Delivering a programme of activities that supports the Objects of the Institute and fosters the professional development of Members;
  - 180.4. Supporting the wider community on behalf of the forestry profession;
  - 180.5. Obtaining the views of Local Section Members and representing these views to the Council;
  - 180.6. Promoting membership of the Institute.
181. Each Member of the Institute resident in the area shall automatically be a member of the Local Section, provided that the Council may permit a resident of one Local Section area to become a member of another Local Section.
182. Every Member of the Local Section who is Financial shall be entitled to attend general meetings of the Local Section and, with the exception of Student Members, to vote.
183. The affairs of each Local Section shall be managed by a committee consisting of a chairperson and a secretary and such other members as the Local Section shall decide. The committee shall be elected at an Annual General Meeting of the Local Section, which shall be held within three months of the end of each Financial Year. The chairperson, secretary and any person who speaks on behalf of or represents the Local Section must be a Member of the Institute other than a Student member.
184. In the event that a Local Section fails to hold an Annual General Meeting and to elect a committee, the Council may appoint a Member to be the Chairperson of the Section.
185. Each Local Section shall submit a report of its activities, including details of any income and expenditure, to the Council within one month of the end of the Financial Year.
186. The Council may prescribe rules for the operation of Local Sections, including the provision of funding for the section's activities.

## **SPECIAL INTEREST GROUPS**

187. At the request of at least five Members, the Council may establish or approve the establishment of a Special Interest Group for Members who have a community of interest in a professional, technical or other aspect of forestry. The Council shall appoint a Member to be the convenor of the group.
188. The Council shall approve the objects of each Special Interest Group, which shall be consistent with the Objects of the Institute.
189. Any Member may join and participate in the activities of a Special Interest Group. The Council may approve the participation of non-members in a Special Interest Group where this will further the Objects of the Institute.
190. The convenor of each Special Interest Group shall, within one month of the end of each financial year, provide a report to the Council on the activities of the group during that financial year.
191. The Council may prescribe rules for the operation of Special Interest Groups, including the provision of funding for the group's activities.

## **SECTION X TRANSITION PROCEDURES**

192. On the approval of these rules:
- 192.1. Honorary Members will continue to be Honorary Members;
- 192.2. Retired Registered Members will continue to be Retired Registered Members;
- 192.3. Retired Members will continue to be Retired Members
- 192.4. Retired Associate Members will continue to be Retired Associate Members;
- 192.5. Registered Members will continue to be Registered Members;
- 192.6. Members will become Ordinary Members;
- 192.7. Graduate Members will continue to be Graduate Members;
- 192.8. Associate Members will continue to be Associate Members;
- 192.9. Student Members will continue to be Student Members;
- 192.10. Fellows will continue to be Fellows;
- 192.11. Those members whose membership is on hold will continue to have their membership on hold until the end of the financial year for which they were on hold;
- 192.12. Those members who were known as Life Members under the former Articles of Association will no longer be known as Life Members, but they will be deemed to be financial without further payment for as long as they remain Members of the Institute;
- 192.13. Members of the Council, the Board and the Fellows' Committee will continue to serve as members until the end of the term for which they were elected;
- 192.14. Local Sections and Special Interest Groups will continue to exist and the officers and convenors of each Local Section and Special Interest Group will continue to serve as such for the remainder of their terms;
- 192.15. A Registered Member may continue to use the term Registered Forestry Consultant until the Board has prescribed the terms and conditions by which a Registered Member may use that term under Rule 37;
- 192.16. Where the Articles of Association that were replaced by these Rules prescribed procedures in more detail than are set out in these Rules, the procedures in those Articles shall apply until the Council or the Board have published replacement procedures and or Regulations.