



## By-laws of the Property Institute of New Zealand

Updated and approved by the Board of the Property Institute of  
New Zealand  
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## 1. INTERPRETATION

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### PREAMBLE

The Property Institute of New Zealand (PINZ) was formed in 2000 through an amalgamation of the New Zealand Institute of Valuers (NZIV), the Property Land Economy Institute of New Zealand (PLEINZ), and the Institute of Plant and Machinery Valuers (IPMV). In 2005 the Board instigated a number of refinements to broaden the membership, to accommodate a better mix of disciplines and property professionals and to simplify the number of different membership categories

In December 2008, PINZ resolved to create a number of professional communities within the PINZ with identified similarities, will ensure a focused delivery of products and services, enabling members to get the information and training they need, the networking opportunities they require and to maximise the value from their membership fees

#### 1.1 Consistency with Rules

Expressions, words or phrases defined in the Rules will have the same meaning in these By-laws. In the event of any inconsistency between the provisions of the Rules and these By-laws, the provisions of the Rules will prevail.

#### 1.2 Definitions

**Accredited Property Qualification** means a degree or tertiary qualification approved by the Board from time to time as satisfying the academic entry requirements for membership of PINZ;

**Act** means the Incorporated Societies Act 1908;

**Admonish** means to advise a Member that he or she has transgressed the provisions of Rules, By-laws, and/or Codes and **Admonishment** means the Admonishing of a Member;

**AGM Business** means:

- (a) when it relates to an annual general meeting of a Professional Community:
  - (i) to receive and consider:
    - (A) the financial statements;
    - (B) the report of the Professional Community Committee for the preceding year; and
    - (C) the auditor's report;
  - (ii) to appoint the auditor;
  - (iii) to consider any other general business, and any special business of which due notice has been given;
- (b) when it relates to an annual general meeting of a Branch:

- (i) to receive and consider:
  - (A) the financial statements;
  - (B) the report of the Branch Committee for the preceding year; and
  - (C) the auditor's report;
- (ii) to appoint the auditor;
- (iii) to consider any other general business and any special business of which due notice has been given;

**Approved Professional Experience** means either:

- (a) experience gained outside a course of study in property and/or plant and machinery valuation professions, including overseas experience, approved by the Board from time to time;
- (b) a full-time year of lecturing in an Accredited Property Qualification; or
- (c) a full-time year of property research approved by the Board from time to time;

**Approved Course of Study** means a course of study approved by the Board from time to time;

**Board Committee** means a committee appointed by the Board;

**Branch Committee** means a committee described in Regulation 4.3;

**Branch Committee Member** means a member of a Branch Committee;

**CEO** means the person appointed as Chief Executive Officer under Rule 10.1.

**Codes** means any codes of professional conduct, ethics or practice, approved by the Board from time to time;

**Committee Member** means a Professional Community Committee Member or a Branch Committee Member, as the context requires;

**Comparable Property Professional Association** means any society or association for the time being listed in Schedule 1 of these By-laws;

**Continuing Professional Development (CPD)** means the maintenance, improvement and development of knowledge, and personal qualities, necessary or desirable for Property professionals;

**Financial Controller** means the financial controller of PINZ from time to time;

**Financial Year** means from 1 January through 31 December in any year.

**Graduate** means a person with an Accredited Property Qualification who has less than two years' experience in the property industry.

**Management Committee** means a Professional Community Committee or a

Branch Committee, as the case may be;

**Month** means a calendar month;

**National Office** means the national office of PINZ;

**Partially Qualifying Degree** means a degree or tertiary qualification with content corresponding to part of the property and/or plant and machinery disciplines, approved by the Board as satisfying academic entry requirements for membership of PINZ;

**Prescribed** means prescribed by the Board, by a Professional Community Committee or by a Branch Committee, as the case may be;

**Professional Community Committee** means a committee for each property related occupational interest elected by the members of the professional community;

**Professional Community Committee Member** means a member of a Professional Community Committee;

**Recognised Academic Qualification** means a master's degree or postgraduate diploma or graduate certificate or its equivalent, approved by the Board as satisfying academic entry requirements for membership of PINZ;

**Regulation** means a provision of these By-laws;

**Reprimand** means to advise a Member in writing that the Member has transgressed PINZ's Rules, By-laws, and/or Codes, and that the transgression will become part of the Member's record of "Admonish";

**Review Committee** means the Board Committee appointed to hear appeals in accordance with the By-laws,

**Rules** means the Rules of PINZ;

**Student** means a person undertaking an Approved Course of Study;

**Suspension of Membership** means the loss of:

- (a) the right to use PINZ's Members' logo;
- (b) the right to use PINZ postnominals;
- (c) referrals of work from PINZ;
- (d) the right to vote; and
- (e) publication of professional card in the PINZ journal,

for such period as membership remains suspended.

### 1.3 Number and Gender

Words importing the singular include the plural and words importing the masculine gender include the feminine gender and vice versa.

## **2. MANAGEMENT**

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### **2.1 The Chief Executive Officer**

The CEO appointed under Rule 10.1, will:

- (a) attend meetings of PINZ, the Board of PINZ, Board Committees and Professional Communities Committees;
- (b) be responsible to see that notices, agendas and accompanying papers are issued in adequate time for all such meetings;
- (c) be responsible to ensure that minutes of the proceedings of all meetings of PINZ and the Board are entered in the relevant minute books;
- (d) be responsible for ensuring that the decisions of the Board and of Board Committees, are implemented;
- (e) issue all notices calling general meetings of PINZ and meetings of the Board and of Board Committees;
- (f) be responsible for ensuring that the policies of the Board are implemented; and
- (g) supervise and manage all PINZ employees.

## **3. FINANCIAL**

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### **3.1 Banking and Finance**

- (a) The CEO will conduct the Institute's business utilising best financial practice, consistent with the standards and practices required by the Institute of Chartered Accountants of NZ.
- (b) The CEO is authorised to receive income and make payments to deliver the budget previously authorised by the Board. Payments not previously authorised will require prior approval by the Board.
- (c) Cheques or other negotiable instruments paid to the bankers of PINZ for collection requiring endorsement may be endorsed by the CEO or by such other person as the Board may appoint from time to time.

### **3.2 Accounts**

- (a) PINZ's financial year end will be 31 December in each year, unless otherwise determined by the Board.
- (b) Each Professional Community will prepare an annual budget in consultation with the National Office prior to the commencement of each financial year.
- (c) Each Professional Community and Branch will be separately accounted for at the end of each financial year; but a consolidated statement(s) of financial performance and financial position will be prepared for PINZ for each financial year.

- (d) All accounts will be administered in conjunction with the National Office. All relevant financial information must be supplied by Professional Communities and Branches to the National Office upon request and in a timely manner.
- (e) Funds will only be disbursed for expenditure by Professional Communities and Branches, with the authority of the relevant Management Committee.
- (f) Management Committees will ensure that the National Office receives copies of all bank account statements promptly following each statement period.

#### **4. PROFESSIONAL COMMUNITIES AND BRANCHES**

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##### **4.1 Membership**

- (a) Members residing within the defined geographic boundaries of a Branch will be attached to that Branch unless the Board determines otherwise.
- (b) The Board will, after considering the advice of the Professional Community Management Committees, determine the professional scope of each Professional Community and which members and Affiliates may be attached to each Professional Community.
- (c) In addition to their rights, privileges and obligations as members of PINZ, all members attached to a Professional Community and/or a Branch, will have the rights, privileges and obligations to which they are entitled as members of such Professional Community and/or Branch.

##### **4.2 Powers**

- (a) The powers and responsibilities of each Professional Community and Branch as specified in Rules 11.3 and 12.3 respectively.
- (b) Subject to Regulation 4.2(a), each Professional Community will be responsible for implementing the objects of PINZ in its particular area of professional interest and for setting and maintaining practice standards.
- (c) Subject to Regulation 4.2(a) each Branch will be responsible for implementing the objects of PINZ within its own geographic area.

##### **4.3 Governance**

Subject to Regulation 4.2, each Professional Community and each Branch will have a Management Committee which will be responsible for overseeing and supervising the activities of the Professional Community/Branch, as the case may be.

##### **4.4 Management**

A secretary may be appointed by the CEO to manage the day to day business and affairs of a Professional Community/Branch, as the case may be. Any such appointee will be responsible for implementing the plans and initiatives of the Management Committee in accordance with any management guidelines provided by the CEO from time to time.

##### **4.5 General Meetings**

- (a) The annual general meeting of the members attached to each Professional Community/ Branch will be held as soon as possible after the end of each financial year of PINZ and prior to 15 May, at the place and time decided by the Management Committee. The AGM Business will be effected at each annual general meeting.
- (b) A member wishing to bring a motion or business before an annual general meeting of a Professional Community or Branch that is not AGM Business, must give notice in writing to the Management Committee at least 20 days before the day of the annual general meeting.

#### **4.6 Notice of General Meetings**

General meetings of members attached to a Professional Community or a Branch will be held at the place and time decided by the Management Committee and at least fourteen (14) clear days' notice of any general meeting will be given to all members attached to the Professional Community/Branch, as the case may be. Any omission to give a notice of meeting to, or the non-receipt of a notice of meeting by, any member entitled to receive such notice, will not invalidate the proceedings at that meeting.

#### **4.7 Quorum at General Meetings**

The lesser of

- (a) Five (5) members attached to a Professional Community or Branch committee, or
- (b) A number not less than 50% of the committee's membership

as the case may be, present at any general meeting of Members of the Professional Community/Branch, will constitute a quorum.

#### **4.8 Procedures at General Meetings**

The Chairperson of the Professional Community or Branch, or in his/her absence the Deputy Chairperson of the Professional Community or Branch, will chair Professional Community/Branch general meetings. If neither is present within 15 minutes of the time appointed for the commencement of the meeting, the members present attached to the Professional Community or Branch, as the case may be, may choose one of their number to be the chair of the meeting. The chair of the meeting may, and if so directed by the meeting will, adjourn the meeting from time to time and from place to place, but no business will be transacted at any adjourned meeting other than the business left unfinished at the meeting adjourned. When a meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting must be given in the same manner as for the original meeting but subject to this exception it will not be necessary to give any notice of an adjourned meeting or of the business to be transacted at any adjourned meeting. If at an adjourned meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the members present attached to the Professional Community or Branch, as the case may be, will constitute a quorum.

#### **4.9 Voting at General Meetings**

Subject as hereinafter provided, each member attached to a Professional



Community/Branch present in person or by proxy, at the general meeting, will be entitled to one vote and in the case of an equality of votes, the chair of the meeting will have a second or casting vote. Voting at general meetings will be by voice or by show of hands, as determined by the chair of the meeting unless a poll is required by the chair of the meeting or requested by not less than five (5) members attached to the Professional Community or Branch, as the case may be, present in person or by proxy at the meeting and entitled to vote. A poll may be required or requested before or after a vote has been taken on a resolution. A declaration by the chair of the meeting that a resolution is carried by the requisite majority is conclusive evidence of the fact.

#### **4.10 Composition**

Subject to Regulation 4.13, each Management Committee will comprise:

- (a) not less than three (3) nor more than six (6) elected members; and
- (b) up to four (4) members appointed by the Management Committee from time to time and at any time.

#### **4.11 Nominations**

- (a) Nominations for the election of Committee Members will be requested from members attached to the Professional Community or Branch, at least one month prior to the annual general meeting. Only members attached to the Professional Community or Branch will be eligible to be nominated or appointed as Committee Members of Professional Communities/Branches.
- (b) Nominations of Committee Members will be in writing and signed by two (2) members attached to the Professional Community/Branch. The consent of the nominee will be endorsed on the nomination.

#### **4.12 Election of Committee Members**

- (a) At every annual general meeting three elected members of the Management Committee will be deemed to have retired but may offer themselves for re-election. The members to retire will be those longest in office. As between two or more members who have been in office an equal length of time, the persons to retire will, in default of agreement between them, be decided by lot. The length of time a member has been in office will be computed from their last election.
- (b) The first Professional Community Committee Members will be appointed by the Board and will be deemed to have retired at the first annual general meeting of the Professional Community following the adoption of these By-laws but may offer themselves for election at that annual general meeting.

#### **4.13 Vacancies**

- (a) Elected and appointed Management Committee Members will cease to hold office if:
  - (i) they resign in writing;
  - (ii) they are absent from three consecutive meetings of the Management Committee without the consent of the

Management Committee;

- (iii) they become bankrupt or insolvent;
  - (iv) they die or become of unsound mind;
  - (v) in the case of a Branch Committee Member, they cease to reside within the geographic boundary of the Branch;
  - (vi) their subscription or levies are overdue for more than three (3) months;
  - (vii) they are convicted of an offence either punishable by imprisonment for three (3) months or more, or, relating to the promotion, formation or management of a company which would disqualify them from being a director of a company;
  - (viii) they cease to be a member of PINZ; or
  - (ix) they are removed or cease to hold office pursuant to these By-laws.
- (b) Appointed Management Committee members will cease to hold office when they are removed by the Management Committee.
- (c) The Management Committee may appoint any Member attached to the Professional Community/Branch, as the case may be, to fill any casual vacancy arising from time to time.

#### **4.14 Proceedings of Management Committees**

Management Committee Members may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit. The quorum necessary for the transaction of business by a Management Committee will be a majority of the Management Committee Members for the time being. No business will be transacted if a quorum is not present. A Management Committee Member may, at any time, by any means of communication summon a meeting of the Management Committee of which he/she is a Member.

#### **4.15 Voting**

Questions rising at any meeting of a Management Committee will be decided by a majority of votes. In the case of an equality of votes the chair of the meeting will have a second or casting vote. Each Management Committee Member will be entitled to vote on all questions arising at any meeting of a Management Committee.

#### **4.16 Chair**

- (a) Each Management Committee will elect a Chairperson and a Deputy Chairperson at the Management Committee Meeting following the annual general meeting to hold office for a term of one (1) year. The Chairperson and Deputy Chairperson may be re-elected in successive years and remain in office for up to a maximum of three (3) years and four (4) years respectively. In the event of a vacancy arising for any reason, the Management Committee may elect a successor.
- (b) The Chairperson of the Management Committee from time to time, and in

his/her absence the Deputy Chairperson of the Management Committee, will chair meetings of the Management Committee. If neither is present within five minutes after the time appointed for the meeting, the Management Committee Members present may choose one of their number to be the chair of the meeting.

#### **4.17 Resolution in Writing**

A resolution in writing signed by at least sixty percent (60%) of Management Committee Members for the time being entitled to vote will be as valid and effectual as if it had been passed at a meeting of the Management Committee duly convened and held. Any such resolution may consist of several documents in like form, each signed by one or more Management Committee Members. A facsimile or email copy of any such signed resolution will be as valid and effectual as the original signed document, with effect from receipt. A copy of such resolution will be sent to any Management Committee Member who has not signed the resolution within seven days.

#### **4.18 Method of Meeting**

A meeting of a Management Committee may be held either:

- (a) by a number of Management Committee Members who constitute a quorum being assembled together at the place, date and time appointed for the meeting; or
- (b) by means of audio, or audio and visual, communication by which all Management Committee Members participating in and constituting a quorum can simultaneously hear each other throughout the meeting.

#### **4.19 Appointment of Management Committee Members to Standing National Committees**

Any Management Committee may appoint a representative member of its community to any Standing National Committee (for example, the membership, registration, education, valuation and standards committees etc).

#### **4.20 Subcommittees**

- (a) Management Committees may appoint subcommittees from time to time as required and such subcommittees will carry out such functions and have such powers, consistent with the Rules and these Regulations, as the Management Committee specifies from time to time. The Management Committee may appoint anyone to such subcommittees whether PINZ Members or not.
- (b) Each Branch Committee is encouraged to appoint a Young Members' subcommittee. The size of the subcommittee will be at the discretion of the Branch Committee, but should be not less than three members. The role of the Young Members' subcommittee will be to encourage younger property professionals to join and become involved in the affairs of PINZ. This role includes, but is not limited to, involvement in membership development, liaison with student groups at educational institutions, and the organisation of functions to promote the objects of PINZ.
- (c) Each Branch Committee is encouraged to appoint a Women in Property subcommittee. The size of the subcommittee will be at the discretion of the Branch Committee, but should be not less than three members. The

role of the subcommittee will be to encourage women property professionals to join and become involved in the affairs of PINZ. This role includes, but is not limited to, involvement in membership development, liaison with student groups at educational institutions, and the organisation of functions to promote the objects of PINZ.

#### **4.21 Minutes**

The CEO will ensure that minutes are kept of all proceedings at meetings of the Management Committee.

#### **4.22 Alternate Management Committee Members**

A Management Committee Member may, from time to time, by notice in writing to the Chairperson of the Professional Community/Branch, as the case may be, appoint any person not already a Management Committee Member, who is a member attached to the Professional Community/Branch, and who is acceptable to a majority of the other Management Committee Members, to act as an alternate Management Committee Member in the place of his/her appointer, either for a specified period, or, generally during the absence from time to time of such Management Committee Member; and in like manner may remove any such appointee. Such alternate Management Committee Member will have the same rights, powers and privileges (including the right to receive notice of meetings of the Management Committee but excluding the power to appoint an alternate Management Committee Member), and will discharge all the duties of, and be subject to the same provisions as, the Management Committee Member in whose place he/she acts. An alternate Management Committee Member will cease to hold office as an alternate Management Committee Member if and when the Management Committee Member in whose place he/she acts, ceases to hold office as a Management Committee Member. Any notice appointing or removing an alternate Management Committee Member may be given by delivering the same or by sending the same via post, facsimile, or email, to the Management Committee and will be effective as from receipt.

### **5. MEMBERSHIP**

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#### **5.1 Agreement to Abide by Constitution and By-Laws**

All applicants on applying for membership of PINZ must sign an undertaking agreeing to abide by the Rules, Bylaws, and all relevant Codes, on being admitted to membership of PINZ.

#### **5.2 Fees, Levies and Contributions**

- (a)** The annual subscription will be due by members to PINZ on the first day of January of each year; and will be determined by the Board.
- (b)** Each member will pay the annual subscription due by him/her until his/her name has been removed from the register of members of PINZ.
- (c)** If a member whose annual subscriptions are in arrears resigns, he/she will cease to be a member and will not be liable for any further annual subscriptions; but he/she will remain liable to PINZ for the amount of arrears due at the time of resignation.
- (d)** If any Fellow, Senior Member, Associate Member or Member is unable, due to ill health or advanced age or other sufficient cause, to continue to

practise in the profession, the Board may remit the annual subscription and/or waive any arrears due.

- (e) Every person who becomes entitled to admission must, before his name is entered in the register of members and before he becomes entitled to the privileges of membership, pay the first annual subscription according to the status in which such person is entitled to admission and must, so long as he/she continues to be a member, pay the annual subscription according to his status for the time being.

### **5.3 Subscription Concessions**

- (a) Full members on career breaks may apply for subscription concessions provided they are temporarily withdrawn from the workforce for reasons such as parenting, unemployment, illness, full-time study, caring for elderly parents or travel overseas. Such breaks must be greater than 3 months in length.
- (b) Members seeking concessionary status are required to apply to the CEO and demonstrate eligibility. Concessions will only be granted in advance and only apply to the current financial year. Members may re-apply each year.

### **5.4 Cessation of Membership**

- (a) A member will cease to be a member on death.
- (b) The Board may terminate a membership for any of the following reasons:
  - (i) the member becomes bankrupt or insolvent;
  - (ii) the member becomes of unsound mind;
  - (iii) the member's subscriptions, levies or other amounts due to PINZ are overdue for more than three (3) months;
  - (iv) the member is or has been convicted of an offence either punishable by imprisonment for three (3) months or more, or relating to the promotion, formation or management of a company which would disqualify him/her from being a director of a company; or
  - (v) the Board makes or upholds a decision pursuant to a complaint, to terminate the member's membership of PINZ.
- (c) A member may appeal to the Board against the termination of membership of PINZ and the Board may, if it allows the appeal, reinstate that person as a member.
- (d) The provisions of this clause will not prejudice any right of PINZ to recover from the member/former member, his/her subscription and levies for the then current year and all arrears.

### **5.5 Resignations**

Any member who wishes to resign from membership must forward a written resignation to the CEO. The resignation will take effect as from receipt unless the member is subject to disciplinary proceedings in which case it will only take effect

from the date upon which the Board accepts the resignation.

#### **5.6 Re-Admission to Membership**

Except in relation to a member removed in accordance with these By-laws, the Board may readmit any former member to membership, upon such terms and conditions, if any, as the Board thinks fit.

#### **5.7 Certificates of Membership**

- (a) Every Life Member, Fellow Member, Senior Member, Associate Member, Member and other members as the Board may determine, will be entitled to obtain a certificate of membership subject to any conditions the Board may determine, and on payment of any fees or other sums the Board may determine.
- (b) Any person ceasing to be a member must return to the CEO their certificate of membership of PINZ, but any Fellow Member, Senior Member, Associate Member or Member retiring from practice may, at the discretion of the Board, retain such certificate.

#### **5.8 Particulars for Registers of Members and Affiliates**

Every member must provide PINZ with all information required by PINZ to enable PINZ to compile a record of the qualifications of members.

#### **5.9 Register of Members**

The CEO will keep a register of members (including details of any approved specialist registrations) of PINZ. The register of members will be in a form and contain the particulars prescribed by the Board from time to time.

## 6. ADMISSION TO MEMBERSHIP AND ADVANCEMENT OF STATUS

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### 6.1 Membership Classifications

The following membership classifications apply from 15 April 2011.

Classification	Status	Regulation
Life Members or Life Fellow s	Full	Refer Regulation 6.13 & 6.15
Fellow s	Full	Refer Regulation 6.12 & 6.15
Senior Members	Full	Refer Regulation 6.11 & 6.15
Associate Members	Full	Refer Regulation 6.10 & 6.15
Members	Full	Refer Regulation 6.8 & 6.15
Graduate Members	Full	Refer Regulation 6.7
Honorary Fellow s	Affiliate	Refer Regulation 6.5 & 6.15
Retired Members	Affiliate	Refer Regulation 6.3 & 6.15
Non-Practising Members	Affiliate	Refer Regulation 6.4 & 6.15
Students	Affiliate	Refer Regulation 6.6

### 6.2 Notification of Membership/Membership Status

Upon the Board making any membership/membership status decision, the CEO will advise an applicant of the decision of the Board. The CEO will also take such steps as are necessary or desirable to ensure that an applicant who has been granted membership of PINZ or advances in status, is presented with an appropriate certificate as soon as practicable thereafter.

### 6.3 Retired Member

A member who has retired from practise in the property profession, does not receive any fee, retainer or income from practising in the property profession, and who is not engaged in any other profession or business, may apply to the Board to change his/her membership status to that of an Affiliate Member. A Retired member may continue to use any designation which he or she was entitled to use before becoming an Affiliate Member.

### 6.4 Non-Practising Member

- (a) A member who has ceased to practise in the property profession may apply to a Branch Committee to change his/her membership status to that of an Affiliate. A member whose employment is in any way reliant on or enhanced by property related or PINZ recognised qualifications, is deemed to be practising in the property profession and is not entitled to Affiliate status.
- (b) Affiliates who are no longer practising in the property profession:
- (i) will not be required to complete the Continuing Professional

Development (CPD) requirements;

- (ii) will have no right to use PINZ's Members' logo or to advertise in a manner that indicates other than non-practising Affiliate status;
- (iii) may continue to use any postnominals to which he/she was previously entitled to use; and
- (iv) will complete an annual declaration that he/she does not receive any fee, retainer or income from practising in the property profession.

## **6.5 Honorary Fellow**

Any person who has rendered services to PINZ which, in the opinion of the Board, entitles that person to distinction, or any other person upon whom the Board desires to confer distinction because of that person's knowledge and experience in pursuits connected with the property profession, may be admitted as an Honorary Fellow by resolution passed by at least three quarters of those present and voting at a meeting of the Board. Honorary Fellows shall have the same rights as Affiliates.

## **6.6 Affiliates Generally**

- (a) Honorary Fellows, Retired Members, non-practicing members and Students have the status of Affiliate Member'.
- (b) An application for Affiliate membership may be made to the Branch Committee or the CEO, in the form prescribed by the Board from time to time, accompanied by the fees prescribed by the Board from time to time and proof of such qualifications as may be required by the Board.
- (c) Every applicant for admission as an Affiliate must either:
  - (i) be actively engaged in providing professional property advice; and
  - (ii) be recommended in writing by 2 current members; or
  - (iii) be a student in full time or part time study in an Accredited Property Qualification course.
- (d) Applications can be made in writing on the official form to either the PINZ Branch Committee and/or the PINZ CEO for approval.
- (e) The Branch Committee and/or the CEO will consider the application, and such other information as they may obtain from any other source. The CEO will notify the applicant of the recommendation as soon as possible following the Branch Committee and/or CEO decision.

## **6.7 Graduates**

- (a) A Member may only remain a Graduate Member for a period of two years.
- (b) Graduate Members are required to complete their CPD requirements as per the requirements of Regulation 8.4.



## 6.8 Admission as a Member

- (a) An application for full membership of PINZ may be made to any Branch Committee in the form prescribed by the Board from time to time; but must be accompanied by the fees prescribed by the Board from time to time.
- (b) Every applicant for admission as a member under Regulation 6.8(a) will be referred to the relevant Branch membership committee which must satisfy itself that the applicant:
  - (i) is of good character and sound mind; and
  - (ii) is recommended in writing by at least 3 people who personally know the applicant, 2 of whom must be current members;

### AND

- (A) in the case of an applicant with an Accredited Property Qualification:
  - (i) has approved professional experience of not less than 2 years (or 3 years if one of those years is approved professional experience gained outside of New Zealand), gained within the 4 years immediately prior to the application;
  - (ii) has an Accredited Property Qualification; and
  - (iii) has completed at least 2 years of CPD or equivalent satisfying the requirements of Regulation 8.4, immediately prior to the application being made.

### OR

- (B) in the case of an applicant who has relevant property experience and a tertiary qualification but not an Accredited Property Qualification:
  - (i) *either*:
    - has been in active full-time employment in the property profession for 4 years with a Partially Qualifying Degree;

*or*

    - has been in active full-time employment in the property profession for 5 years with any Recognised Academic Qualification;

and at least 2 years' experience must be in the New Zealand market immediately prior to the application being made.

- (ii) has completed at least 2 years of CPD or equivalent satisfying the provisions of regulation 8.4, immediately prior to the application being made; and
- (iii) has demonstrated competency as a property professional including managerial or professional competence in a property discipline; and
- (iv) has satisfactorily completed the required core competency test (except in exceptional circumstances).

**OR**

**(C)** in the case of an applicant who does not have a tertiary qualification:

- (i) has at least 6 years full time documented on-the-job experience in the property industry; and
- (ii) has passed an interview and has demonstrated with supporting evidence (reports etc) that he/she has relevant experience and knowledge; and
- (iii) has completed at least 2 years of CPD or equivalent satisfying the provisions of Regulation 8.4, immediately prior to the application being made.

**OR**

**(D)** in the case of an applicant who is an Infrastructure, Plant and Machinery Valuer or Marine Valuer or Aircraft Valuer or Business Valuer:

- (i) has at least 4 years full time on-the-job training, which period may be reduced to 3 years if the applicant has a recognised tertiary qualification
- (ii) has passed a membership examination and interview (submitting beforehand, 3 sample valuation reports) conducted by the Infrastructure, Plant & Machinery Professional Community Committee at year 3 or 4 (as applicable in reference to clause (i) above.). The minimum pass mark for the exam is 70% correct.
- (iii) has completed at least 2 years of CPD or equivalent satisfying the provisions of Regulation 8.4, immediately prior to the application being made.

**(c)** If the Branch Membership Committee is persuaded that the applicant satisfies the requirements of Regulations 6.8(b) it may:

- (i) interview the applicant and conduct such oral, written or other examinations as the Board may require, or, the Branch Membership Committee thinks fit, to ensure that the requirements of Regulation 6.8(b) are satisfied; and

- (ii) refer the application to the relevant Professional Community for consideration and comment,

and it will thereafter report to the Branch Committee, incorporating in such report any comments received from any Professional Community consulted.

- (d) The Branch Committee will consider the recommendations of the Branch Membership Committee, seek such additional information about the applicant it thinks fit from any other source and determine whether or not to recommend the applicant for membership of PINZ. If the Branch Committee decides to recommend the applicant for membership of PINZ, the Branch Committee's recommendation will be sent to the CEO for the approval of the Board. PINZ will notify the applicant of the Board's decision as soon as possible after the application is considered by the Board.
- (e) Membership of PINZ does not automatically confer membership of a Professional Community. The Management Committee of each Professional Community will determine the manner in which an application is made, and the criteria to be satisfied, for a member to become attached to that Professional Community provided however that a Professional Community may consider an application to become attached to a Professional Community in conjunction with an application for membership of PINZ.

#### **6.9 Admission of Members from Comparable Property Professional Associations (Reciprocity)**

Every applicant for admission as a member who is a full member, or has been a full member within the previous 12 months, of a Comparable Property Professional Association must provide evidence of holding (or once holding), the equivalent membership level of Member, Associate Member, Senior Member, Fellow or Life Member, of such Comparable Property Professional Association and must have completed, at least 2 years of related CPD or equivalent satisfying the provisions of Regulation 8.3, immediately prior to the application being made.

#### **6.10 Advance in Status to Associate Member**

- (a) Every full member who is a member of the Real Property Valuation Professional Community and who, immediately prior to the dissolution or repeal of the Valuers Act 1948 and the winding up of the New Zealand Institute of Valuers, was a registered valuer under that act, was entitled to use the designation ANZIV and had fulfilled the CPD requirements or equivalent for the immediately preceding four years, is deemed to be an Associate under these bylaws.
- (b) After dissolution or repeal of the Valuers Act 1948 and the wind up of the New Zealand Institute of Valuers, every applicant for advancement in status from full Member to Associate Member will make application to the relevant Branch Committee on the relevant form, which must be accompanied by the fees prescribed by the Board from time to time.
- (c) Every applicant for advancement in status to Associate Member must:
  - i) Hold full membership under section 6.8 with an Accredited Property Qualification in Real Property valuation; and

- ii) Be a valuer member of the Real Property Valuation Professional Community; and
  - iii) Have professional experience as determined by the Real Property Valuation Professional Community and have been employed in the real property valuation profession for not less than four years out of the previous six years and the last twelve months in New Zealand; and
  - iv) Holds a current registration certificate in accordance with Regulation 7 and has been engaged in property related work for at least 12 months following registration; and
  - v) Be recommended in writing by at least three people who personally know the applicant, two of whom must be current members; and
  - vi) Have satisfied the Branch Committee that the applicant is a person of good character and repute.
- (d) The Branch Committee will make such enquires as it considers necessary in order to satisfy itself that, in its opinion, the applicant satisfies the requirements for advancement to Associate Member
  - (e) Upon the Branch Committee making its recommendation to advance the applicant to Associate Member, the application must be referred to the Board via the National Office for ratification; and subject to ratification by the Board after consultation with the Real property Valuation Professional Community, the National Office will advise the applicant accordingly, and take such action as may be necessary to ensure that the Member is provided with the appropriate certificate.
  - (f) Any member whose application for advancement is rejected by a Branch Committee, or by the Board, may, within 28 days after formal notification and upon payment of such fee as may be prescribed by the Board, request the Board in writing to review the application.
  - (g) Upon receiving a request under clause 6.10 (f), the Board may appoint a special committee of three members to review the case, which special committee may make such enquires as it considers necessary or desirable.
  - (h) The special committee formed under Regulation 6.10(g) will report to the Board. The Board will consider such report and advise the applicant and the Branch Committee of its decision. Such decision will be final and no further applications from the applicant will be considered until the reasons for the rejection have been addressed and in the view of the Board, satisfied.

#### **6.11 Advance in Status to Senior Member**

- (a) Every applicant for advancement in status from full or Associate Member to Senior Member will make application to the relevant Professional

Community Committee on the appropriate form.

- (b)** Every applicant for advancement in status to Senior Member must:
- (i)** have been a member for a period of at least 6 years immediately prior to the date of application and have practised in the property profession in full time employment for a total of 8 years prior to the date of application;
  - (ii)** be recommended in writing by at least three members who personally know the applicant;
  - (iii)** have satisfied the Professional Community Committee that the applicant is a person of good character and repute;
  - (iv)** have an established professional reputation, high ethical standards and be held in esteem within the property professions;
  - (v)** hold a current registration certificate in accordance with Regulation 7;
  - (vi)** have been engaged in a senior position or completed advanced practical work for at least 3 years; and
  - (vii)** have completed (except in exceptional circumstances), an examination of core competency approved by the Board from time to time.
  - (viii)** Have adhered to the professional development requirements including ethics.
- (c )** The Professional Community Committee will make such enquires as it considers necessary in order to satisfy itself that, in its opinion, the applicant satisfies the requirements for advancement to Senior Member.
- (d)** Upon the Professional Community Committee making its recommendation to advance the applicant to Senior Member, the application must be referred to the National Office for ratification; and subject to ratification by the National Office after consultation with the relevant Professional Community, the National Office will advise the applicant accordingly, and take such action as may be necessary to ensure that the member is provided with the appropriate certificate.
- (e)** Any Member whose application for advancement is rejected by a Professional Community Committee, or by the National Office, may, upon payment of such fee as may be determined by the Board, request the Board in writing to review the application.
- (f)** Upon receiving a request under Regulation 6.11(e), the board may appoint a special committee of three members to review the case, which special committee may make such enquiries as it considers necessary or desirable
- (g)** The special committee formed under Regulation 6.10(f) will report to the Board. The Board will consider such report and advise the applicant and the Branch Committee of its decision. Such decision will be final and no further applications from the applicant will be considered until the reasons

for the declination have been addressed and in the view of the Board, satisfied.

#### **6.12 Advance in Status to Fellow**

- (a)** The Branch Committee will consider nominations for elevation from Member or Associate or Senior Member to Fellow and where all of the following requirements under (b) of the clause are satisfied, make a recommendation to the Board
- (b)** The member must:
  - I). Have been a Member or Associate or Senior Member for a period of at least 10 years in aggregate immediately prior to the date of application and have practiced in the property profession in full time employment for an aggregated total of 10 years prior to the date of nomination; and
  - II). Have satisfied the Board that the nominee is a person of good character and repute; and
  - III). Have an established professional reputation and high ethical standards and be held in high esteem by his peers and within the property profession(s); and
  - IV). Have adhered to the professional development requirements including ethics.
- (c)** Every member nominated for advancement in status to Fellow must satisfy at least three of the following criteria:
  - i) Have served the property profession(s) with distinction;
  - ii) Have been engaged in a senior position for at least 5 years.
  - iii) Have been recognised as having a high level of competence in the property profession;
  - iv) Have demonstrated substantial professional ability in a property discipline or have made a substantial contribution to the advancement of the profession or the development and dissemination of property knowledge;
  - v) Have made a significant personal contribution over a reasonable period to the property profession through serving on the Board or a Branch Committee or a National Committee; the preparation and delivery of significant papers to conventions or the Institute Journal and/or otherwise have been involved in communicating ideas to the profession or in any other way to have gained the respect of his or her peers for his work for the advancement of the profession.
- (d)** The Board shall make such enquiries as are necessary to satisfy itself whether in its opinion the applicant conforms with the requirements of the Constitution and these By-Laws to become a Fellow.
- (e)** Subsequent to the Board making its decision, the President shall advise the candidate accordingly with the announcement to be made at the

AGM and the Chief Executive Officer shall take such necessary action to ensure the Member is provided with the appropriate certificate.

### **6.13 Advance in Status to Life Member**

The Board may at any time, on the proposal of a member or of its own initiative, recommend that any member whom the Board considers to be, or to have been, a pre-eminent Property professional, be elected as a Life Member at any general meeting of PINZ and shall thereupon be entitled to such rights and privileges as the Board may determine from time to time, under the following provisos:

- (a) There shall be no more than 25 Life Members at any time
- (b) Life Members may only be removed by a unanimous decision of the Board

### **6.14 Membership Prerequisites**

- (a) The Board, on recommendation from the Professional Communities, may require examinations to be conducted of persons applying for admission as members or for advancement in status, and for this purpose may appoint examiners, set courses, specify subjects and standards, issue notifications and certificates as to qualification, and do all such things in relation to such examinations as the Board thinks fit.
- (b) The Board may, in lieu of requiring examinations in accordance with Regulation 6.14(a), accept from applicants for membership or advancement in status, documentary proof of satisfactory completion of such courses or studies conducted by any New Zealand or foreign tertiary institution.
- (c) The Board will determine the amount and type of Approved Professional Experience required for membership of PINZ.
- (d) The Board will establish guidelines for oral examinations.
- (e) Examinations will be conducted by an examination panel of at least two members and if the applicant is applying for advancement in status, then by two members of the same status as the member is seeking.
- (f) After reviewing the results of any examinations, the examination panel will make its recommendations to the Branch membership committee.
- (g) An applicant who fails an oral examination will have a right of appeal to the Board which right must be exercised within twenty-eight days after formal notification. Any appeal must be in writing and accompanied by the fee prescribed by the Board from time to time.
- (h) An applicant who fails whether on appeal or otherwise, will stand deferred for a period of at least six months from the date of the previous examination.
- (i) If an appeal is upheld, the Board, in its absolute discretion, may remit in whole or in part, the fee paid on lodgement of the appeal.
- (j) Where notice of an appeal is lodged, the Board will arrange for a supplementary examination to be conducted as soon as possible.

- (k) The Board will appoint at least two persons (excluding those who conducted the original examination(s) to conduct the supplementary examination.
- (l) An applicant who fails the supplementary examination will not be permitted to present for another examination until a period of twelve months has elapsed from the date of the supplementary examination.
- (j) Professional Communities may require applicants to complete the PINZ Ethics modules, and any other modules or professional development they may determine from time to time, prior to admission to the community.
- (m) An applicant, who fails the oral examination three times, may only present for another oral examination with the approval of the Board.
- (n) Subject to the appeal process set out in Regulation 6.12(g), the decision of the Board will be final.

**6.15 Designation of Membership Classes**

- (a) The following Post-nominals indicate the status of the member:

Life Members or Life Fellows of PINZ	-	FPINZ (Life), SPINZ (Life) or MPINZ (Life)
Fellows of PINZ	-	FPINZ
Honorary Fellows	-	FPINZ (Hon)
Senior Members of PINZ	-	SPINZ
Associate Members of PINZ	-	APINZ
Members of PINZ	-	MPINZ
Graduates of PINZ		Not Applicable

Members who become attached to a Professional Community may adopt the following post-nominal status:

(Property Valuer) or (Property Manager) or (Property Consultant) or (Facilities Manager) or (Infrastructure, Plant and Machinery Valuer) or (Marine Valuer) or (Aircraft Valuer) or (Business Valuer)  
 Example: SPINZ (Property Manager); FPINZ (Life) (Property Manager).

- (b) Retired members and non-practising members may continue to use the designation, which they were entitled to use before transferring to the retired membership class.
- (c) Affiliates may not use any initials that imply or suggest that they are a member of PINZ.

**6.16 Designation of "Registered" includes Certificates of Practice (CP) Number**

- (a) The designation "Registered" shall be part of the member's Post-nominals and will be used in conjunction with the Certificate of Practice number.



- (b) The designation "Registered" is not a category of membership but relates to the approved professional certificate granted by PINZ to confirm continued professional practice. Example as shown:

SPINZ (Property Valuer) Registered CP 1410  
SPINZ (Property Valuer) (Property Consultant) Registered CP 1410.

#### **6.17 Use of Designation Examples:**

Members shall adopt the following format (based on the examples provided):

FPINZ (Life), SPINZ (Life) or MPINZ (Life)  
FPINZ  
FPINZ (Hon)  
SPINZ  
MPINZ

Professional Community

FPINZ (Life), (Property Valuer) or (Property Manager) or (Facilities Manager) or (Property Consultant) or (Infrastructure, Plant and Machinery) or (Marine Valuer) or (Aircraft Valuer) or (Business Valuer)

SPINZ (Life), (Property Valuer) or (Property Manager) or (Facilities Manager) or (Consultant) or (Infrastructure, Plant and Machinery) or (Marine Valuer) or (Aircraft Valuer) or (Business Valuer)

APINZ (Life), (Property Valuer) or (Property Manager) or (Facilities Manager) or (Property Consultant) or (Infrastructure, Plant and Machinery) or (Marine Valuer) or (Aircraft Valuer) or (Business Valuer)

MPINZ (Life), (Property Valuer) or (Property or Facilities Manager or Consultant) or (Infrastructure, Plant and Machinery) or (Marine Valuer) or (Aircraft Valuer) or (Business Valuer)

Registered Members and Certificate of Practice Registration Number

Examples

John Smith MPINZ

John Smith APINZ

John Smith SPINZ (Property Valuer) Registered CP1410

John Smith FPINZ (Property Valuer) Registered CP1410.

## **7. REGISTRATION**

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### **7.1 Designation as "Registered"**

The Board may, following consultation with any relevant Professional Community, approve the designation of Members, Associate Members, Senior Members, Fellows, and Life Members as "Registered". A member may hold more than one registration.

### **7.2 Application**

Application for registration will be made in the form prescribed by the Board from time to time, be accompanied by the fees prescribed by the Board from time to time and include proof of the qualifications required by the Board for registration. Applications received by the Board will be referred to the appropriate committee or Professional Community:

- (a) in the case of real property valuation to the Property Valuation Professional Community and the Valuers Registration Board (until such time as the Valuers Act 1948 is repealed);
- (b) in the case of Plant & Machinery Valuers, the Infrastructure, Plant & Machinery Professional Community.

Applicants for registration as an Infrastructure, Plant and Machinery valuer, Marine Valuer or Aircraft Valuer or Business Valuer must have:

- (i) at least 5 years full time on-the-job training, which period may be reduced to 4 years if the applicant has a recognised tertiary qualification;
  - (ii) previously passed, or sit and pass an membership examination (refer 6.8(b) D (ii)) and an interview for registration (submitting beforehand, 3 sample valuation reports) conducted by the Professional Community Committee.
- (c) in the case of Property Consultants and Advisors, to the Property Advisory Professional Community;
  - (d) in the case of Property Managers, to the Property and Asset Management Professional Community; and
  - (e) in the case of Asset or Facility Managers, to the Property and Asset Management Professional Community.

### **7.3 Register Open to the Public**

- (a) The National Office will maintain a register of "Registered" members (**Register**) which is available for inspection by the public on the Institute's website.
- (b) Registration under these Regulations will be effected by the entry in the Register of the name and address of the applicant, their qualifications and such other particulars as may be prescribed from time to time.

### **7.4 Certificate of Practice and Registration Number**

The CEO shall issue to each "Registered" member a Certificate of Practice (CP) that confirms the members "Registered" status. The CP will include details reviewed annually of the "Registered" member's name, date of issue and registration number (which shall be specific to that member only). The CP number will appear in a members post nominals.

## **80 CONTINUING PROFESSIONAL DEVELOPMENT (CPD)**

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### **81 CPD Points**

(a) Members, Associate Members, Senior Members, Fellow and Life Members, except those that are retired, must achieve 20 CPD points per annum (1 January to 31 December) as follows:

- (i) 10 points per annum must be from property related topics;
- (ii) one CPD point accrues for each hour spent directly on any CPD activity; and
- (iii) a maximum of 5 CPD points can be carried over from one year to the next.

Membership of one or more committees of PINZ will attract a maximum of five CPD points per annum.

(b) Members resident overseas can gain up to 20 CPD points per annum from private planned study as defined in Regulation 8.4

## **82 Assessment of Topic Relevance**

(a) Each member must assess whether or not a topic qualifies as CPD, that is, whether a topic relates to:

- (i) some aspect of property; and/or
- (ii) other technical topics related to current or potential property occupations; and/or
- (iii) personal or business skills designed to increase a Member's management skills or business efficiency in the property profession.

(b) The major areas of property are:

- (i) property valuation;
- (ii) property transactions including sales and leasing;
- (iii) property and facilities management;
- (iv) property consultancy and advisory
- (v) property or land development including construction;
- (vi) property research;
- (vii) property finance including asset management and portfolio management;
- (viii) property law; and/or
- (ix) property education.

## **83 Recognition of Formal Study**

(a) Members undertaking Approved Courses of Study in topics as defined in

Regulation 8.2(b) will satisfy the total CPD requirements.

- (b) Approved Courses of Study are those offered by tertiary institutions, or professional associations, approved by the Board from time to time.

## 84 Recognised Forms of CPD

The following are recognised for the accrual of CPD points:

- (i) attendance at courses including field days, seminars, workshops, conferences and modules of at least one hours duration and conducted by:
  - (A) PINZ;
  - (B) other professional or industry associations;
  - (C) tertiary institutions;
  - (D) employers;
  - (E) other relevant course providers;
- (ii) preparation and presentation of papers to PINZ, other professional, educational or in-house functions;
- (iii) authorship of published articles and/or text books or books;
- (iv) membership of committees, organised either by PINZ or other bodies, or by PINZ in conjunction with professional, educational or other organisations, and involving:
  - (A) preparation of PINZ practice standards, guidance notes and position papers;
  - (B) preparation of technical handbooks;
  - (C) preparation of professional responses to Government initiatives including legislative proposals;
- (v) attendance at PINZ discussion group meetings;
- (vi) attendance at breakfasts, luncheons and dinners with keynote speakers and open forum discussions;
- (vii) formal individual study provided by distance education courses, programmed learning units, audio and videotapes;
- (viii) acting as a consultant to PINZ on the development of modules and/or workshops;
- (ix) private planned study where the member nominates a topic for study and researches relevant information from journals, books, legislation, and the like;
- (x) performing additional or new vocational or professional functions on-the-job such as:

- (A) managing the introduction of change (new computer systems, quality assurance procedures);
- (B) merging with or acquiring a property practice or starting your own property practice;

## **85 Exemption from CPD**

- (a) The Board will consider each request for exemption on its merits. Requests for exemption may include requests made on the basis of:
  - (i) illness (including accident) resulting in the member being unable to work (but not related to a permanent disability); or
  - (ii) not practising in a property profession, including a leave of absence (or sabbatical or parental leave) for a minimum period of twelve months; or
  - (iii) Compassionate leave;

provided however that members granted an exemption for longer than twelve months will be required to achieve 20 CPD points or a pro rata apportionment thereof according to the number of months in employment during the year of re-commencing practice.
- (b) In cases of permanent disability, the Board may give consideration to requiring at least 20 hours of private planned study per annum in lieu of CPD points.
- (c) Part-time practice is not, of itself, sufficient for the Board to grant an exemption from CPD.
- (d) Members must inform the Board of any change to their situation, which will impact on their ability to satisfy the CPD requirements.
- (e) The Board may decide on a reduction in CPD requirements in exceptional circumstances by personal application on a case by case basis.
- (f) Affiliate members are encouraged to undertake CPD but it is not a requirement of their membership

## **86 CPD Records**

Each member is responsible for keeping an annual record of participation in recognised CPD activities. The record will include the date, topic, speakers/authors, publication, publisher, additional or new functions performed, knowledge or skills gained or updated from learning on-the-job, competence levels, evidence of improvement and time completed. The Institute provides on line CPD records for members.

## **87 CPD Certificates**

Members may receive a printed record for the ensuing year by satisfying the CPD requirements and submitting their previous year's CPD records to the Board. Non-financial members are not eligible to receive a CPD certificate.

## **88 CPD Audit**

Each year the Board will arrange to randomly audit the CPD records of up to five percent of members.

## **89 CPD Non-Compliance**

The Board will treat each case of non-compliance with CPD requirements on its merits. Penalties for non-compliance with the CPD requirements without, in the opinion of the Board, adequate reason are:

- (a) Admonishment for the first instance of non-compliance;
- (b) six months suspension of membership of PINZ and Admonishment, for the second instance of non-compliance;
- (c) Removal of post nominals;
- (d) relegation of membership status to Affiliate.

## **9.0 COMPLAINTS**

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### **9.1 Lodging a Complaint**

- (a) Any person may lodge a complaint with PINZ concerning a member where that member (including a member who is a Registered Valuer (Land and Buildings) pursuant to the Valuers Act 1948, or any re-enactment or amendment thereof) has allegedly:
  - (i) violated any part of PINZ's Rules, By Laws or Codes;
  - (ii) committed any civil or criminal offence punished by imprisonment;
  - (iii) knowingly been involved in any dishonest practice or dealing;
  - (iv) engaged in conduct prejudicial to the good name of PINZ; or
  - (v) obtained admission to PINZ by improper means.

Any such complaint must be in writing and accompanied by all supporting documentary or other evidence.

- (b) On receipt of a written complaint, the CEO will consider such complaint and deal with the complaint in accordance with these By-laws.
- (c) The CEO will advise the party lodging the complaint that the matter will be dealt with in accordance with these By-laws, including Regulation 9.6.

### **9.2 Suspension of Complaints Procedure Pending Other Proceedings**

- (a) If any party to a complaint initiates, or advises of intent to initiate civil or criminal proceeding against any other party to the complaint, or legal proceedings that involve the subject matter of the complaint are initiated

by anyone else, the PINZ complaints procedure will be suspended as long as such civil or criminal proceedings are ongoing. Both parties will be informed in writing by the CEO of this suspension. Such suspension does not indicate that PINZ considers that the member has or does not have, a case to answer but rather that the complaint will only be dealt with by PINZ following the completion, or resolution, of such civil or criminal proceedings.

- (b) Notwithstanding anything to the contrary in these By-laws, if a written complaint is referred to the Professional Practice Committee and the member the subject of such complaint is a Registered Valuer (Land and Buildings) under the Valuers Act 1948 and the complaint falls within the scope of section 32 of the Valuers Act 1948, the complaint will be referred to the Valuers Registration Board constituted under the Valuers Act 1948 and the member will be subject only to the investigations and disciplinary procedures under the Valuers Act 1948. For the purposes of this Regulation, references to the Valuers Act 1948 include any enactment amending or replacing the same. Should the Valuers Act 1948 be repealed and not replaced, the member will be treated in the same manner as all other members of PINZ in accordance with these By-laws.

### **9.3 Professional Practices Committee**

- (a) The Board will appoint a Professional Practice Committee on an annual basis at the Board meeting immediately prior to the annual general meeting of PINZ. The Professional practice committee will comprise not less than five members of PINZ and will take office at the conclusion of the annual general meeting. The Professional Practice Committee may with the approval of the Board, appoint a member or members attached to a relevant Professional Community to assist it with any particular complaint.
- (b) The Professional Practice Committee will be responsible for investigating complaints concerning Members.
- (c) No member of the Professional Practice Committee who in relation to a complaint has a conflict of interest in any way whatsoever, will participate in any meeting or discussion concerning the complaint.
- (d) The Board will appoint a Senior Member as the chairperson of the Professional Practice Committee to hold office as chairperson until such time as a replacement chairperson is appointed by the Board. At the time of appointing any such chairperson, the Board will also appoint a deputy chairperson to act in the event the chairperson is unable to perform the chairperson's duties at any time for any reason (including any conflict of interest). The Professional Practice Committee chairperson will have a second or casting vote, if required.

### **9.4 Disciplinary Tribunal**

- (a) The Professional Practice Committee will appoint a Disciplinary Tribunal (including a chairperson and deputy chairperson of that tribunal), who are not members of the Professional Practice Committee, to hear and determine a disciplinary charge or charges brought against a member of PINZ consequent to a complaint. The chairperson of the Disciplinary Tribunal will have a second or casting vote, if required.

- (b) The Disciplinary Tribunal will comprise a minimum of four members, at least one of whom must not be a member of PINZ; and one of whom must be an experienced legal practitioner, barrister or retired Judge.
- (c) No member of a Disciplinary Tribunal, who, in relation to any complaint has a conflict of interest in any way whatsoever, will participate in any meeting or discussion concerning the complaint.

#### **9.5 Institute Prosecutor**

The Professional Practice Committee chairperson will appoint a person with legal qualifications and experience in litigation matters, as the PINZ prosecutor. The PINZ prosecutor will represent PINZ should any complaint be referred to a Disciplinary Tribunal.

#### **9.6 Investigation of a Complaint**

- (a) On receipt of a written complaint against a member, the Professional Practice Committee chairperson in conjunction with the Professional Practice Committee deputy chairperson will determine whether the complaint complies with the Rules and By-laws.
- (b) If the complaint does not comply with the Rules or By-laws, the CEO will inform the complainant in writing that the complaint does not comply with the Rules or By-laws and of the reason for non-compliance; and no further action will be taken.
- (c) If the complaint does comply with the Rules and By-laws, the CEO will, where necessary or desirable, obtain such further information as may be required from the complainant in relation to the complaint. This information, together with the original complaint will be forwarded to the member concerned with a request that the member respond to the issues raised by the complaint. Both the complainant and the Member will be informed that PINZ is obliged to make available to all involved in the complaints procedure, copies of any and all documents lodged in relation to the complaint and, therefore, cannot accept material expressed to be confidential in relation to a complaint.
- (d) On receipt of the member's response to the complaint, the CEO will forward the complaint, any further information from the complainant, and the Member's response, to the investigator appointed by the Professional Practice Committee to investigate the complaint. Failure by the member concerned to respond to a complaint within a reasonable time is a breach of these By-laws.
- (e) The appointed investigator will carry out his/her investigation expeditiously and report back to the Professional Practice Committee without making any recommendations. No member of the Professional Practice Committee, who in relation to a complaint has a conflict of interest in any way whatsoever, will participate in any meeting or discussion concerning the complaint.

#### **9.7 Professional Practice Committee Meeting**

- (a) On receipt of the documentation described in Regulations 9.6, the Professional Practice Committee chairperson will convene a meeting of the professional practice Committee to consider the complaint. The



Professional Practice Committee will consider the information provided by the complainant, the member and the investigator, in order to ascertain whether or not, in its opinion, a prima facie case exists.

- (b) If during the course of its consideration, the Professional Practice Committee decides that it needs further information or clarification of any matter, it will refer the matter back to the investigator for investigation. If during the course of its consideration, the Professional Practice Committee determines that there are other issues that need to be considered, these matters will be referred back to the investigator for investigation. The investigator's subsequent report(s) will be considered by the Professional Practice Committee to ascertain whether, in its opinion, a prima facie case exists.
- (c) If the Professional Practice Committee is in doubt as to whether a prima facie case exists, it will refer the matter to a retired Judge or senior legal counsel for review, before determining whether a prima facie case exists.
- (d) If the Professional Practice Committee determines that the complaint is unsubstantiated, has no validity, or should be dismissed for any other reason, the member concerned, and the complainant will be informed of the decision in writing by the chairperson of the Professional Practice Committee and of the reasons why PINZ is not proceeding with the complaint.
- (e) The Professional Practice Committee may, in appropriate cases, propose mediation to both parties but such a proposal does not imply that a Member has a prima facie case to answer.
- (f) If the Professional Practice Committee determines that a prima facie case exists, that mediation is inappropriate and that because of the nature of the complaint, the complaint does not warrant a Disciplinary Tribunal hearing, then it may refer the complaint to an independent Commissioner appointed by it, to determine the complaint, and the decision of such Commissioner will be final and binding on all parties.
- (g) If the Professional Practice Committee determines that a prima facie case exists and that the case is inappropriate for either mediation or the appointment of an independent Commissioner, then it will refer the complaint to the PINZ prosecutor to prepare, in consultation with the professional practice committee, a disciplinary charge that the member will be required to defend before a Disciplinary Tribunal.
- (h) Any disciplinary charge pursuant to Regulation 9.7(g) is a charge brought against the member by PINZ, PINZ will be the complainant and the PINZ prosecutor will act on behalf of PINZ as the complainant.
- (i) The Professional Practice Committee is entitled to recover from any member any costs and expenses incurred in connection with any complaint; and may determine its own rules and procedures in this regard. It will inform members of such rules and procedures from time to time. Failure by a member to comply with any such rules and procedures is a breach of the By-laws.

- (a) If mediation is proposed, and the complainant and the member concerned agree, the Professional Practice Committee will appoint one person (the committee's appointee), to mediate the complaint. The committee's appointee must not be a member of the Professional Practice Committee. If either or both parties do not accept the Professional Practice Committee's appointee, then they can request the chairperson of the Board to appoint another person to mediate the complaint and the Board's appointment will be binding on both parties.
- (b) The complainant and the member concerned will, before any mediation commences:
  - (i) sign a mediation agreement prepared by the Professional Practice Committee setting out the terms of reference and procedure;
  - (ii) agree that the mediation, and anything said in the mediation, is confidential and privileged; and
  - (iii) agree to bear the costs of the mediation, including the cost of the mediator's time, either equally or as the mediator, in his/her discretion determines.
- (c) The member and the complainant personally, or where the complainant is a company, a duly authorised officer of that company, must attend the mediation if they have agreed to mediation.
- (d) At the conclusion of mediation, the mediator will report the outcome of the mediation to the Professional Practice Committee chairperson. If the mediation has been successful, the chairperson will confirm (in writing), resolution of the complaint with the complainant and the member concerned. If the mediation is unsuccessful the professional practice committee will consider whether or not a disciplinary charge should be laid.

## **9.9 Notification of Disciplinary Tribunal Hearing**

- (a) A member in respect of whom a disciplinary charge has been laid, will be informed of:
  - (i) the name of the Disciplinary Tribunal chairperson and members of the Disciplinary Tribunal;
  - (ii) the disciplinary charge laid which the member will be required to defend;
  - (iii) the time, date and place of the hearing;
  - (iv) the right of the member charged to be heard;
  - (v) whether or not the party initiating the complaint will be called to give evidence or provide a written statement in statutory declaration form;
  - (vi) whether or not other witnesses may be called to give evidence or provide a written statement in statutory declaration form.

- (b) The party originating the complaint will also be informed of the time, date and place of the hearing and whether or not they will be required to give evidence at the hearing or provide a written statement in statutory declaration form.

#### **9.10 Admission of Evidence**

No documents will be admitted in evidence in any Disciplinary Tribunal proceedings that have not been made available to the other party a reasonable time, in the opinion of the chairperson of the Disciplinary Tribunal, prior to the hearing. If either party wishes to introduce new evidence, the chairperson may adjourn the hearing to allow the other party sufficient time to consider such evidence.

#### **9.11 Representation**

A member charged may be represented at the Disciplinary Tribunal hearing by legal counsel or any other person. Such right will also be available to the member in any mediation, and in any informal meetings occurring prior to the time of the hearing of the disciplinary charge.

#### **9.12 Hearing Procedure**

- (a) The Disciplinary Tribunal will determine its own procedures. These may include:
  - (i) the introduction by the chairperson of the members of the Disciplinary Tribunal and other parties present;
  - (ii) an explanation that the Disciplinary Tribunal will hear the evidence and will make its decision on the basis of that evidence.
- (b) The PINZ prosecutor will present evidence to support the charge laid and may call witnesses who may be examined/cross examined under oath/affirmation.
- (c) The member concerned or his/her representative may present their case in answer to the charge and may call witnesses as required who may be cross examined under oath/affirmation.
- (d) The parties before the Disciplinary Tribunal will be treated equally and each party will be given a full opportunity to present that party's case.
- (e) A record of the proceedings at the hearing is to be kept (preferably a taped record).

#### **9.13 Disciplinary Tribunal's Decision**

Following the hearing, the chairperson of the Disciplinary Tribunal will provide the professional practice committee, with the Disciplinary Tribunal's written decision, the reasons for the decision, any penalty, costs and expenses to be imposed, and whether the member is to be suspended or removed.

#### **9.14 Penalties**

- (a) If a complaint is upheld, the Disciplinary Tribunal may impose one or more of the following penalties:
- (i) reprimand the member;
  - (ii) Admonish the member;
  - (iii) Removal of post nominals;
  - (iv) impose a fine of any sum up to a maximum of \$10,000 (ten thousand dollars);
  - (v) suspend the member from membership of PINZ for any period not exceeding two years. Suspension will commence 10 business days after the date of notification. The date of notification of suspension will be 3 days after the date of the letter to the member advising of the suspension;
  - (vi) remove the member from membership of PINZ;
  - (vii) require the member to pay such costs and expenses incurred by PINZ, the professional practice committee, the Disciplinary Tribunal and/or the PINZ prosecutor, in connection with the processing and hearing of the complaint/charge, as the Disciplinary Tribunal thinks fit.

The publication of any Admonishment will include the full name and home suburb of the member. If the full name and home suburb do not clearly distinguish the member being Admonished from another member, then the street name will also be published; and also the street number if required to distinguish between members.

- (b) When determining the appropriate penalty, the Disciplinary Tribunal must take into consideration any penalty imposed on the member as a result of any legal proceedings brought against the member and/or any disciplinary rulings of the New Zealand Institute of Valuers in respect of the member relating to the matter the subject of the complaint.
- (c) A suspended member must comply with PINZ's CPD requirements whilst suspended.
- (d) If a suspended member breaches his/her suspension, the suspended member will be expelled from membership of PINZ by the Board unless, on application by the member, the Board resolves otherwise.

#### **9.15 Rights of Board**

The Board cannot vary the decision or penalty imposed by the Disciplinary Tribunal.

#### **9.16 Notification of Decision**

The member concerned and the party who initiated the complaint will be informed in writing by PINZ of the Disciplinary Tribunal's decision, the reasons for the decision and their right of appeal.

### **9.17 Right of Appeal of Disciplinary Tribunal's Decision**

There is a right of appeal under these By-laws against a decision of an appointed commissioner or Disciplinary Tribunal. For an appeal to proceed, the member concerned must provide full written reasons to the Board within 30 days of receiving the decision. The President of PINZ will appoint an independent barrister to review the decision and determine the outcome of the appeal. No further hearing will be held, the barrister is empowered to communicate with legal counsel for both parties and make an award for costs.

### **9.18 Remuneration and Fees**

Members of the Disciplinary Tribunal and the PINZ prosecutor will, at the discretion of the Board of PINZ, be entitled to receive such fees, remuneration and disbursements as the Board in its absolute discretion determines either generally or in any specific case.

## **10 CODES OF PRACTICE**

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The Board, and where appropriate, Professional Communities with the approval of the Board, will develop, maintain, ensure compliance with and enforce Codes.

## **11 GENERAL MATTERS**

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### **11.1 Serving of Notices**

- (a)** Notices may be served on a member either personally or by the post in a pre-paid envelope addressed to the member at the address specified in the register of members. Service by post will be deemed to be effective when the notice would have been delivered in the normal course of posting. Non-receipt of a notice will not invalidate the proceedings of a general meeting.
- (b)** Where a specified number of days' notice is required, the day of service/posting will not be counted in the number of days nor will the day of receipt. Clear days' notice is required.

### **11.2 Partnerships or Businesses Involving Non-Members**

- (a)** Members of PINZ will ensure that if they are permitted to practise in business with a person who is not a member of PINZ, that other person may describe themselves as a partner or director in the firm but will not describe themselves as a member of PINZ;
- (b)** Every member will be liable to disciplinary action who, without the consent of the professional practice committee, employs a non-member, or permits any non-member to act as their agent, who to their knowledge has been prohibited from practicing in partnership with members.

## 12 SYMBOLS

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### 12.1 Use of the PINZ Logo

- (a) Members must comply with the Board's policy for the use of the PINZ Logo, which is subject to copyright. Brand policy and standards are available on the PINZ website.
- (b) In the case of sole member practitioners, the PINZ Logo may be used on all communications and signage.
- (c) In the case of firms, corporations and partnerships where all professional staff are PINZ Members, the PINZ Logo may be used on all communications and signage.
- (d) In the case of firms, corporations and partnerships, which include professional staff other than PINZ Members:
  - (i) the PINZ Logo may only be used on communications which a member of PINZ is solely responsible for and which bears his/her name and/or personal signature and no other person's name;
  - (ii) if there is a designated professional area in the office where all professional staff are PINZ Members, the PINZ Logo may be used on all communications and signage relating solely to that professional area.
- (e) Communications referred to in this Regulation include reports, report covers, business cards, "with compliments" slips, envelopes, letterheads, facsimiles and electronic mail.
- (f) The PINZ Logo must be printed in the PINZ colours. It can be used in reverse print.
- (g) The PINZ Logo must not be used by any member until proof copies of the various forms of communication bearing the PINZ Members' Logo have been submitted to, and approved by, the National Office.
- (h) Where an advertisement includes the PINZ Members' Logo, only the names of PINZ members can be included.
- (i) The Board may, in special circumstances, approve the use of the PINZ Logo for purposes other than those set out above.
- (j) Use of the PINZ Logo in any manner other than those permitted pursuant to this Regulation will constitute a breach of these By-laws.
- (k) The Board may require any member or members to refrain from using the PINZ Logo and to conform to such new or revised Regulations as to the use of the PINZ Logo as the Board may determine from time to time.

## 13 TRANSITIONAL PROVISIONS

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### **13.1 NZIV Transitional Provisions**

Notwithstanding anything else contained or implied in these By-laws, as long as the Valuers Act 1948 (or any statute amending or replacing the same), remains in full force and effect, the Property Valuation Professional Community will be subject to, and governed by, the provisions of that Act, and any regulations made under that Act, to the intent that in the event of a conflict, the provisions of that Act, and any regulations made under that Act, will prevail over these By-laws; and for the purposes of these By-laws, the Council of the New Zealand Institute of Valuers will be deemed to be the Management Committee of the Property Valuation Professional Community.

## **SCHEDULE 1**

The Bodies that have reciprocity agreements with PINZ are:

- Royal Institute of Chartered Surveyors (General Practice Branch)
- Australian Property Institute
- Appraisal Institute of Canada
- Singapore Institute of Surveyors and Valuers (General Practice Branch)
- International Facilities Management Association
- Hong Kong Institute of Chartered Surveyors



## Changes to By-laws – Approved by the Board on 14 April 2011

The Board approved changes to the By-laws on 14 April. These changes are explained below.

- Clause 6.1** A change to reflect the current membership classes and status rather than transitional provisions that applied at 10 December 2008
- Clause 6.5** Honorary Members – changed to Honorary Fellows (*subject to the change of Rule 6.5(a) being approved at the AGM*)
- Inclusion of post nominal for Honorary Fellow and inclusion of Marine Valuers, Aircraft Valuers and Business Valuers
- Clause 6.17** FPINZ (Hon) and Marine, Aircraft & Business Valuers added to post nominals
- Clause 7.2(b)** Marine Valuers, Aircraft Valuers and Business Valuers added to clause
- Clause 7.2(b)(i)** Qualification requirement changed to 5 and 4 years from 6 years and 4 years. This is to cater for the part time nature of the Infrastructure Plant and Machinery Valuers.
- Clause 13.2** The transitional provisions for professional communities have been removed
- Clause 13.3** The standing committee clause is removed – no longer relevant

**Schedules 2 & 3**

The schedules relating to transitional professional communities and the transitional standing committees are deleted – no longer relevant