



PROFESSIONAL CONDUCT COMMITTEE - TERMS OF REFERENCE

1. Purpose

These Terms of Reference sets out the role, functions, and procedures of the Professional Conduct Committee (“PCC”) of the New Zealand Institute of Valuers (“NZIV”).

2. Establishment

The NZIV is constituted under Section 9 of the Valuers Act 1948 (“the Act”). The Act also constitutes the NZIV Council (“Council”) to manage the affairs of the NZIV and conduct its business. Section 10 of the Act sets out the NZIV’s functions, including to:

- promote and encourage ethical conduct among valuers and other members of the NZIV;
- preserve and maintain the integrity and status of valuers and other members of the NZIV generally; and
- to protect and promote the interests of the profession of valuing and the interests of the public in relation to valuations of land and related subjects.

Section 32 of the Act also provides a role for the NZIV in the investigation of complaints against Registered Valuers.

Council acknowledges the public interest in Registered Valuers undertaking their work in accordance with the NZIV’s Code of Ethics. Council has established the PCC to undertake the work that may be required of the NZIV in the performance of its role under section 32 of the Act in relation to Registered Valuers and, more generally, assist in the performance of NZIV’s functions relevant to the regulation of members.

3. Role

The role of the PCC is to ensure that, where the NZIV decides to investigate a complaint against a Registered Valuer, a properly constituted Committee undertakes that investigation fairly, in accordance with the rules of natural justice. Accordingly, the PCC acts as an investigative body. Although it is constituted by Council and acts only in accordance with its delegation it makes its decisions with respect to each complaint independently.

4. Functions

The PCC's functions are to:

- investigate complaints against Registered Valuers and report in writing to the Valuers Registration Board; and
- provide Council, at its request, with such assistance as may be necessary to discharge NZIV's statutory functions relating to the regulation of members, including general reports to Council regarding the discharge of the complaints investigation function;
- assist with initiatives to communicate to members the professional standards expected of them, including "lessons learned" from the disciplinary process.

5. Membership

Composition

The PCC will consist of at least six Registered Valuers, each holding Annual Practising Certificates, drawn from the body of such Members of the NZIV.

Appointment

Members of the PCC will be appointed by Council for terms set at the discretion of Council. No Member of the PCC shall, at the same time, be a member of Council. Council may dismiss any Member of the PCC immediately should they be found guilty of professional misconduct, a criminal offence, be made bankrupt or otherwise cease, in the opinion of Council, to be a fit and proper person to hold such office.

Members will be chosen for their sound judgement, integrity, experience and ability. They will be persons respected within the profession who are capable of making decisions which the profession of Registered Valuers is likely to accept as the objective view of the profession.

Council may call, through the usual communication channels, for applications from Members who wish to be appointed to the PCC. Council may also, at its discretion, approach Members it considers would meet the above criteria to seek their agreement to be appointed (without any broader call for applications).

Quorum

A quorum shall be three members. The PCC may lawfully conduct its business, convene meetings and exercise its powers only if a quorum is present in person or, with the consent of the Chair, participating by way of teleconference or videoconference.

Chair

The Chair is appointed by Council for such term as Council, in its discretion, decides is appropriate. As well as being a member of the Committee, the Chair has special responsibility for ensuring the PCC is properly convened for each hearing, investigations are conducted fairly and, where appropriate, legal advice is obtained.

Member responsibilities

PCC members are responsible for delivering the PCC's functions through:

- declaring, in advance, any actual or potential conflicts of interest;
- preparing for and attending meetings;
- contributing to the PCC's decision-making process;
- maintaining strict confidentiality in respect of matters before the PCC; and
- taking collective responsibility for decisions.

Members of the PCC shall not appear as expert witnesses for any party in relation to complaints including, but not limited to, those which are the subject of an inquiry hearing.

6. Procedure

Subject to the Act, any rules or regulation made under it, and this Terms of Reference, the PCC shall regulate its procedure as it sees fit.

7. Operations

Support

The PCC shall be supported by a Secretariat.

Meeting frequency and location

The PCC shall generally meet in person or by teleconference as arranged by the Chair. In rare cases, matters may be dealt with by circular resolution.

Papers and agendas

The Secretariat will prepare the agenda. Agenda papers will generally comprise complaints to be considered, and other matters relevant to the functions of PCC and will be circulated in advance of the meeting.

Minutes

The Secretariat prepares the minutes, which are approved by the Chair. Minutes once approved by the Chair are distributed to all PCC members in advance of the next meeting.

Travel

Travel for meetings of the PCC will be organised by the Secretariat in accordance with current travel policy. PCC Members will be reimbursed for actual and reasonable expenses incurred.

Reporting

The PCC shall provide such periodic reporting as Council requests regarding the number, nature and timeframes of complaints processed.

8. Indemnity

Every Member of the PCC shall be indemnified by the NZIV for all claims, proceedings losses and expenses incurred by them in connection with the discharge of their duties as a Member, except in the case of their willful default.

NZIV shall, at all times, maintain insurance sufficient to cover the risk of the above indemnity should it be called upon.

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