



New Zealand

Institute of Surveyors

**Recommendations for the Incorporated Societies Bill
– Exposure Draft**

New Zealand Institute of Surveyors' submission to the Ministry for Business, Innovation and Employment on the Incorporated Societies Amendment Bill Exposure Draft.

30 June 2016

NZIS: We Are the Future of Location and Measurement

The New Zealand Institute of Surveyors (NZIS) is New Zealand's leading advocacy body for professions involved in location and measurement sciences. This includes a wide variety of surveying specialisations¹ as well as spatial scientists and surveying engineers. These professions all deal somewhat in the power of 'where'.

Founded in 1888, the Institute celebrated its 127th anniversary this year with a membership in excess of 1300 professionals. Currently NZIS has 16 branches throughout New Zealand and one branch in Hong Kong. These branches are supported by a National Office based in Wellington and are guided by an elected President, thirteen councillors, and a board. We are also leader on the international stage: what NZIS does is followed by and immensely influential to our overseas peers.

We proudly support excellence within our community with services to members including continuing education, certification, best professional practice guidelines and resources, research and development, advocacy, policy services, business support, advice, and awarding excellence within the profession.

Our sector wide values are: integrity; environmental sustainability; excellence; respect for the profession, and; ethical behaviour.² Our purpose is articulated in our vision to aspire to "An internationally recognised professional organisation that promotes growth, innovation, excellence and community needs for all facets of surveying and spatial science in New Zealand."³

¹ Such as hydrographic, cadastral, and land development and urban design specialists.

² See the NZIS Strategic Plan 2015-2020:

http://www.surveyors.org.nz/Attachment?Action=Download&Attachment_id=1397

³ Ibid, at 4

Introduction

We thank the Ministry for Business Innovation and Employment (MBIE) for the opportunity to submit our recommendations on the review of the Incorporated Societies Legislation. We submit this document on behalf of our membership and in advocating for the professions of surveying and spatial sciences and the not-for-profit sector.

This submission was created through our national office and does not intend to express all individual members' or staff opinions. We do not intend to make comment on all parts of the proposed Bill. The depth of our recommendations will directly reflect the level of importance such parts or sections of the Bill held to our organisation. Whilst we encourage most of the propositions for change, we disagreed with the provisions around complaints and grievances (Clauses 24(1)(j), 31 and 32).

As a veteran organisation with a long standing constitutional history (we have had a constitution since 1888) and a recent update ourselves, we provide invaluable insight into the review process. Not only do we have an almost incomparable experience when it comes to the documental foundations of an incorporated society but we also understand the struggle of a modern overhaul of those foundations to suit 21st century requirements.

General Comments

NZIS strongly supports the review of the Incorporated Societies Act. We agree with the Law Society's comments that the clarification, simplification and update of the legal requirements placed on not-for-profit organisations throughout the Act is long overdue.

As a not-for-profit that has been around for over 100 years, we have learned a lot about the care and time that goes into creating the perfect constitution for your organisation. The NZIS constitution that existed in 1903 would certainly not suit the one we have today. Likewise, the constitution we live by in 2016 would be unlikely to fit other organisations in the not-for-profit sector and again, we already find ourselves having to take a second look at its arrangements, having just finished a particularly large update in 2013.

Complaints and Grievances

From 1888 up until 2013 the NZIS constitution contained the complete process and conduct requirements for the conduct of members and investigation of complaints both between members and from members of the public. This arrangement often resulted in endless AGM debate around the processes being applied and did not easily allow for changes to the requirements of membership conduct and as a result, was eventually removed from the Constitution in our 2013 update. This was replaced with a section in the Constitution simply stating that the NZIS Council is to maintain and publically display a complete members' complaints process.

From 2013, NZIS has functioned well with this new complaints structure. An Ethics Committee of volunteers was established, alongside a Secretary positioned in National Office to handle any incoming complaints when they are first received and also to field complaint inquiries. Any complaint making it to the Ethics Committee that is found by that Committee

to have a potential basis then gets referred to the NZIS Council for a decision. The procedures are reasonably flexible allowing for something such as arbitration to occur where feasible but without losing needed guidance to our members and the public.

We are concerned with the inclusion of detailed and onerous requirements about complaints and grievances in all constitutions. We believe that the needs of some societies for stronger oversight and constitutional assistance resulting in this legislation may impede others who do not. In particular, we believe our organisation would be greatly hindered by a return to the cumbersome process we had regarding complaints prior to 2013.

We recommend including a requirement in the Act that an organisation have publicly available rules, processes and systems in place for dealing with complaints and grievances, but not necessarily requiring that these be detailed in the Constitution itself. The bare minimum standard could be to have the constitution refer to that location where someone may locate the information about complaints and grievances (online, or a particular policy for example).

The differences between the needs of a professional not-for-profit organisation and other types of not-for-profits should be understood and recognised. Professional not-for-profit support organisations deal regularly with external complaints as a part of their ordinary day-to-day business and have detailed policy and procedures regarding this. Organisations that support professions such as: accountants, engineers, surveyors or similar will also usually have extensive experience and dedicated staff working in the area of complaints and already have a publically notified process for taking complaints that are usually found on websites in the complaints or policy area.

Requiring professional not-for-profit organisations to have their complaints procedures as a part of their Constitution fundamentally undermines the ability of any organisation to actually improve the system as required as any change would require an AGM or a Special GM to progress any update. Whether this is the intended by the requirements outlined in the legislation or not: clarity is certainly needed.

Conclusion

The NZIS broadly supports this Bill. The Bill will provide for much needed clarity in the law with respect to the regulation of societies. Despite this support there are a number of issues set out above that we believe will need to be addressed. We strongly caution the need for balance between flexibility for organisations who already have a healthy and working constitution and legislative assistance for those that do not.

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