

**(NAME)**

## **RULES**

### **1. DESCRIPTION**

The Institution shall be named “**The (XXX) Institution of Engineers and Technologists**”, (hereinafter called the “Institution”).

### **2. INTERPRETATION**

- a. “Member” means a person who holds any current class of membership as defined in Rule 4, unless a contrary interpretation is specified.
- b. “Voting Member” means a person who is a current Financial Member in the class of Fellow, Professional Member, Technical Member, Associate Member, Graduate Member, Companion or Affiliate Member as defined in Rule 4.
- c. “Financial Member” means a Member who is not in arrears of the subscription payment for their relevant class of Membership as provided for under Rule 8.
- d. “The Council” means the Council of the Institution.
- e. “Financial Year” means the period commencing on 1st October and ending on 30th September of the following year.
- f. “Rule” means a Rule of the Institution unless a contrary interpretation is specified.
- g. Where the context requires, the singular shall include the plural and vice versa and the masculine shall include the feminine and vice versa.

### **3. OBJECT**

The Object of the Institution shall be the advancement of the professions of engineering, **applied science and technology** within (XXX) by means including, but not limited to:

- a. developing and sharing advances in **scientific**, engineering and **technological** knowledge;
- b. developing **scientific**, engineering and **technological** skills to improve the well-being of society;
- c. representing the engineering, **applied science and technology** professions;
- d. contributing to the development and recognition of good engineering and technological practice;
- e. recognising, regulating and supporting those demonstrating competence in the engineering, **applied science and technological** professions;
- f. supporting engineers, **applied scientists and technologists** in their career development;
- g. contributing to meeting the needs of the community; and
- h. participating in any South Pacific regional body for engineering, such as the South Pacific Engineers Association.

## 4. MEMBERSHIP CLASSES

- 4.1 The following Membership classes shall be recognised for engineers:
- 4.1.1 Student Member (no postnominal) – a person studying towards a qualification which is substantially equivalent to a qualification recognised under one of the Dublin, Sydney or Washington Accords.
  - 4.1.2 Graduate Member (postnominal GXXX) – a person who holds a recognised engineering qualification which is substantially equivalent to a qualification recognised under one of the Dublin, Sydney or Washington Accords.
  - 4.1.3 Associate Member (postnominal AXXX) – a person who has passed a competence assessment for which the standard is substantially equivalent to that set out for engineering technicians in the exemplar competences established by the International Engineering Alliance.
  - 4.1.4 Technical Member (postnominal TXXX) – a person who has passed a competence assessment for which the standard is substantially equivalent to that set out for engineering technologists in the exemplar competences established by the International Engineering Alliance.
  - 4.1.5 Professional Member (postnominal MXXX) – a person who has passed a competence assessment for which the standard is substantially equivalent to that set out for professional engineers in the exemplar competences established by the International Engineering Alliance.
  - 4.1.6 Fellow (postnominal FXXX) - a member recognised by the Council as having made a substantial and eminent contribution to the engineering profession, and have been an associate, technical or professional member for at least three years.
- 4.2 The following Membership classes shall be recognised for applied scientists and technologists:
- 4.2.1 Honorary Member (no postnominal) – a person who is not an engineer but who is recognised by the Council for eminence in a field related to engineering, technology or applied science, including application in the community.
  - 4.2.2 Companion (postnominal CXXX) – a person who is not an engineer but who holds a position of responsibility in relation to engineering, applied science or technologist.
  - 4.2.3 Affiliate Member (no postnominal) – a person who holds a tertiary qualification in applied science or technology.

## 5. OBLIGATIONS ON MEMBERS

### 5.1 Membership obligation

Each candidate for election to any class of Membership must undertake to abide by the Rules of the Institution and future revisions thereof (the “**Membership obligation**”). This undertaking will be regarded as continuing until the person resigns or is removed from the roll of Members.

## 5.2 Ethical obligation

The Council must prescribe a Code of Ethics. All Members must comply with the provisions of the Code of Ethics (the “**ethical obligation**”).

## 5.3 Competence obligation

Members in the classes Fellow, Professional Member, Technical Member, Associate Member and Graduate Member must perform their engineering activities in a careful and competent manner, commensurate with their Membership class within the Institution (the “**competence obligation**”).

## 5.4 Good character obligation

Members must conduct themselves at all times in a manner consistent with being a fit and proper person to be a Member of the Institution (the “**good character**” obligation).

# 6. ELECTION TO MEMBERSHIP

## 6.1 Election or Transfer to Fellow

6.1.1 The Council may specify procedures for making nominations or applications for Fellow and assessment of such nominations or applications, provided that unless the Council otherwise decides in a particular case, each candidate shall:

- a. have been a Member of the Institution for at least three years;
- b. have been engaged in an important position of professional responsibility;
- c. have given service to the profession or to the Institution, or have contributed to the Object of the Institution;
- d. have demonstrated competence to a level the Council considers satisfactory for entry into the class of Fellow; and
- e. have been supported by one Members (of whom at least one is a Fellow and the other may be either a Professional Member or Fellow).

## 6.2 Election or Transfer to Professional Member

6.2.1 The Council shall specify procedures for making nominations or applications for Professional Membership and assessment of such nominations or applications, provided that unless the Council otherwise decides in a particular case, each candidate shall:

- a. demonstrate a suitable level of engineering competence in accordance with the definition of Professional Member, and
- b. have been supported by two other Professional Members or Fellows.

## 6.3 Election or Transfer to Technical Member

6.3.1 The Council shall specify procedures for making nominations or applications for Technical Member and assessment of such nominations or applications, provided that unless the Council otherwise decides in a particular case, each candidate shall:

- a. demonstrate a suitable level of engineering competence in accordance with the definition of Technical Member; and

- b. have been supported by two other Technical Members, Professional Members or Fellows.

6.4 Election or Transfer to Associate Member

6.4.1 The Council shall specify procedures for making nominations or applications for Associate Member and assessment of such nominations or applications, provided that unless the Council decides otherwise in a particular case, each candidate shall:

- a. demonstrate a suitable level of engineering competence in accordance with the definition of Associate Member; and
- b. have been supported by two other Associate Members, Technical Members, Professional Members or Fellows.

6.5 Election or Transfer to Graduate Member

6.5.1 The Council shall specify procedures for making nominations or applications for Graduate Member and assessment of such nominations or applications.

6.6 Election or Transfer to Honorary Member

6.6.1 The Council may specify procedures for making nominations or applications for Honorary Member and assessment of such nominations or applications, provided that unless the Council otherwise decides in a particular case, each candidate shall:

- a. have been engaged in an important position of professional responsibility;
- b. have given service to the profession or to the Institution, or have contributed to the Object of the Institution;
- c. have been supported by two Members (of whom at least one is a Fellow and the other either a Companion or Professional Member).

6.7 Election or Transfer to Companion

6.7.1 The Council shall specify procedures for making nominations or applications for Companion and assessment of such nominations or applications, provided that unless the Council decides otherwise in a particular case, each candidate shall:

- a. have demonstrated that they meet the criteria of Rule 4.2.2; and
- b. have been supported by two Associate Members, Technical Members, Professional Members, Companions or Fellows.

6.8 Election or Transfer to Affiliate Member

The Council shall specify procedures for making nominations or applications for Affiliate Membership and assessment of such nominations or applications.

6.9 Election to Student Member

The Council shall specify procedures for making nominations or applications for Student Membership and assessment of such nominations or applications.

6.10 Election or Transfer by Invitation of the Council

Notwithstanding the provisions of Rules 6.1 to 6.9, the Council may issue an invitation to any person to become a Member of the Institution in any class considered by the Council to be appropriate. The decision to issue such an invitation must be taken by the unanimous vote of a meeting of the Council, at which not less than two-thirds of the members of the Council are present.

#### 6.11 Exemptions and Substitution

6.11.1 The Council may waive any or all of the above requirements for admission to any class of Membership where formal recognition agreements with other institutions exist or in any other case where the Council is satisfied that the candidate has presented sufficient evidence such as properly verified memberships, qualifications and experience.

6.11.2 Where an applicant has difficulty in obtaining supporters for Membership, the Council may permit the substitution of the names of equivalent Members of such other institutions or societies as the Council may recognise for this purpose from time to time.

#### 6.12 Delegation

6.12.1 The Council may delegate the responsibility for electing new Members to a Committee of Members.

#### 6.13 Conditions on Election or Transfer

6.13.1 The Council may decline an application for election or transfer if it considers that the applicant is not a fit and proper person to be associated with the Institution or for any other reason. The Council shall not be bound to give a reason for declining such an application.

6.13.2 When each election or transfer has been approved the election shall not be deemed complete until payment of the appropriate fees and subscriptions have been received, and if fees and subscriptions are not received within three months from time of notification the election or transfer shall be deemed to have lapsed.

6.13.3 Should a person obtain election to any class as a result of supplying misleading or inaccurate information, of which the Council shall be the sole judge, such election may be declared null and void.

#### 6.14 Membership Statuses

6.14.1 Members who have ceased active employment, have met criteria in terms of length of Membership of the Institution as may be prescribed from time to time by the Council, and who will no longer receive income other than through superannuation, pensions, benefits or investments may be awarded retired status by the Council, and as such shall retain their Membership class, but be entitled to have their subscription rebated.

6.14.2 The Council may recognise Members who temporarily receive low incomes, are temporarily unemployed, or have other circumstances which the Council considers worthy of consideration, and offer those Members access for a limited period to a Membership status entitling them to such rebate of their Membership subscriptions as may be determined by the Council from time to time.

#### 6.15 Resignation, Removal and Reinstatement

- 6.15.1 Each Member may by notice in writing resign from Membership after payment of all sums due in respect of subscriptions or otherwise.
- 6.15.2 If the Institution loses and is unable to re-establish contact with a Member within a period of six months, it may remove the Member from the Membership Register.
- 6.15.3 On verified notification of death of a Member, the Member's name shall be removed from the Membership Register, and any fees owing by him or her will be written off.
- 6.15.4 Each Member who has failed to pay or failed to make arrangements to pay their Membership subscription within the prescribed period for maintaining good financial standing shall have their name removed from the Membership Register at the discretion of the Council.
- 6.15.5 A Member may be suspended and later reinstated, or expelled from the Membership register for disciplinary reasons.
- 6.15.6 Each person who has ceased to be a Member may apply for reinstatement and the Council may approve such reinstatement under such conditions as it may see fit to impose, and re-enter that person's name in the Membership Register.

## **7. ANNUAL SUBSCRIPTIONS**

- 7.1 The rates of Institution subscriptions for each subscription year shall be as fixed by the Council and published in a schedule.
- 7.2 In setting the subscription for each Membership class the Council may also set rebates according to any of the Membership statuses created under Rule 6.13.

## **8. PAYMENT AND ARREARS**

- 8.1 Each subscription shall be payable in advance and shall become due on the first day of the subscription year.
- 8.2 Each Member shall be liable for the payment of the annual subscription until submitting his or her resignation in writing unless the Member has been expelled from the Institution. A Member shall remain liable for any subscription, which was due prior to the date of resignation or expulsion. On such resignation or expulsion the Council shall demand and may sue for any arrears of subscription.
- 8.3 Each Member whose subscription for the current year has not been paid within six months of its becoming due and who has not been granted approval and commenced to pay by instalment shall be "in arrears of subscription" and the Member's rights of Membership shall be suspended until the arrears have been paid.
- 8.4 If a Member shall remain in arrears of subscription for five months after the suspension of his or her Membership rights, the Member's name may be removed from the Membership Register by the Council, and he or she shall thereupon cease to be a Member.

- 8.5 Remission of Subscription and Special Payment Conditions
- 8.5.1 In special circumstances of which it shall be the judge, the Council may remit any subscription or part thereof or make special conditions for payment.

## **9. RIGHTS OF MEMBERSHIP**

- 9.1 Each Member may attend any general meeting of the Institution, and subject to the provisions of these Rules, may introduce for consideration any matter which comes within the scope of the Object of the Institution and may speak to or vote upon any motion which may be before such meeting.
- 9.2 Each Member may seek the advice and support of the Institution or of the Council or both on any matter coming within the Object of the Institution and on any other matter concerning his or her welfare.
- 9.3 Each Voting Member may vote in an election, referendum or ballot conducted by the Institution.
- 9.4 Except as provided elsewhere in these Rules, each Member may nominate or be nominated for election to membership of the Council or of a committee established by the Council.

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

- 10.1 The Council shall prescribe Regulations (the “Disciplinary Regulations”) that set out the procedures for the investigation, hearing and determination of complaints against Members in respect of Rule 5, including the matters being investigated prior to determination by a Disciplinary Committee, and the rights of appeal to an Appeal Committee.
- 10.2 If a Disciplinary Committee appointed under Rule 10.1 decides that a Member whose conduct is the subject of the investigation has acted in breach of Rule 5, the Committee may make one or more of the following orders:
- a. That such Member be expelled from Membership of the Institution.
  - b. That such Member be suspended from Membership for any period.
  - c. That such Member be suspended from the Membership until such time as the Member has fulfilled requirements for professional development as have been specified by the Committee.
  - d. That if by a prescribed date the Member fails to fulfil requirements for professional development as have been specified by the Committee such Member be suspended from Membership for a specified period of time.
  - e. That a fine not exceeding an amount determined from time to time by the Council be imposed on such Member.
  - f. That such Member be reprimanded or admonished.
  - g. That such Member pay a sum not exceeding an amount determined from time to time by the Council towards such costs incurred by the Institution and/or the complainant as are directly attributable to the investigation, hearing and/or determination of the complaint.

- h. That upon completion of consideration of the complaint according to the procedures under the Disciplinary Regulations, the Member's name, the order made against the Member, and the nature of the breach be publicised.
- 10.3 An Appeal Committee may affirm, vary or reverse any order of a Disciplinary Committee, or make any order that a Disciplinary Committee is able to do under Rule 10.2.

## **11. PRESIDENT AND COUNCIL**

- 11.1 The affairs of the Institution shall be managed by a Council chaired by a President.
- 11.2 The Council shall consist of the President, either a Past-President or a President-elect (normally serving in alternative years) and between four and six other Members.
- 11.3 The terms of tenure of the positions of President-elect shall be one year, that of President two years, and that of the Past-President shall be one year. All other Councillors shall have terms of two years, and to the extent it is practical, half of these terms will expire each year.
- 11.4 Terms shall normally begin and end at an Annual General Meeting.
- 11.5 No member shall be prevented from holding office on the Council by reason of their prior service, save that the prior permission of the Council shall be required in order for a Member who has served for three or more consecutive two-year terms to be elected for a further consecutive term.
- 11.6 Whilst the President would normally hold office for a single two year term, this term may be extended by resolution of the Annual General Meeting for a period of one further year if there is or has been a casual vacancy, for any reason, in the President-elect position during the previous year. More than two such extensions should not normally be approved.
- 11.7 The Council may fill a casual vacancy among its elected or appointed members. Each Member appointed to fill such vacancy shall hold office for the remainder of the term of the Member of the Council replaced. For the purposes of Rule 11.5 the service of a Member so appointed for a partial term shall be disregarded. Each vacancy not filled at an election of Members of the Council shall be deemed a casual vacancy.
- 11.8 The Council may choose to designate titles for positions within the Council to associate them with particular roles.
- 11.9 The Council may form committees to perform particular roles, and co-opt members to those committees, provided that all decisions of a committee are subject to ratification by the Council.
- 11.10 The quorum for meetings of the Council shall be three. If the President is not present the President-elect or Past-President shall chair the meeting, and if neither is present the Council Members who are present shall elect a chair.
- 11.11 Decisions of the Council are made by majority vote of those present if five or more Council members are present, or at least three-quarters majority if four or fewer members are present.



## **12. ELECTION OF OFFICERS**

- 12.1 The election of the Council shall occur by secret ballot at the Annual General Meeting, or failing that by postal ballot of all Members as soon as possible thereafter.
- 12.2 Nominations for vacant positions shall be open for a period not exceeding one calendar month prior to the Annual General Meeting, and shall be closed during the Annual General Meeting.
- 12.3 Candidates for election to the position of President-elect must be either a Fellow, Professional Member, Technical Member, Associate Member or Companion.
- 12.4 Elections are not held for the position of President or Past-President; rather these positions are filled by succession of the President-elect and President, occurring alternately in successive years.
- 12.5 The number of other positions to be contested shall be selected by the Council but must meet the requirement that after the election the number of Councillors be between four and six.
- 12.6 Nominations for vacant positions may be made by any individual financial Member of the Institution, and acceptance of nomination must be verified for a nomination to be valid.
- 12.7 Candidates must be financial Members at time of election.

## **13. PROCEDURES, POWERS AND DUTIES OF THE COUNCIL**

- 13.1 The Council shall meet as often as the business of the Institution may require, and in any case no fewer than twice per year.
- 13.2 The Council may appoint committees for special purposes and the members of such appointed committees need not be Members of the Institution. Unless the Council otherwise prescribes, each such appointment shall be deemed to terminate at the conclusion of the next Annual General Meeting.
- 13.3 The Council may appoint persons to represent the Institution on other bodies and such persons need not be Members of the Institution. Unless the Council otherwise prescribes, each such appointment shall be deemed to continue until terminated by the Council.
- 13.4 The Council shall set Membership subscriptions which shall be sufficient to cover the normal operating expenses of the Institution, and may set other fees for particular activities undertaken by the Institution.
- 13.5 The control of the funds of the Institution shall be vested in the Council and the Council may authorise the expenditure of such sums as it considers necessary for the furtherance of the Object of the Institution.
- 13.6 The Council may deal with the funds of the Institution by depositing such funds with a bank or by investing in and purchasing such fixed and floating assets and securities, whether statutory trustee securities or not, as it considers necessary for the furtherance of the Object of the Institution.

- 13.7 The Council may withdraw, sell or otherwise convert into money any deposit, fixed or floating asset or security of the Institution and may apply the moneys so obtained in any manner permitted by the Rules.
- 13.8 The Council may borrow money for the furtherance of the Object of the Institution, and in particular, but without limitation, the Council may borrow money for the purpose of purchasing a site for offices, library, meeting rooms and other accommodation of the Institution and Members, with or without buildings thereon, and for the purpose of building, fitting and furnishing such offices, library, meeting rooms and other accommodation; and for the purposes of purchasing any additional land with or without buildings thereon required for the future use or occupation of the Institution in whole or in part for any of the purposes mentioned in this Rule and any money to be borrowed by the Council may be borrowed in such manner as the Council thinks fit, with or without charge upon the property of the Institution and the Council may secure repayment of any moneys borrowed and interest thereon at such rate as the Council thinks fit, by mortgage or charge upon the property of the Institution of any part or parts thereof.
- 13.9 At the end of each financial year the Council shall prepare an Annual Statement of Accounts, which after being certified by the Auditor shall be circulated to Members and laid before the Annual General Meeting for approval by the Members. The Annual Statement of Accounts shall contain:
- a. the income and expenditure of the Institution during the Institution's last financial year;
  - b. the assets and liabilities of the Institution at the close of the last financial year; and
  - c. all mortgages, charges, and securities of any description affecting any of the property of the Institution at the close of the last financial year.
- 13.10 The Council shall prepare an Annual Report, which shall be distributed to Members and laid before the Annual General Meeting.
- 13.11 The Council may make standing orders for the conduct of general meetings of the Institution and meetings of the Council and committees and for regulating the affairs of the Institution which standing orders shall not be contrary to the Rules.
- 13.12 Members of the Council linked to a meeting by conference telephone or video shall be deemed to be present. Any written proposal which has been sent to each Council Member and returned either with an affirming signature in hard copy or by telephone facsimile or by an electronic text message shall become a decision of the Council when the required number of affirmations and lesser number or absence of objections have been confirmed so as to comply with these Rules. Such decisions shall be ratified and recorded in the minutes of the next Council meeting.
- 13.13 The decision of the Council on the interpretation of the Rules, on all matters dealt with by it in accordance with the Rules and on matters not provided for in the Rules shall be final and binding on all members.

#### **14. GENERAL MEETINGS AND RECEIPT OF ANNUAL REPORT**

- 14.1 The Annual General Meeting shall be held within six months after the end of each Financial Year at a date and time set by the Council.

- 14.2 The President shall present an annual report on activities to the Annual General Meeting, and this will normally be distributed to all Members.
- 14.3 The annual report shall cover activities of the Group and the annual accounts of the Institution.
- 14.4 There shall be no quorum for the Annual General Meeting.
- 14.5 Special General Meetings of the Institution may be called by the Council on its own initiative or at the written request of ten Members.
- 14.6 Notice of the time and place of a Special General Meeting shall be posted to each Member at least 14 days prior to such meeting and such notice shall also state the motion or motions to be moved thereat.
- 14.7 No other motion except that of which due notice has been given shall be considered at a Special General Meeting unless its subject matter is relevant to or dealing with the subject matter of such first-mentioned motion or motions.
- 14.8 Fifteen Voting Members shall constitute a quorum for a Special General Meeting.
- 14.9 If within one hour after the time fixed for the holding of a Special General Meeting a quorum is not present no meeting shall be held.

## **15. VOTING AT MEETINGS**

- 15.1 Only Voting Members actually and rightfully present at any meeting of the Council, a committee or a general meeting shall have the right to vote on any motion before such meeting.
- 15.2 A majority of the Voting Members shall decide any question unless the Rules provide otherwise. Each Voting Member shall have the right to exercise one vote on each motion before such meeting except that in the case of equality of voting, and where the Rules allow, the chairperson may exercise a casting vote in addition to a deliberative vote.
- 15.3 Voting on any motion before such meeting shall be by the voices, except that any Voting Member present at such meeting may require a show of hands and any ten per cent of the Voting Members present at such meeting may require a secret ballot.
- 15.4 At the conclusion of voting on any question before a Special General Meeting any ten per cent of those entitled to take part may require a final confirming secret ballot of just the Members and Fellows present. Notwithstanding the result of any earlier voting the question shall be decided by the majority of this final confirming ballot.

## **16. REFERENDUM**

- 16.1 The Council may, and on the written request of 20 Voting Members shall, take a referendum of Members on any question. The Council shall publish the result of such referendum but shall not be bound by it.

## **17. ALTERATIONS OF RULES**

- 17.1 Rules shall be made, amended or rescinded only by a resolution passed at a Special General Meeting with a majority of at least two-thirds.

## **18. WINDING-UP**

- 18.1 In the event of the winding-up of the Institution any property and effects of the Institution shall be bequeathed by the Institution for the purpose of furthering scientific knowledge or promoting the welfare of the engineering and technology profession or other such and similar purposes as the Council shall decide.

## **19. REGULATIONS**

- 19.1 The Council may make Regulations on matters referred to in the Rules that require further elaboration in detail.
- 19.2 Regulations shall be made, amended or rescinded by the assent of not less than two-thirds of the members of the Council.
- 19.3 Information regarding Regulations made, amended or rescinded shall be communicated to Members.

## **20. PROPERTY**

- 20.1 The property and effects of the Institution of every kind shall be used solely in furtherance of the Object of the Institution and, except as provided in these Rules, no portion of such property or effects or profit or surplus shall be surrendered or paid to any Member either by way of bonus, gratuity or dividend or in any other manner whatever except that an honorarium may be paid to a Member for services rendered.

## **21. SOUTH PACIFIC ENGINEERS ASSOCIATION**

- 21.1 In conforming with the Objects of the Institution, the Council shall have the authority to commit the Institution to membership as a national chapter of the South Pacific Engineers Association.
- 21.2 In setting Member subscriptions, the Council must take into account the need to meet any obligations of the Institution for payment of an annual subscription to the South Pacific Engineers Association.
- 21.3 The Council may apply to the South Pacific Engineers Association for authority to implement a national section of any regional competence register.
- 21.4 In selecting a visual identity for the Institution the Council must take into account the protocols of the South Pacific Engineers Association.

## **22. COMPETENCE REGISTERS**

22.1 The Council may choose to implement current competence registers for one or more of professional engineers, engineering technologists or engineering technicians.

22.2 If so, the Council shall must take into account the desirability of:

- a. The standards for the registers being benchmarked to international best practice.
- b. The regulations as closely as possible mirror the regulations used for other competence registers, in other countries within the geographic region,
- c. The assessment and annual fees being set in order that the registers will be self-funding including the costs of administration, assessor training and assessment.

## **23. ACCREDITATION OF QUALIFICATIONS**

23.1 The Council may appoint an accrediting agent to accredit on its behalf tertiary qualifications in engineering offered within its jurisdiction.

## **24. PROFESSIONAL DEVELOPMENT**

24.1 The Council may facilitate programmes of professional development to be undertaken by its members, either nationally or regionally through the South Pacific Engineers Association, and in doing so accept on behalf of the Institution any associated risk.