



PROPERTY LAW SECTION

RULES OF THE NEW ZEALAND LAW SOCIETY PROPERTY LAW SECTION

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RULES OF THE PROPERTY LAW SECTION

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1. Name

- 1.1 The name of the Section is the Property Law Section (the Section) of the New Zealand Law Society (the Society).

2. Limitation

- 2.1 These Rules are subject to the Rules of the Society.

3. Objects Functions and Powers

- 3.1 The objects functions and powers for which the Section is established are:
- 3.1.1 to promote collectively the role of lawyers in property transactions;
 - 3.1.2 to establish a standard of professionalism that can be used by members of the Section to promote themselves as specialist property lawyers;
 - 3.1.3 to promote opportunities both formal and informal for its members to maintain and improve their professional skills and gain expertise in the marketing of their services;
 - 3.1.4 to facilitate and encourage discussion and debate on issues of interest;
 - 3.1.5 to maintain contact with businesses, government departments and agencies about operational, procedural and legislative issues of relevance to property lawyers;
 - 3.1.6 to develop membership benefits and services;
 - 3.1.7 to speak in its own name on property law matters subject to such conditions and restrictions as may be stipulated from time to time by the Society's Board;
 - 3.1.8 to promote the objectives of and operate as a section of the Society;
 - 3.1.9 to promote or conduct any other activities consistent with the spirit of the foregoing objects, functions and powers.

4. Membership

- 4.1 There are two categories of membership: full membership and associate membership.

4.2 Full membership

- 4.2.1 Any person who is a member of a District Law Society pursuant to section 23 of the Law Practitioners Act 1982 is eligible for full membership of the Section.
- 4.2.2 The Executive Committee may from time to time at its discretion admit any person to full membership of the Section.

4.3 Associate membership

- 4.3.1 The Executive Committee may from time to time at its discretion admit any person to associate membership of the Section.
- 4.4 Applicants for full membership must apply in writing to the Executive Committee and will be enrolled as members on payment of the annual membership fee (if any).
- 4.5 Applicants for associate membership must apply in writing to the Executive Committee and will be enrolled as associate members upon their acceptance by the Executive Committee and on payment of the annual fee for associate members.
- 4.6 Only full members of the Section may exercise voting rights at meetings of or in relation to the affairs or activities of the Section.
- 4.7 Membership or associate membership will cease if a member or associate member no longer qualifies for membership in terms of rules 4.2.1 or 4.3.1 or if any annual membership fee remains unpaid for two calendar months after the due date for payment.
- 4.8 A member or associate member may resign at any time by giving notice in writing to the chairperson of the Section. There is no entitlement to a refund of the membership fee on resignation.
- 4.9 The Executive Committee has power to terminate the membership of any member for conduct prejudicial to the interests of the Section, or for failure to observe the objects or meet the standards required by the section. This power is not capable of delegation and must not be exercised unless the member concerned has been given on reasonable notice an opportunity to make representations to the Committee in writing or, if the member so desires, in person.
- 4.10 Upon termination of a person's membership that person will cease to be entitled to describe himself or herself as a member of the Section.
- 4.11 Every member is deemed to have agreed to be bound by these Rules, and every member is entitled to a copy of the Rules upon request.

5. Subscriptions and Levies

- 5.1. Every member must pay to the Section such amount as the Executive Committee fixes by way of subscription or levy.
- 5.2. The Executive Committee may in any year fix a yearly or part yearly subscription. In fixing any subscription the Executive Committee is not bound to prescribe a uniform amount applicable to all members and may prescribe differential subscriptions in such manner as may be deemed appropriate, with power (inter alia) to fix life subscriptions.

- 5.3. The Executive Committee may in any year levy a reasonable amount for a stated purpose consistent with the objects of the section.

6. Executive Committee

- 6.1 There will be an Executive Committee of the Section (the Executive Committee).

6.2 Membership

- 6.2.1 The Executive Committee comprises:

- (a) Until the announcement of the results of the election in 2002, 8 ordinary members and after that 9 ordinary members (“Ordinary Members”).
- (b) Any members co-opted in accordance with Rule 6.2.4 (“Co-opted Members”).
- (c) The President of the Society or the President’s nominee who is an ex-officio member.

- 6.2.2 Only a full member of the Section is eligible to be an Ordinary Member.

- 6.2.3 It is recorded that the 8 Ordinary Members in office as at 1 December 2001 were appointed by the Society’s Board.

- 6.2.4 The Executive Committee may from time to time appoint Co-opted Members for such terms, not exceeding 3 years, as the Executive Committee on each occasion determines. At no time may the number of Co-opted Members exceed 3.

6.3 Rotation of ordinary members:

- 6.3.1 At each election from and inclusive of that in 2002, an election must be held to fill at least 3 vacancies in the Ordinary Members. The vacancies will be as follows:

- (a) Any vacancy which has not been filled by the Executive Committee pursuant to Rule 6.4.3.
- (b) The vacancy arising from the expiration of the term of office of any person appointed by the Executive Committee pursuant to Rule 6.4.3.
- (c) If the vacancies under paragraph (a) and (b) are less than 3, then such number of the Ordinary Members must retire as is necessary to create 3 vacancies. The Ordinary Members to retire will be those who have been longest in office since their appointment or last election. If two or more of those Ordinary Members were appointed or last elected on the same day, the Ordinary Members to retire will (unless they otherwise agree among themselves) be determined by lot. An Ordinary Member retiring by rotation is eligible for re-election and will remain in office until the announcement of the results of the election.

6.3.2 At the election in 2002 the vacancy arising by reason of the increase in the number of Ordinary Members from 8 to 9 as provided in Rule 6.2.1(a) will constitute one of the vacancies required by Rule 6.3.1.

6.4 Vacancies

6.4.1 An Ordinary Member who is absent without leave for 3 consecutive meetings of the Executive Committee will immediately cease to be a member of the Executive Committee.

6.4.2 If any Ordinary member:

- (a) Dies; or
- (b) Resigns by written notice addressed to the Chairperson; or
- (c) Ceases to be a full member of the Section; or
- (d) Ceases to be a member of the Executive Committee pursuant to Rule 6.4.1;

his or her office will immediately become vacant and the vacancy will be a casual vacancy.

6.4.3 The Executive Committee has power to appoint any eligible person to fill any casual vacancy in the Ordinary Members. Any person so appointed will hold office only until the next following election but will then be eligible for election.

6.5 Meetings

6.5.1 Within forty working days after every election the secretary must call a meeting of the Executive Committee. The President (or his or her nominee) will take the chair at that meeting to conduct elections for the position of chairperson, deputy chairperson, and treasurer. When a chairperson has been elected he or she will take the chair.

6.5.2. The Executive Committee will meet at such times and places (or by telephone or video conference) as may be determined by the chairperson or upon the requisition in writing of any two members of the Executive Committee.

6.5.3 Reasonable notice of every such meeting must be given by the secretary to every member of the Executive Committee.

6.5.4 The Executive Committee may determine its own procedure at its meetings and five members present will constitute a quorum. In the case of an equality of votes the chairperson will have a casting as well as a deliberative vote.

7. **Officers**

7.1 The officers of the Section will be the chairperson, the treasurer, and the deputy chairperson.

8. Management

- 8.1. The management and control of the affairs of the Section are vested in the Executive Committee.
- 8.1.1. It will be the duty of the Executive Committee generally to conduct the affairs of the Section, and in particular to:
- (a) arrange the keeping of minutes and other records of the business of the Section;
 - (b) arrange the preparation and submission to the Society and to Section members of an annual report, and statements of accounts in respect of the operations of the Section;
 - (c) provide the Society's Board with financial reports;
 - (d) under delegation from the Society's Board, arrange the preparation of the Society's submissions or reports on law reform or policy issues involving property law or practice;
 - (e) advise and assist the Society as requested;
 - (f) promote the objects of the Section.
- 8.1.2 The Executive Committee may:
- (a) recommend to the Society's Board the adoption of by-laws not inconsistent with these Rules for the conduct of the affairs of the Section; and
 - (b) delegate any of its powers and functions to its members or its committees.
- 8.1.3 A resolution in writing, sent to all members of the Executive Committee and agreed by a majority, will be as valid as if it had been passed at a meeting of the Executive Committee
- 8.2. It will be the duty of the chairperson to:
- (a) preside at all meetings of the Executive Committee and at all general meetings of the Section;
 - (b) prepare an annual report to the Society on the work of the Section;
 - (c) keep the Society's Board informed of the programmes and activities of the Section.
 - (d) be the contact person for any enquiries from the media, and to make all public statements on behalf of the Section.
- 8.2.1 The chairperson may delegate any of his or her powers and functions to any other member of the Executive Committee or to the convener of any of the Section's committees.

- 8.3 A staff member of the Society will act as secretary to the Section, but if at any time there is no secretary the Executive Committee may appoint a secretary on such terms and conditions as it thinks fit.
- 8.4 Any report or recommendation of the Executive Committee or other committee of the Section will become effective as a report or recommendation of the Society only if and when it is approved by the Society's Board
- 8.5 Every member of the Executive Committee or any other committee of the Section will be entitled to be reimbursed out of the funds of the Section for all out of pocket expenses which such person has reasonably incurred in connection with any business of the section

9. Dismissal of Executive Committee

- 9.1 The Society's President may, following consultation with the Society's Board, dismiss the Executive Committee for cause, being financial mismanagement or behaviour likely to bring the profession into disrepute.
- 9.2 The President must then appoint a temporary Executive Committee that must within six months of its creation hold elections where appropriate in accordance with Rule 11.

10 Committees of the Executive Committee

- 10.1 The Executive Committee may establish (and subsequently disestablish) such committees or subcommittees as it considers necessary for fulfilling the objects and achieving the aims and for carrying on the activities of the Section.
 - 10.1.1 Only full members of the Section are eligible for appointment as conveners of committees.
 - 10.1.2 Associate members of the Section are eligible for appointment to committees.

11. Election of the Executive Committee

- 11.1 Elections to the Executive Committee will be conducted by postal ballot of full members of the Section.
 - 11.1.1 The election of members of the Executive Committee will be conducted by the secretary.
 - 11.1.2 Not later than 1 February in each year in which an election is to be held the secretary must call for nominations by notice in writing to the full members of the Section, specifying:
 - (a) the form which the nomination must take;
 - (b) the date by which nominations must be received by the secretary;
 - (c) the place to which nominations must be sent.

11.1.3 Not later than 1 March in each year in which an election is to be held the secretary must send to each full member of the Section a ballot paper containing the names of those people who have been validly nominated, together with:

- (a) such explanatory information as is necessary to assist members to complete the ballot paper;
- (b) a brief profile of each candidate;
- (c) notification of the date by which ballot papers must be returned to the secretary;
- (d) such other documentation as the secretary may determine.

11.1.4 The completed ballot paper must be received by the secretary by 5.00 p.m. on the Monday preceding 1 April.

11.2 The election of members of the Executive Committee will be on a “first past the post” basis.

11.3 No election of members of the Executive Committee will be invalidated as a result of any full member of the Section not receiving either a notice calling for nominations or a ballot paper.

11.4 The results of an election must be declared on 1 April of the year in which the election is held, or as soon after as is reasonably practicable.

11.5 No election will be invalidated by reason of non-compliance with the time requirements in Rules 11.1.2 and 11.1.3.

12. Postal Ballots

12.1 The secretary will call for a postal ballot forthwith upon:

- (a) instruction from the Executive Committee; or
- (b) receipt of a requisition in writing signed by not less than twenty per cent of all full members stating the purposes for which such a ballot is required.

12.2 When a postal ballot is called the secretary must send to each full member of the Section a ballot paper containing:

- (a) such explanatory information as is necessary to assist members to complete the ballot paper;
- (b) notification of the date by which ballot papers must be returned to the secretary;
- (c) such other documentation as the secretary or chairperson may determine.

13. General Meetings

13.1. The secretary must call a general meeting forthwith upon:

- (a) instruction from the Executive Committee; or
- (b) receipt of a requisition in writing signed by not less than twenty per cent of all full members stating the purposes for which such meeting is required.

13.2 Notice of general meetings

13.2.1 At least fourteen clear days notice of a General Meeting must be given to all members of the Section, specifying the place, day and time of the meeting, the general nature of the business and terms of any motion to be put to the meeting. However, the accidental omission to give notice of a meeting to, or non-receipt of the notice by, a member will not invalidate the proceedings of any meeting.

13.3 Procedure at general meetings

13.3.1 All general meetings will be open to all members of the Section.

13.3.2 At all general meetings the chairperson or deputy chairperson or if both are absent a member of the Executive Committee elected by the meeting will take the chair.

13.3.3 At all meetings fifteen full members present in person or by proxy will constitute a quorum. If within 30 minutes after the time appointed a quorum is not present, the meeting will stand adjourned for seven days to resume at the same time and place and if at the adjourned meeting a quorum is not present at the time appointed the meeting will not take place.

13.3.4 Any notice of a proxy must be in the hands of the chairperson no later than an hour before the meeting begins.

13.3.5 Every full member present or present by proxy at a general meeting will be entitled on every motion to one vote and in the case of an equality of votes the chairperson will have a casting as well as a deliberative vote. The mode of voting on all questions at all general meetings will be on the voices or by show of hands, or, if the chairperson or any three full members present so require, by ballot.

14. Finance

- 14.1 The Executive Committee will manage the Section's financial affairs.
 - 14.1.1 With the consent of the Society, the accounts for the Section may be maintained, operated and audited as part of the Society's accounts.
 - 14.1.2 The Executive Committee must not open any bank or other account without prior notification in writing to the Society's Treasurer. The Executive Committee must appoint at least two signatories to these accounts.
- 14.2 The Section may present an annual application for funding to the Society at such time as requested by the Treasurer of the Society and in any event in time for approval by the Society's Board before the commencement of the Society's financial year.
- 14.3 No officer or member of the Section other than the chairperson or deputy chairperson will have authority to incur any liability in the name of the Section.

15. Dissolution of Section

- 15.1 At any general meeting of the Section of which notice has been duly given specifying a proposal to wind up as part of the business a three-fourths majority of those voting may resolve to recommend to the Society that the Section be wound up.
- 15.2 If the Society so decides, the Section will be wound up and all surplus assets (after payment of the expenses of winding up and the liabilities of the Section) shall be applied for the advancement of property law in New Zealand by distributing them to non-profit organisations in New Zealand as nominated in the resolution to wind-up.

16. Changes to Rules

- 16.1 The Section may recommend to the Society's Board that these Rules be amended, repealed or added to.
 - 16.1.1 Until 1 April 2002 a recommendation under Rule 16.1 may be made only if it is supported by a unanimous motion of the members of the Section Executive.
 - 16.1.2 After 1 April 2002 a recommendation under Rule 16.1 may be made only if it is supported by three-fourths of the votes on a postal ballot of all full members of the Section.

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