

# **ENGINEERING NEW ZEALAND RULES REVIEW**

## **SUMMARY OF FEEDBACK FROM THIRD ROUND OF CONSULTATION**

This paper summarises the comments received in response to our October-November 2018 consultation on the draft new Rules for Engineering New Zealand.

### **BACKGROUND**

Our review of the Engineering New Zealand Rules is underway. Our vision is to have Rules that are modern, streamlined and supportive of the way our Branches, Groups and members do business. Some of our current Rules are overly complex, unclear or even inconsistent, particularly for our Branches and Groups, and make our volunteers' jobs harder than they need to be. Other rules are simply not followed as they no longer reflect the way we work.

### **CONSULTATION**

The Board agreed to three formal rounds of consultation with members to inform the final set of Rules that will be put to the vote at our 2019 AGM. We have now completed those and the final draft of the Rules is ready for member vote at the 2019 AGM.

#### **FIRST AND SECOND ROUNDS OF CONSULTATION**

The first round of consultation ran from February to March 2018. We received two submissions from individual members and some high-level feedback from some of our groups. The second round of consultation ran from May to August 2018. This round of consultation was supported by a discussion document and survey that set out at a high level what specific rules are intended to achieve and options for possible changes to them. We received 194 submissions in response to the second round of consultation.

A summary of submissions received in the first and second rounds of consultation can be found [here](#).

## THIRD ROUND OF CONSULTATION

The third round of consultation was on the new draft set of Rules and ran from 18 October to 16 November 2018. For this round we provided members with a summary of submissions received in the first and second rounds of consultation and a document that set out in table form the old Rules beside the proposed new Rules and reasons for any changes. We asked members to review those documents and then answer a short survey on Survey Monkey.

## FEEDBACK

### RESPONSES

Feedback from the third round of consultation was received from the following sources:

- Sixty-five people completed the online survey. Of those who completed the survey:
  - 67% said they were happy with the draft Rules
  - 24% said they were happy with the draft Rules but would like to see specific changes
  - 9% said they would like to provide more detailed feedback.

Twenty-nine respondents provided specific comments.

- Four written submissions were received.
- Branch Chairs in Nelson, Waikato, the West Coast, Wellington, Hawkes Bay, and Southland were directly contacted for feedback.
- Young Engineers Chairs in Nelson, West Coast, Dunedin, Queenstown, Whanganui, and the Bay of Plenty were directly contacted for feedback.

### COMMENTS AND THEMES

A summary of the feedback is set out in **Appendix One**. The summary does not include feedback that is unrelated to the Rules review, such as matters that are covered in regulations (including retired member CPD requirements, and disciplinary fines) or feedback such that employers should be required to have a training budget for engineers and Engineering New Zealand should issue guidance on what an appropriate training budget is.

Seven of the 29 survey comments provided direct positive feedback, such as “a good move and everything in these changes is sensible”, “It’s great to see a much more paired [sic] back Rules, especially giving more flexibility to the Branches and Groups”, and “the Team at National Office has done a really good job here, both in terms of consultation, summary of feedback and drafting of rules. The draft rules, if adopted, should make the operation of the Society more democratic and more inclusive”.

There were no strong themes arising across the feedback received. The most significant areas of feedback were in relation to our Board governance structure. The review of our governance structure is an important and significant piece of work, and the Board has committed to carrying this out in 2020. The other theme arising was in relation to a quorum for the AGM, but there was no clear or consistent mandate for change for an AGM quorum. This is something the Board has committed to revisit in 2020.

# APPENDIX ONE

## FEEDBACK FROM THIRD ROUND OF CONSULTATION

The following is a summary of the feedback received on the new draft Rules during the third round of consultation in October and November 2018. Feedback includes comments received through the survey, written submissions, and direct engagement with Branch and Young Engineers Chairs.

### OBJECTIVES

- One respondent commented that the Treaty of Waitangi addition needs further clarification.
- One member commented that the Maori name and reference to the Treaty of Waitangi are unnecessary as the Treaty is already part of our legal framework. This member also stated that we should remove the new objective to promote diversity and inclusion (various reasons were supplied including that “there are lobby and technical groups already doing this inside and outside the profession”, “it is covered by the first objective to support, represent and [promote] the engineering profession” and “it will perpetuate a bias towards women in the magazine, Ezines, staffing of ENZ which is unfair and neglects other issues of importance to both genders”).
- Manawatu Branch submitted that the objective of “Advancing engineering and New Zealand’s engineering profession” is “too vague, and implies a scope that neither can be serviced, nor should be serviced”. This is because of the breadth of use of the term “engineer” and “engineering” in the community.

### MEMBERSHIP

#### MEMBERSHIP CLASSES

- One respondent commented that they would like to see a better definition of professional engineer, consistent with the Washington Accord.
- Two respondents expressed concern that reciprocal membership needs to balance recognition by another professional body of previous experience with safeguards to prevent that path being used as a short cut to recognition of competence in NZ.
- Manawatu Branch felt that the eligibility criteria and procedures for approving and changing membership class should require member voting as such changes are “constitutional”.

#### MEMBERSHIP AND RESIGNATION

- One respondent stated that resignation should not be contingent on the Board accepting it.
- One respondent was concerned that they couldn’t see reference to “life” or “retired” membership.

# GOVERNANCE AND MANAGEMENT

## BOARD MAKE-UP

- Four respondents do not support the rule that only Fellows can be senior office holders.
- One of these respondents also commented that there should be a requirement that the President and Vice President have been elected to and served two years on the Board before they can stand for those roles.
- One respondent commented that the Board must represent the organization, its values and purpose, including representation for students and young engineers. The respondent requested that a place be reserved on the Board for young engineers and students.

## ELECTIONS

- One respondent noted that preferential voting should be obligatory when certain thresholds are met, such as when the number of candidates exceeds twice the number of positions. This respondent noted that in the last election only one of a large number of the candidates broached 10% of the total votes.

## BOARD POWERS AND RESPONSIBILITIES

- Manawatu Branch are concerned that the Rules do not provide that the Board's responsibility is to represent members.
- One respondent asked for greater clarity around the role of the Board and the role of the CE.
- One respondent considered there should be a restriction on the Board approving payments for themselves.
- One respondent commented that the proposed Rule 15.22 ("The Board will use its best endeavours to at all times have in place insurance to meet the purposes of 15.21") should be deleted. They stated that while the intention is "excellent" the use of the phrase "best endeavours" is too weak. They felt it was better to delete the Rule and just make sure that Rule 15.21 is complied with.
- Manawatu Branch is concerned that referenda are not binding.
- Manawatu Branch is concerned that there is "no constitutional provision" for appeal.

## GENERAL MEETINGS

- One respondent felt that the trigger for SGMs (1% of Financial Members) and referendums (100 Voting Members) should be the same.
- Seven respondents commented that there should be a quorum for AGMs, with one suggesting a quorum of 75 to encourage participation.
- One respondent felt that there should be a shorter notice period for proposing a motion at an AGM or SGM, suggesting four weeks would be more appropriate.
- Manawatu Branch was concerned that the Board has a high level of discretion to decline to present notices of motion at an AGM.
- One respondent felt that the rule around consultation on motions before an AGM that have a significant impact on the membership or a section of the membership should be strengthened – so it is clear that consultation is required in those circumstances.
- One respondent stated that there is insufficient substance to AGM voting.

- Manawatu Branch commented that the proposed new Rules allow for the Board to require a referendum in response to a request for an SGM. The Branch submitted that SGMs and AGMs should be on the same footing, and to add another hurdle before an SGM is unjustified.

## COMPLAINTS AND DISCIPLINE

- One respondent commented that they support the proposed new Rule for retrospective jurisdiction on complaints “as resignation of membership should not absolve someone of accountability”.
- Another respondent disagreed with this proposed new Rule, stating that if a member has resigned then accountability should be directed to the company they worked for.

## RULE CHANGES

- One respondent commented that they had concerns that the Rules give the Board the final authority on the interpretation of the Rules (this is the case in the current and proposed new Rules), and that any change to the Rules should require significantly more than a 50% majority (more likely two thirds majority).

## BRANCHES AND GROUPS

- One respondent commented that the objectives for Branches and Young Engineers should include diversity and inclusion.
- One respondent felt that the rules for elections were too discretionary.
- Manawatu Branch do not support the Board having the right to remove committee members.

Branch and Young Engineers Chairs were supportive of the proposed changes and other than editorial matters, the substantive comments related to:

- the need for setting minimum standards and consistency across Branches;
- whether there needs to be rules relating to Branch committee size and tenure; and
- the timing of the Branch and Group AGMs and allowing the incoming committee the opportunity to set the budget, rather than the outgoing committee prior to the AGM.