



Constitution and Bylaws of the

New Zealand Masonry Trades Registration Board (Incorporated)

1. NAME AND OFFICE

The name of the Board shall be the New Zealand Masonry Trades Registration Board (Incorporated) and its registered office shall be at Level 6, City Chambers, 142 Featherston Street, Wellington, or such other place as may be determined from time to time by the Board.

2. INTERPRETATION

In the construction of these Rules where not inconsistent with the context:

“Board” means New Zealand Masonry Trades Registration Board (Incorporated).

“Rules” means rules for the time being of the Board.

“Month” means calendar month.

“In writing” means written or typewritten or printed or any combination of these methods.

Words importing the singular number include the plural and vice versa.

Words importing persons include firms and companies and “Firms” include “Partnership”.

“Year” or “Current Year” means financial year or current financial year of the Board.

“Registered Mason” means a duly certified brick or blocklayer so deemed by the Board.

3. CHANGE OF RULES

These rules may be changed at an Annual General Meeting or at a General Meeting or Special Meeting called for that purpose.

Each Board member shall be given at least two weeks notice, in writing, of the intention to propose such a change.

A vote shall be taken as set out in clause 5(f) and 5(g) of these rules, and if approved the amended rule shall become immediately effective.

4. OBJECTS

The objects for which the Board is established are:

- To process and where appropriate approve applications for registration within the scope of this document.
- To manage the financial and administrative affairs of the Board.
- To promote, encourage and improve standards of masonry construction.
- To promote education and training of masons.

5. ADMINISTRATION

(a) The affairs and activities of the Board shall be controlled by the Board whose membership shall be made up as follows:

- one member appointed by the Association of Consulting Engineers of New Zealand.
- one member appointed by the Institution of Professional Engineers of New Zealand (Inc).
- one member appointed by the Local Government Association of New Zealand (Inc).
- one member appointed by the New Zealand Concrete Masonry Association (Inc).
- one member appointed by the Cement & Concrete Association of New Zealand (Inc).
- one member appointed by the Building Officials' Institute of New Zealand (Inc.).
- two members appointed by the Brick & Blocklaying Federation New Zealand (Inc.).
- one member appointed by the New Zealand Clay & Brick Paver Manufacturers' Association New Zealand (Inc.).

(b) In addition to the appointed Members as detailed in clause (a) of Section V, the Board may co-opt one or two additional Members.

(c) Co-opted Members shall have the full rights and carry the same responsibilities as appointed Members, and shall continue as Members of the Board until the next Annual General Meeting. They shall be eligible to be co-opted for a further term if the Board desires.

(d) The Chairman and the Vice Chairman shall be nominated and elected at the Annual General Meeting and one shall be a representative of the Brick & Blocklayers Federation New Zealand (Inc.).

- (e) At any meeting of the Board the quorum shall be five Members present, one of whom shall be the Chairman or Vice Chairman.
- (f) Members appointed to the Board shall be actively interested in block and bricklaying at the date of appointment.
- (g) If the office of Chairman becomes vacant through any cause whatsoever, the Vice Chairman shall thereupon act as Chairman until the end of the financial year. If the office of Vice Chairman becomes vacant through any cause whatsoever, the Board shall have the power to appoint any eligible person to fill such vacancy and the person so appointed shall hold office until the end of the financial year.
- (h) All questions before the Board shall be decided by a majority of votes and in the case of equality of votes, the Chairman for the time shall have a second or casting vote.
- (i) Voting shall be by voice or show of hands, except that the Chairman may direct that a postal ballot be taken. The result of a postal ballot shall be communicated to the Board Members and details shall be recorded in the minutes of the next succeeding meeting.
- (j) The management of the Board and the duties incidental thereto, including development of income and attainment of the Board objective in accordance with the bylaws, shall be vested in a Secretary, to be appointed by the Board. The Secretary shall be responsible to and act under the direction of the Board and shall perform such duties as may be delegated to him/her by the Board. A secretarial fee will be paid annually, the amount of which shall be approved by the Board.
- (k) The Chairman and Board Members shall serve without compensation other than reimbursement of expenses incurred on Board business, or as and when so deemed, an attendance allowance.
- (l) The Board shall establish such committees as is desirable for the efficient administration of its affairs. It shall determine the membership of such committees, the matters to be considered, the extent of its authority for further action, and the time and method of reporting to the Board.
- (m) The Secretary shall be responsible for the safe keeping of the Board's seal. The seal shall be appended to documents only as directed by the Board.

6. MEETINGS

- (a) The following types of meetings may be held:
 - (i) An Annual General Meeting.
 - (ii) General Meetings.
 - (iii) Special Meetings.
- (b) The Annual General Meeting shall be held at such a time and at such a place as the Board may determine but must take place within an 18 month period

from the last AGM. Notice shall be sent to each member of the Board 21 days prior to the Meeting.

- (c) At the Annual General Meeting the annual accounts, Chairman's Report and the reports from the committees shall be presented. Appointments to the Board from participating bodies shall be recorded, and other matters attended to as advised in the notice of meeting.
- (d) General Meetings shall be called from time to time as required to administer the affairs of the Board.
- (e) A Special Meeting shall be called by the Secretary if requested in writing by not less than four members of the Board.
- (f) At least 14 days' notice shall be given of all meetings other than the Annual General Meeting. The notice of meeting shall include the date, time and place of meeting and shall list the matters of business to be covered.

7. REGISTRATION

- (a) Registration will be at the sole discretion of the Board who may require that the applicant be interviewed.
- (b) Applications for registration will be received from masons experienced in the erection and completion of masonry walls and systems subject to building consent requirements.
- (c) Applications for registration will be considered only upon the prescribed forms as required by the Board, who may alter and make additions to the prescribed forms as and when needed.
- (d) A fee is payable at the time of applying for registration. The fee is not refundable, and may be altered from time to time by the Board. In addition, upon approval of the application the applicant shall be required to pay the current fee calculated for the months remaining until the end of that financial year as a proportion of the annual fee.
- (e) The Board shall issue a card or certificate confirming registration and the date on which it expires. It shall be replaced or extended with each renewal of registration.
- (f) Registration is not transferable from one person to another.
- (g) Registration is renewable annually except that on the fifth year from original registration after January 1st 2001 and every subsequent five years, the Board may seek in addition to, the registration fee, confirmation of the mason's structural masonry activity. While that fee is unpaid the mason shall not be considered to be registered. Should the annual fee remain unpaid on the first day of July in the following year, registration may be cancelled. Any request for reinstatement shall be treated as a new application and will require payment of the current application fee.
- (h) The Board must be advised immediately of any change of address.

- (i) A mason may voluntarily surrender his registration by advising the Board in writing and returning his registration certificate. He shall remain liable for the payment of any dues outstanding at the time of this resignation but shall not be liable for additional dues struck after that date. After submitting his resignation he shall not describe himself as a Registered Mason.
- (j) That the registration fee for retired members acting as Registration Auditors be suspended.

8. TERMINATION OF REGISTRATION

- (a) A mason may voluntarily terminate his registration as referred to in Clause 7(i).
- (b) Registration may be terminated should renewal fees lapse by twelve months.
- (c) Registration will be terminated if the Board is satisfied that sub-standard work has resulted from negligence, dishonesty, incompetence, or other unsatisfactory behaviour on the part of the mason.
- (d) The Board may suspend, withhold or cancel registration should it consider that such action is in the best interest of public safety.
- (e) Any person de-registered under sub-clauses (c) and (d) above, shall have the right of appeal to the Board. He may be represented and may call witnesses.

9. FINANCIAL PROVISIONS

- (a) The financial year of the Board shall commence on the first day of July in each year.
- (b) The funds of the Board shall be held in such a bank or other financial institution in New Zealand as the Board may from time to time determine, and the Board's bank account shall be operated by persons specifically nominated by the Board.
- (c) The Board may from time to time borrow such sums of money as it may consider necessary or expedient for the administration of its affairs.
- (d) Funds of the Board shall be devoted solely to the furtherance of the objects of the Board as set out in this constitution.

10. AUDITOR

The accounts and financial statements of the Board shall be audited annually and reported upon by the Auditor appointed by the Board. The Auditor shall hold no other office in the Board and shall receive such fee as the Board may approve from time to time. If a vacancy should occur in the office of Auditor during any year, the Board shall appoint an Auditor to hold office until the end of the financial year.

11. GENERAL

(a) Interpretation of Rules

In the event of any difference of opinion as to the interpretation of any Rule, the decision of a three-quarter majority of Board members shall be binding, unless varied by a unanimous resolution of the Board at a subsequent meeting.

(b) Indemnity

No action in law or otherwise shall lie in favour of members or their executors or administrators against any other member of the Board or Secretary or Registered Mason in respect to any act, matter or things done, omitted or suffered, or purporting to be done, omitted or suffered in pursuance of the provisions of these Rules, and that notwithstanding any irregularity or informality occurring in or about the doing or omitting or suffering of any act, matter or thing.

No member of the Board, Auditor or Secretary shall be liable for any other Member of the Board, Auditor or Secretary or for joining in any receipt or document for any act of conformity, or for any loss or expense happening to default.

New Zealand Masonry Trades Registration Board (Incorporated) shall indemnify from its assets the Board, Chief Executive, Staff, Auditor, and every member of the board for the time being, against any liability arising out of the execution of their duties in relation to the Board provided that these duties have been executed reasonably, honestly, and in good faith.

12. WINDING UP

(a) Decision to Wind Up

The Board may be wound up voluntarily if a resolution to that effect is passed at an annual general meeting or a special meeting of the Board, and that resolution is confirmed at a subsequent special meeting called for that purpose and held not earlier than 30 days after the meeting at which the resolution was passed.

(b) Liability of Registered Masons

In the event of the Board being wound up each Registered Mason shall be liable for the payment of any dues which are outstanding at the time of winding up. He shall not be liable for any other payment, nor shall he have any claim on the assets of the Board.

(c) Disposal of Assets

If there remains any property or assets after payment of all debts, liabilities, and the costs relating to winding up, that property or assets shall be transferred to an organisation having objects similar to those of the Board, and whose constitution prohibits the distribution of its property or assets

among its members. Such organisation shall be identified by resolution of the Board at or prior to the time of winding up, or in the absence of such resolution a decision shall be made by a Judge of the Supreme Court of New Zealand. In the event that a suitable recipient organisation does not exist the property or assets shall be donated to a public charity to be determined by the said Judge.

DATED AT WELLINGTON, 21 JANUARY 1987

Retyped 15 November 1998 and incorporating Amendment No. 1 dated 19 September 1994.

Retyped 28 October 1999 to incorporate the change of registered address of Society.

Amended 22 November 2000 to incorporate Amendments to Clause 7(g) arising from the Annual General meeting of 21 November 2000.

Retyped 13 March 2008 to incorporate Amendments made at the Special General Meeting of 12 February 2008.