



ICOMOS NEW ZEALAND
TE MANA O NGA POUWHENUA O TE AO
INTERNATIONAL COUNCIL ON MONUMENTS AND SITES

Complaints Processes and Conflicts of Interest

1 Declarations of conflicts of interest

Members of the Executive Committee are to declare any interests at the start of each Executive Committee meeting, or at the start of the discussion of any new issue arising in the meeting.

Once members of the Executive Committee have declared an interest, and prior to the commencement of the discussion, the balance of the Executive Committee members are to decide if the members declaring an interest may contribute to discussion on this issue, or whether they need to absent themselves from the meeting for the course of the discussion.

2 Complaints process

The following text is based on the Australia ICOMOS 'Procedures for Responding to Allegations of a Breach of the Australia ICOMOS Ethical Commitment Statement', and the assistance of Kerime Danis is gratefully acknowledged.

ICOMOS NZ Code of Ethics and Standards of Practice 1994

The ICOMOS NZ Code of Ethics and Standards of Practice (the Code) was adopted in 1994. Members of ICOMOS New Zealand are required to commit to the Code as part of their annual renewal of membership. A copy of the Statement can be found on the ICOMOS NZ website

https://icomos.org.nz/wp-content/uploads/2019/03/ICOMOS-NZ-Code_of_Ethics.pdf.

When ICOMOS NZ will not take action on a complaint

The ICOMOS NZ Code of Ethics and Standards of Practice does not bind heritage practitioners who are not members of ICOMOS NZ and ICOMOS NZ cannot assist with complaints about non-members. Nor can ICOMOS NZ assist with complaints that are related to matters outside the scope of the Code, such as disagreements about fees. ICOMOS NZ will not register or investigate a complaint while any other attempt is being made in another forum (such as a court, tribunal or mediation) to resolve an issue relating to any of the same facts or circumstances.

Consequences of Breaching the ICOMOS NZ Code of Ethics and Standards of Practice

At present ICOMOS NZ has no power to impose any penalty on a member for breaching the Code, unless the breach is serious enough to constitute persistent and wilful action in a manner prejudicial to the interests of the society. Even if this is the case, the extent to which the Executive Committee may discipline a member is limited to expulsion or suspension from ICOMOS NZ.

Who can make an Allegation

An allegation of a breach of the Code against an ICOMOS NZ member can be made by a client, a member of the public, or another member of ICOMOS NZ.

Form of Allegation

Any allegation must be in writing, addressed to the Secretariat, must name the member against whom the breach is alleged, and must be signed and dated by the complainant. The allegation must also state where and when the breach is alleged to have occurred and the Article(s) of the Code alleged to have been breached, and must include sufficient documents or other information to explain the allegation.

Confidentiality

All allegations will be dealt with confidentially. Those who will know about the application will be the Secretariat who receive the complaint, the Chair of ICOMOS NZ (or his or her representative), the volunteer ICOMOS NZ members appointed by the Chair to conduct the investigation, and the member who is the subject of the complaint.

Independence

ICOMOS NZ will use its best endeavours to ensure that any people investigating or dealing with a complaint are unconnected with the allegation in any way that is likely to involve self-interest, conflict of interest or bias.

Procedure

When a complaint is received, the Secretariat will check whether the person named in the allegation was a member of ICOMOS NZ when the event or circumstance is alleged to have taken place. If so, the complaint will be acknowledged in writing, and the member concerned will also be notified in writing. Both parties will be asked to confirm that no other procedures outside the complaint to ICOMOS NZ (such as legal action) are in progress. If other procedures are in progress, both the complainant and the member concerned will be advised that the complaint will not be formally recorded or dealt with until those procedures have been concluded.

ICOMOS NZ prefers to resolve any complaint informally through negotiation, and will therefore seek to do this firstly by referring the complainant to another member of ICOMOS with whom the complaint can be discussed.

If the complainant wishes to proceed with a formal allegation, the Chair will appoint an Assessor, who will be a senior member of ICOMOS NZ, to investigate the complaint. If the Assessor considers that the allegation, if true, would constitute a breach of the Code, the Assessor will write to the member who is the subject of the allegation and seek a written response. If, on the other hand, the Assessor does not consider that the allegation, even if true, would constitute a breach of the Code, the Assessor will not investigate further.

The Assessor will prepare a report on the investigation for the Chair. If after investigation the Assessor considers that a breach of the Code may have occurred, the Chair will bring the matter to the next meeting of the Executive Committee to discuss any further action. The complainant will be informed in writing about the results of the investigation.

Approved by the ICOMOS New Zealand Board in August 2022