

ICOMOS Aotearoa New Zealand

Complaints Processes and Conflicts of Interest

1 Declarations of conflicts of interest

Members of the Executive Committee are to declare any interests in relation to items on the agenda 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.

3 ICOMOS Aotearoa ANZ Code of Ethics and Standards of Practice 1994

The ICOMOS ANZ 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 ANZ website.

4 When ICOMOS ANZ will not take action on a complaint

The ICOMOS ANZ Code of Ethics and Standards of Practice does not bind heritage practitioners who are not members of ICOMOS ANZ and ICOMOS ANZ cannot assist with complaints about non-members. Nor can ICOMOS ANZ assist with complaints that are related to matters outside the scope of the Code, such as disagreements about fees. ICOMOS ANZ will not 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.

5 Consequences of Breaching the ICOMOS ANZ Code of Ethics and Standards of Practice

At present ICOMOS ANZ 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 ANZ.

6 Who can make an Allegation

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

7 Confidentiality

All allegations will be dealt with confidentially. Those who will know about the application will be the ICOMOS ANZ Secretariat who receives the complaint, the Chair of ICOMOS ANZ (or their representative), the volunteer ICOMOS ANZ member(s) appointed by the Chair to conduct the investigation, and the member who is the subject of the complaint.

8 Independence

ICOMOS ANZ 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.

9 Form of Allegation

Any allegation must be in writing, addressed to the ICOMOS ANZ Board Secretary, must name the member against whom the breach is alleged, and must be signed and dated by the complainant.

The allegation must state the Article(s) of the Code alleged to have been breached, where and when the breach is alleged to have occurred, and must include sufficient documents or other information to explain the allegation.

10 Procedure

1. When a complaint is received, the ICOMOS ANZ Board Secretary will check whether the person named in the allegation was a member of ICOMOS ANZ when the event or circumstance is alleged to have taken place.
2. Send the complaint documentation to the Chair of ICOMOS ANZ

3. The Chair will appoint an Assessor, who will be a senior member of ICOMOS ANZ, to lead the investigation into the complaint.
4. The Assessor will consider the documentation provided, and make a preliminary written judgement as to whether the complaint appears to be a breach of the Code. This preliminary judgment will be checked by the Chair. If the Assessor does not consider that the allegation, even if true, would constitute a breach of the Code, the Assessor will not investigate further.
5. If the Assessor's preliminary judgment 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 to advise of the complaint, and to seek a written response.
6. Both parties will be asked to confirm that no other procedures outside the complaint to ICOMOS ANZ (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.
7. The Assessor will consider the response received from the member who is the subject of the allegation, and consider this against the complaint laid. If necessary the Assessor, with the approval of the Chair, will engage another ICOMOS ANZ member to help them consider the material received.
8. The Assessor will prepare a report on the investigation for the Chair. The Assessor (and additional assistant, if appointed) and the Chair will consider the report to determine if a breach of the Code has occurred.
9. If a breach has occurred, the Assessor will bring the matter to the next meeting of the Executive Committee to discuss what action may be required. The complainant and the member concerned will be informed in writing about the results of the investigation.

Approved by the ICOMOS New Zealand Board in February 2025