
NEW ZEALAND ASSOCIATION FOR MIGRATION AND INVESTMENT

REGULATION 4 - URGENT SUSPENSION PROCEDURE

These Regulations replace Regulation 3 from the date of approval by the Board pursuant to Rule 17

1. Definitions

- 1.1 "Board" means the Board of NZAMI;
- 1.2 "Committee" means an Investigation Committee of NZAMI established under cl. 13.1 of the Rules;
- 1.3 "Member" means a Member of NZAMI as defined in cl. 2.1 of the Rules.
- 1.4 "Rules", "Regulations" and "Code of Ethics" are deemed to be references to the Rules etc. of NZAMI;
- 1.5 "subject Member" means a Member about whom a complaint has been made and has the meaning ascribed in cl. 13.2 of the Rules, and also means a Member who is being considered for suspension pursuant to cl. 2.

2. Urgent Suspension Procedure

- 2.1 The procedure for suspension under this Regulation does not affect the powers of the Board to suspend Members pursuant to cl. 15 of the Rules.
- 2.2 Urgent suspension is warranted if it appears that the action or omission of the subject Member:
 - (a) Poses an imminent threat to the safety of the person, documents or funds of a client of the subject Member;
 - (b) Poses an imminent threat to the reputation of NZAMI or expose NZAMI to the risk of legal proceedings against it; or
 - (c) Discloses reasons for suspension set out at cl. 15.2 of the Rules.
- 2.3 During the course of a complaint, or in any other situation, if the Secretary considers that urgent action to suspend the subject Member is warranted for reasons set out in cl. 2.2, the Secretary shall refer the matter to the Chairman of NZAMI and the Chairperson of the Committee ("the Chairs").
- 2.4 If the Chairs determine unanimously that urgent suspension is warranted either one of them shall, as soon as practicable, contact the subject Member to advise the grounds upon which suspension is being considered and invite an immediate response from the subject Member.
- 2.5 If the grounds for considering suspension arose in the course of a complaint, and the response from the subject Member resolves the grounds for considering suspension, the subject Member shall be promptly notified that immediate suspension will not occur but that the complaint will continue as set out in Regulation 3.

- 2.6 If the response from the subject Member does not resolve the grounds for considering suspension the subject Member shall be promptly notified that membership is suspended until the complaints process set out in Regulation 3 has been completed. If such advice is given verbally it shall be confirmed by email within 1 working day with a brief statement of the grounds and evidence upon which the decision was based.
- 2.7 The subject Member shall be deemed to be suspended from the time of the initial notification of suspension under cl. 2.7.

3. Following Suspension

- 3.1 In the event of suspension under this Regulation the Committee shall meet within 5 working days of the date of notification of suspension. If the Committee confirms the decision to suspend membership to be correct the Secretary shall write to the subject Member confirming that decision and making available or requesting any relevant information directed by the Committee.
- 3.2 If suspension is confirmed pursuant to cl. 3.1 the provisions in the Rules relating to suspended Members shall apply including notification of third parties.
- 3.3 If suspension is confirmed pursuant to cl. 3.1 in the context of a complaint under Regulation 3 the complaint will continue pursuant to Regulation 3.
- 3.4 If suspension is lifted under this Regulation the Secretary shall promptly notify the subject Member of that decision and amend any public notification of suspension.

APPROVED by the Board this 27th day of July 2010

M. J. Hastings

Secretary