

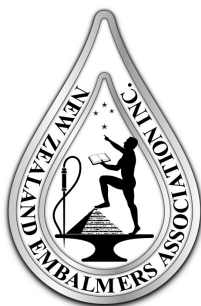
Rules and Bylaws

of the

New Zealand Embalmers Association (Inc)

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(incorporating all amendments since rules were originally adopted in 2012).



The NZEA “Fluid Drop” Logo was designed by Malcolm Harding of Hawera, and incorporated into all Association publications, stationery, cuff links and badges from June 1980.*

The design is composed of the pyramid, symbolising the ancient Egyptian arts; the stylised table, which signifies dignified and proper care of the deceased; the human figure, depicting man’s achievements surpassing the ancient arts and reaching for the heavens; the open text-book, which portrays man’s quest for learning; and the stars arranged in the Southern Cross to represent New Zealand: with the whole design surrounded by a fluid drop, to signify modern arterial embalming.

**Malcolm Harding was elected to be a Life Member of the Association in 2019.*

1. Name

The name of the Association shall be “New Zealand Embalmers Association (Incorporated)”.

2. Object of Association

The object of the Association is to take such steps as are necessary to protect and foster the interests of members who are embalmers including providing members with the support and services required to be recognised as the pre-eminent voice and standard setters for embalming in New Zealand.

3. Functions of Association

- 3.1
- (a) To unite all embalmers in New Zealand with the aim of advancing the art, science, education and promotion of embalming in New Zealand;
 - (b) To promote the best interests of embalmers in general and of members in particular;
 - (c) To promote high standards as detailed in the Code of Ethics embodied in these rules under Appendix A;
 - (d) To foster harmony and understanding within the membership;
 - (e) To promote the training, education, and examination of persons practising, or intending to practice, the profession of embalming in New Zealand;
 - (f) To perform any other function that is conferred on it by these rules;
 - (g) To do anything which the Association may think is conducive or incidental to the attainment of the Association’s object;
 - (h) To facilitate opportunities for networking and information sharing amongst members.
- 3.2
- (a) To provide funds for the above objects or any of them from member subscriptions and other income paid to the Association during the normal running of its affairs, or to borrow, raise or secure the payment of money in such manner and on such security as the Association shall from time to time determine.
 - (b) To do all other acts and things as are incidental to or conclusive to the attainment of the above objectives or any of them.

4. Powers of Association

- 4.1 The Association has the rights, powers and privileges of a natural person.
- 4.2 Without limiting the generality of rule 4.1 the Association shall have the power to borrow money and to mortgage or charge its assets and to issue debentures, debenture stock and other securities for any debt, liability or obligation of the Association.
- 4.3 The Association shall not exercise any of its rights, powers or privileges, except for the purpose of:
 - (a) Achieving its object; or
 - (b) Performing its functions.

5. Code of Ethics and Code of Professional Conduct

- 5.1 The Association shall have a Code of Ethics and a Code of Professional Conduct that govern the professional conduct of its members and promote the highest ethical standards of embalming service to the public in New Zealand.
- 5.2 The two Codes shall be prescribed by the Executive in consultation with the members. A copy of the current Code of Ethics is attached as Appendix A and a copy of the current Code of Professional Conduct is attached as Appendix B to these rules.
- 5.3 The Executive may at any time propose to the Association an amendment to, or the revocation or the replacement of any code and such change shall be approved or declined by a simple majority of members present in person or by proxy at any meeting, provided the notice of such meeting specified the nature of the amendment in accordance with rule 19.6.

6. Membership

The Association shall consist of members, who shall belong to one of the following six (6) categories:

6.1 Full Member

- 6.1.1 To obtain full membership, an applicant shall complete and forward the prescribed form of application to the Executive, and shall demonstrate to the satisfaction of the Executive that the applicant is a fit and proper person who meets the criteria set down for admission to the Association. In this respect the decision of the Executive is final.
- 6.1.2 A person shall not be eligible for full membership of the Association

unless and until they have:

- (a) Successfully attained a national qualification in embalming; or
- (b) Satisfied the Executive they hold other such qualifications and practical experience as may be recognised and accepted by the Association from time to time; or
- (c) Successfully completed such theoretical and/or practical examination or examinations as the Executive may determine is required in each case.

6.1.3 No application shall proceed until any entry fee or examination fee set by the Executive has been paid. (Such fees may include Examiner's expenses, which shall be paid by the candidate).

6.1.4 Once approved by the Executive, applications for membership shall be placed before the next meeting of the Association, where they shall be approved or declined by a simple majority of voting members present.

6.1.5 To retain full membership, a member must meet, and at all times continue to meet, the following requirements:

- (a) Hold a current practising certificate.
- (b) Pay the required annual subscription.
- (c) Satisfy the Executive they are currently employed in the funeral industry.

6.2 Life Member

6.2.1 The Association may, solely on the motion of the Executive, at any meeting elect any member who has rendered long and distinguished service to the Association to be a life member; such life member shall have all the privileges and rights of a full member (including the right to vote and to hold a proxy; and the right to hold elected or appointed positions within the Association), and shall continue to hold such life membership until death or resignation.

6.2.2 In recognition of their service to the Association, no annual subscription shall be payable by life members.

6.2.3 Life members shall not be required to maintain a current practising certificate, but may choose to do so.

6.2.4 Guidelines for proposing nominees for life or honorary membership are specified in bylaw 3.

6.3 Honorary Member

6.3.1 The Association may, solely on the motion of the Executive, at any meeting elect any person who has rendered valuable service and support to the Association, but who is not otherwise eligible to be a member, to be an honorary member.

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- 6.3.2 Honorary members shall be entitled to:
- (a) Attend all meetings of the Association, where they shall have speaking rights.
 - (b) Attend all social activities of the Association.
 - (c) Attend education sessions arranged by the Association.
 - (d) Be on the mailing list of the Association.
 - (e) Indicate their status as an honorary member of the Association by use of the words “Honorary Member of NZEA” (or words to that effect) and/or use of the NZEA logo in a manner approved by the Executive.
- 6.3.3 Honorary members shall not be entitled to exercise a vote in their own right, but may be appointed to hold a proxy for another member.
- 6.3.4 In recognition of their service to the Association, no annual subscription shall be payable by honorary members.
- 6.3.5 Honorary members shall continue to hold such honorary membership until death or resignation.

6.4 Associate Member

- 6.4.1 (a) Any full member who is retiring or leaving the profession, but who wishes to retain formal links with the Association, may apply to the Executive to change their membership status to associate member.
- (b) Any former member who retired or left the profession prior to the adoption of these rules, but who wishes to maintain a formal link with the Association, may apply to the Executive to become an associate member. No such application shall proceed until any entry fee set by the Executive has been paid.
- 6.4.2 Any full member who satisfies the Executive they are travelling abroad or working in the profession outside of New Zealand, and are consequently unable to achieve the requirements to retain a current practising certificate, may apply to the Executive to change their membership status from full member to associate member.
- 6.4.3 The Executive must be satisfied that the member has paid all subscriptions, levies, fees and other monies due to the date of such application.
- 6.4.4 Once approved by the Executive, any change of membership status from full member to associate member, or admission of a former member as an associate member, shall be notified to other members at the next meeting of the Association.
- 6.4.5 Associate members shall pay an annual subscription which shall be not

- more than half the subscription for a full member.
- 6.4.6 Associate members shall not be required to maintain a current practising certificate.
- 6.4.7 Associate members shall be entitled to:
- (a) Attend all social activities of the Association.
 - (b) Attend education sessions arranged by the Association.
 - (c) Be on the mailing list of the Association.
- 6.4.8 Associate members shall not be entitled to:
- (a) Attend business meetings of the Association except at the express invitation of members.
 - (b) Exercise a vote or hold a proxy.
- 6.4.9 An associate member may return to full membership status at any time they satisfy the Executive they once again meet the requirements for issue of a practising certificate and have paid the relevant subscription fee.
- 6.4.10 Associate membership shall not be available as an alternative to full membership to any person otherwise qualified for full membership and currently employed in the funeral industry in New Zealand.

6.5 Student Member

- 6.5.1 A person who is enrolled on a training course approved by FSTT (or any successor ITO) to attain a national qualification in embalming may apply for student membership of the Association.
- 6.5.2 To obtain student membership, an applicant shall complete and forward the prescribed form of application to the Executive, and shall demonstrate to the satisfaction of the Executive that the applicant meets the criteria set down for admission as a student member of the Association. In this respect the decision of the Executive is final.
- 6.5.3 No application shall proceed until any fee set by the Executive has been paid.
- 6.5.4 Once approved by the Executive, applications for student membership shall be placed before the next meeting of the Association, where they shall be approved or declined by a simple majority of voting members present.
- 6.5.5 Student members may attend all meetings of the Association but may not vote, nor hold a proxy.
- 6.5.6 Student members shall pay an annual subscription which shall be not more than half the subscription for a full member.
- 6.5.7 The maximum period for student membership shall be three years.

6.6 Affiliate Member

- 6.6.1 The Executive may invite any company, corporation, partnership, firm, group, other trading entity, or individual to establish a formal link with the Association, as an affiliate member.
- 6.6.2 Once approved by the Executive, applications for affiliate membership shall be placed before the membership at the next meeting of the Association, where they shall be approved or declined by a simple majority of voting members present.
- 6.6.3 Affiliate members shall be considered for renewal annually by the Executive, may pay an entry fee, and shall pay an annual subscription which shall be not less than the subscription for a full member.
- 6.6.4 Affiliate members shall be entitled to advertise they are affiliated to the Association by means of the words “Affiliate Member of NZEA” (or words to that effect) and/or use of the NZEA logo in a manner approved by the Executive.
- 6.6.5 When the affiliate member is a company, corporation, partnership, firm, or group, the affiliate member shall be entitled to appoint an individual to be their representative; however, such representative must be approved by the Executive.
- 6.6.6 Affiliate members (or their appointed representative) shall not be required to hold a practising certificate.
- 6.6.7 Affiliate members of the Association, or their appointed representative, shall be entitled to:
 - (a) Attend all social activities of the Association.
 - (b) Attend education sessions arranged by the Association.
 - (c) Be on the mailing list of the Association.
- 6.6.8 Affiliate members, or their representative, shall not be entitled to:
 - (a) Attend business meetings of the Association except at the express invitation of members.
 - (b) Exercise a vote or hold a proxy.
- 6.6.9 Nothing in rule 6.6.8 shall prevent the representative of an affiliate member from attending meetings, voting, or holding a proxy if the representative is a member of the Association in their own right; but in such case the member shall act as an individual member and not as the representative of the affiliate member.

7. Register of Members

- 7.1 The Association shall maintain a register containing the names of members, their address, and the date upon which they became a member. In addition, the register shall indicate the category of

membership, and indicate what embalming qualification is held by each individual member.

- 7.2 Except as may be required by New Zealand law, access to the register of members and the particulars recorded therein shall not be available to non-members or third parties.
- 7.3 It shall be the duty of each member to advise the Secretary of their current postal address (and email address, if any) to which communications from the Association are to be sent, and to notify the Secretary of any change in such postal and/or email address within one (1) calendar month of such change.

8. Entry to, and Maintenance of, the Register

- 8.1 A member's name shall be entered in the register (and in the case of a full member a certificate of membership shall be issued), only when the Executive is satisfied that the applicant has satisfied the relevant requirements for membership under one of the categories detailed in rule 6.
- 8.2 To remain on the Association's register, an individual must at all times continue to meet the provisions of rule 6 relevant to their membership category. A member shall be struck off the register if they fail to meet this requirement.
- 8.3 A full member or student member may be struck off the register if the Executive is satisfied the member has not been actively employed in the funeral industry for a period of two years, and should not retain their place on the register.
- 8.4 Any member may be struck off the register if the Executive is satisfied they have violated the Association's Code of Ethics or Code of Professional Conduct, provided the Executive acts in accordance with the provisions of rule 9.3.
- 8.5 A member shall be struck off the register if:
- (a) They resign in accordance with the provisions of rule 9.1; or
 - (b) Their membership is cancelled in accordance with the provisions of rule 9.2; or
 - (c) They are expelled from the Association under the provisions of rule 9.3.
- 8.6 Upon notification of the striking off, the individual concerned shall surrender their certificate of membership and practising certificate (if any).
- 8.7 Any certificate issued by the Association shall remain the property of the Association, and shall be surrendered on request, except that this

provision shall not apply to life member's certificates.

9. Termination of Membership

9.1 Resignation

- 9.1.1 Any member may resign from the Association by giving notice in writing to that effect to the Secretary and shall pay all subscriptions, levies, fees and other monies due to the date of such notice.
- 9.1.2 Such request shall be accompanied by the certificate of membership and practising certificate (if any) held by the member.

9.2 Cancellation of Membership

- 9.2.1 Any member whose subscription is unpaid three (3) months following the due date for payment shall be liable to have their membership cancelled by resolution of the Association at the next meeting of the Association. (Any outstanding subscription shall remain a debt owed by the member to the Association.)
- 9.2.2 The Secretary shall advise the affected member, and all other members, of such cancellation within fourteen (14) days following such resolution.
- 9.2.3 Any membership so cancelled may be reinstated within six (6) months of cancellation upon payment of the outstanding subscription plus the current year's subscription and any current entry fee set by the Executive under the provisions of rule 6.
- 9.2.4 Any member who has not reinstated their membership within six (6) months of cancellation must make any subsequent application for membership in accordance with rule 6, and must pay all amounts specified in rule 9.2.3.
- 9.2.5 Notwithstanding the foregoing provisions, the Executive may at any time at its discretion reduce or waive any subscription and/or any entry fee.

9.3 Expulsion of Members

- 9.3.1 The Executive may, by resolution, expel any member whose conduct in the opinion of the Executive renders the member unfit to be a member of the Association, and such member shall cease to be a member of the Association as from the date named in such resolution.
- 9.3.2 Should any member be convicted of a criminal offence which in the opinion of the Executive makes that person an unfit member of the Association the Executive may by resolution strike the said member

- from the register, and that member shall immediately surrender their membership and practising certificates (if any) to the Association.
- 9.3.3 Written notice of intention to move a resolution to expel a member under this rule must be given to the member concerned at least twenty-one (21) days before the meeting of the Executive at which such resolution is to be moved; such notice shall be sent to the member concerned by registered mail or signature-required courier, and the member concerned shall have the right to attend the said executive meeting and make representations personally or by counsel prior to the resolution being put.
- 9.3.4 Where the Executive has resolved to expel a member, a copy of that resolution must be sent to the member concerned by registered mail or signature-required courier, and to all other members by ordinary post or electronic mail, within fourteen (14) days of such resolution.
- 9.3.5 Any member so expelled may, by notice in writing within fourteen (14) days of receiving advice of the decision of the Executive, appeal against such decision.
- 9.3.6 Such appeal shall be heard and dealt with at the next Annual General Meeting or a Special General Meeting of the Association, when the decision of the Executive shall be supported or defeated by a simple majority.
- 9.3.7 At such meeting the member concerned shall again be given the opportunity of making representations, and the Executive shall be given the opportunity of stating the reasons for the decision it has made.
- 9.3.8 The appellant and the Executive shall be entitled to be represented by legal counsel at the meeting and pending the determination of the appeal the appellant shall continue to be a member of the Association.
- 9.3.9 The Executive (and in the case of an appeal, the Annual General Meeting or a Special General Meeting) in any proceedings for expulsion may make such decision as it thinks fit as to the cost of such proceedings or appeal, and may order the member concerned to pay such costs. In such case any order as to costs shall constitute a debt owed by the member to the Association.
- 9.3.10 Any member who is adjudicated bankrupt, or who compounds with their creditors shall thereupon cease to be a member of the Association.
- 9.3.11 Any member who is expelled under the provisions of rule 9.3 may not reapply to the Executive for membership of the Association earlier than two (2) years from the date of their expulsion.
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10. Discipline

- 10.1 Any person may lodge a complaint with the Association concerning a member. Every complaint shall be in writing, and supported by any statutory declaration or additional information the Executive may require.
- 10.2 The Executive may of its own volition initiate action and follow the procedure for a written complaint.
- 10.3 If a member lays a complaint against any other member, the complainant member shall agree they will accept the decision of the Executive in full and final settlement on the subject matter of the complaint.
- 10.4 When a member lays a complaint with the Executive against any other member, the complainant member shall be responsible for the payment of any reasonable legal costs incurred by the Association and/or the Executive and by the member complained against in the event that the complaint is held to be invalid. The complainant member must be given prior written notice by the Executive that a legal opinion is to be sought.
- 10.5 The Executive shall only consider (or continue to consider) a complaint made or referred to it, if it is satisfied that:
 - (a) The matter cannot be resolved informally;
 - (b) It is not more appropriate that the complaint be dealt with by a court, or by another independent or statutory complaints or conciliation procedure, or by mediation or by arbitration;
 - (c) Except where relevant new evidence is available, the subject matter of the complaint was not included in a complaint by the same complainant previously considered by the Association;
 - (d) The subject matter of the complaint made to the Association has not been, or is not, the subject of proceedings in or before any court, tribunal, mediator, arbitrator, ombudsman, or any other body involved in complaints or disputes resolution;
 - (e) The subject matter is not an employment dispute; and/or it is not more appropriate that the complaint be dealt with by the member's employer;
 - (f) Consideration of the complaint would not cause the Association to infringe any legislation.
- 10.6 On receipt of a complaint, the Executive shall, unless the complaint is frivolous, vexatious, and/or of insufficient nature to warrant being referred to the member and/or is able to be resolved without being so referred:

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- (a) Send the member concerned copies of the complaint and any supporting statutory declaration and/or additional supporting information;
 - (b) Require the member to respond in writing within fourteen (14) days to all matters raised in the complaint and any other matters required by the Association or to appear before the Executive;
 - (c) Immediately suspend the member from membership of the Association pending the outcome of the investigation referred to in rule 10.7 if the Executive is of the unanimous opinion this course of action is in the best interests of the Association.
- 10.7 The Executive shall investigate the complaint and make a decision in camera. The Executive shall take into account what is reasonable in the circumstances with regard to:
- (a) The Association's Code of Ethics and Code of Professional Conduct;
 - (b) The principles of good embalming practice;
 - (c) Any applicable rule, law or relevant judicial authority;
 - (d) Any other matters the Executive considers relevant.
- 10.8 The Executive shall adopt one or more of the following courses of action:
- (a) Decide that no further action be taken.
 - (b) Informally admonish the member, whether or not they have breached the rules, bylaws, the Code of Ethics, or the Code of Professional Conduct.
 - (c) Order the member to provide a written apology to the complainant.
 - (d) Suspend the practising certificate of the member until they have undertaken appropriate training, as directed by the Executive.
 - (e) Impose a monetary penalty of up to but not exceeding three hundred and fifty dollars (\$350.00).
 - (f) Suspend the member from membership of the Association for a period not exceeding six (6) months, during which period of time the member may be required to complete:
 - (i) A penalty of up to six (6) additional training hours; and/or
 - (ii) Such theoretical and/or practical examination or examinations as the Executive may determine is required in each case. (In such case, the member may be required to meet the costs of any such examination(s), including any Examiner's expenses).
 - (g) Expel any member whose conduct in the Executive's opinion
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- renders the member unfit to be a member of the Association; in such instance the Executive shall follow the provisions of rule 9.3.
- 10.9 The Executive shall relay its decision to the member and to the complainant within fourteen (14) days of the decision.
- 10.10 Where the Executive has resolved to suspend a member, a copy of that resolution must be sent to the member concerned by registered mail or signature-required courier, and to all other members by ordinary post or electronic mail, within fourteen (14) days of such resolution.
- 10.11 Upon the Executive being satisfied the member has remedied the complaint which brought about any suspension in membership, then by further resolution of the Executive the suspension may be lifted forthwith and the suspended member reinstated to their previous membership status. The member and all members shall be notified of the resolution lifting the suspension.
- 10.12 If a member fails to satisfy any penalty imposed under the provisions of rule 10.8 within the time-frame set by the Executive, the Executive shall suspend the member, and may impose such further penalty or penalties as it may think fit from the penalties available in rule 10.8, provided that no period of suspension of membership shall exceed twelve (12) months in total including the original period of suspension from membership.
- 10.13 In the event a member is still suspended after twelve (12) months, the Executive must either:
- (a) Lift the suspension forthwith and reinstate the member to their previous membership status; or
 - (b) Give notice that at its next meeting the Executive will pass a resolution to expel the suspended member in accordance with rule 9.3.
- 10.14 A suspended member may not attend meetings, nor vote.

11. Practising Certificates

- 11.1 The Association shall be responsible for the issuing and maintenance of the NZEA practising certificate for embalmers, and the Executive shall from time to time set the conditions which are to be met.
- 11.2 A full member will be issued with a practising certificate upon admission to membership of the Association.
- 11.3 The period of validity for practising certificates and the minimum number of embalming training hour credits to be attained to renew such certificates upon their expiry shall be specified in bylaw 1.5, the requirements of which may be amended from time to time at any
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- general meeting on the recommendation of the Executive.
- 11.4 (a) Not more than three (3) years following the adoption of these rules and bylaws, the Executive shall conduct a review of the period of validity for practising certificates and the minimum number of embalming training hour credits to be attained to renew such certificates upon their expiry, and shall make a recommendation to members as to whether there should be any amendment or that the status quo should be retained; and
- (b) The Executive shall thereafter regularly conduct such reviews; each such review is to be completed not more than three (3) years following the previous review.
- (c) Any amendment to the period of validity for practising certificates and/or the minimum number of embalming training hour credits to be attained to renew such certificates upon their expiry shall be notified to all members within twenty-eight (28) days of such amendment.
- 11.5 There shall be no obligation imposed under rules 11.4(a) or 11.4(b) to increase the minimum number of training hour credits to be accrued. However, once specified in bylaw 1.5, the minimum number of training hour credits required to be accrued by members shall not then be reduced in any circumstances; nor shall the prescribed period for renewal of a practising certificate be lengthened without a commensurate increase in the minimum number of embalming training hour credits required.
- 11.6 Only the FSTT (or any successor ITO) shall have the authority to approve seminars, courses and events for the purpose of obtaining any embalming training hour credits required for a member to renew their practising certificate.
- 11.7 Any person being the current holder of a practising certificate may apply for renewal of their certificate at any time within three (3) months prior to the expiry of their current certificate, and a new practising certificate shall be issued when the Executive is satisfied that the applicant:
- (a) Has accumulated at least the minimum number of embalming training hour credits required within the prescribed renewal period; and
- (b) Is currently employed in the funeral industry.
- 11.8 If a full member fails to achieve the required number of training hour credits within the prescribed renewal period, they shall be suspended from membership for a period of six (6) months during which time they
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must achieve the required number of training hour credits. A penalty of up to six (6) additional training hour credits is to be completed in this period; the number of penalty training hour credits required in each individual case shall be determined by the Executive, and any penalty imposed may subsequently be reduced or waived at the discretion of the Executive.

- 11.9 If a member fails to achieve the required number of training hour credits, including any penalty of additional training hours imposed under the provisions of rule 11.8 by the end of the six (6) month period of suspension of their membership, they shall be liable to have their membership cancelled by resolution of the Association at the next meeting of the Association. The Secretary shall advise the affected member, and all other members, of such cancellation within fourteen (14) days following such resolution.
- 11.10 A member suspended under rule 11.8 may not attend meetings, nor vote.
- 11.11 A practising certificate fee set from time to time at a meeting of the Association may become due and payable at the time an individual applies for a practising certificate.
- 11.12 Any practising certificate issued by the Association shall remain the property of the Association, and shall be surrendered on request.

12. Use of “NZEA” & Logo

- 12.1 Only full members or life members of the Association may use the letters “NZEA”, “MNZEA” or any other term or symbol to describe or indicate that they are a member of the Association. Student, associate, and suspended members shall be excluded from having this privilege.
- 12.2 Honorary members shall be entitled to indicate they are such by means of the words “Honorary Member of NZEA” (or words to that effect) and/or use of the NZEA logo in a manner approved by the Executive.
- 12.3 Affiliate members shall be entitled to advertise they are affiliated to the Association by means of the words “Affiliate Member of NZEA” (or words to that effect) and/or use of the NZEA logo in a manner approved by the Executive.
- 12.4 The Association’s “fluid drop” logo (*refer to page “iv” for a detailed description of the logo*) may not be used without the specific consent and permission of the Association; if granted, such consent must be given by the Executive in writing.

13. Administration

- 13.1 The administration of the affairs of the Association shall be managed by the Executive, elected at each Annual General Meeting, which shall meet at least three (3) times in each year. Such meetings may be in person, or in the form of conference telephone calls, video-conferencing, or by use of such other technology as the Executive may determine is appropriate.
- 13.2 The Executive shall, subject to any direction of a General Meeting of the Association, exercise all powers necessary to achieve the object and functions of the Association, and shall have full power to do all things which may be necessary or conducive to the attainment of such object and functions.
- 13.3 In particular, and without limiting the generality of the foregoing, the Executive shall have full power to:
- (a) Make its own rules and procedures for the conduct of its meetings.
 - (b) Appoint a person to fill any vacancy in its own membership; provided such appointment is made in accordance with the provisions of rule 13.7, and lasts only until the next Annual General Meeting.
 - (c) Appoint sub-committees or to delegate all or any of its power to special committees, or to co-opt the services of such other persons as it may from time to time decide; such sub-committees, special committees and other co-opted persons to be subject in all things, even though given power to act by the Executive, to the control of the Executive.
- 13.4 The Executive shall have, subject to any direction of a General Meeting of the Association, the whole management, control, investment and disposition of the affairs, property and funds of the Association, and be responsible for the Association's funds and investment thereof.
- 13.5 The quorum for any meeting of the Executive shall be three (3).
- 13.6 Any person holding Executive office shall cease to hold such office if the person:
- (a) Resigns their office by notice in writing to the Executive.
 - (b) Has been absent without permission of the Executive from three (3) consecutive meetings of the Executive.
 - (c) Is removed from office by a resolution carried on the votes of more than sixty per cent (60%) of the members voting either in person or by proxy at a Special General Meeting of the Association convened for that purpose.
 - (d) Is adjudged bankrupt or makes any arrangements or compounds
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- with their creditors.
- (e) Becomes of unsound mind or becomes a protected person under the Protection of Personal and Property Rights Act 1988 or any replacement legislation.
- 13.7 (a) (i) If the office of President shall become vacant for any reason, the Immediate Past President shall resume office as Acting President until the next Annual General Meeting.
- (ii) Should the Immediate Past President not be available or declines to fill the role of Acting President, the next most-recent Past President available (being a current full or life member of the Association) shall fill the role; provided that any eligible Past President may decline the position of Acting President, and if no eligible Past President is available to fill the role, then any current or former Executive member (being a full or life member of the Association) may be appointed by the Executive to be Acting President.
- (b) If the office of Secretary shall become vacant the Executive shall have the power to appoint any person (being a full or life member of the Association) to fill the role, provided that the nominee has previously served on the Executive.
- (c) The Executive shall have the power to appoint any person (being a full or life member of the Association) to fill any other vacancy in its own membership.
- 13.8 Any appointment(s) made under rules 13.3(b) and 13.7 shall last until the next Annual General Meeting.

14. Election of Officers

- 14.1 The Executive shall comprise the President, Secretary, Treasurer and two (2) other members; all Executive members shall be full members or life members of the Association.
- 14.2 Each executive position shall be subject to election as follows:
 - (a) The President, Secretary, and Treasurer shall be elected annually, for a one (1) year term;
 - (b) The two other Executive members shall be elected in alternate years, for two (2) year terms in office; *with the proviso that* nominations for such Executive positions may be for a term of one (1) year where necessary to restore the intended alternating terms of office; and
 - (c) In each case the present incumbents shall be eligible for re-election provided they agree to accept nomination; except that

no individual shall serve as President for more than four (4) consecutive years.

- 14.3 Nomination for each office shall clearly indicate for which position or positions a nomination is being made. Nominations duly signed by two (2) members as proposer and seconder, and by the person nominated, shall be forwarded to the incumbent Secretary at least twenty-eight (28) days before the commencement of the Annual General Meeting.
- 14.4 Nominees for the office of President shall have been a member for not less than five (5) years at the date of their election to office, while nominees for each other office shall have been members for not less than two (2) years at the date of their election to office.
- 14.5 The election of officers shall be conducted in accordance with the following provisions:

14.5.1 When nominations equal vacancies:

If the number of candidates nominated for any office equals the number of vacancies the Chairman at the Annual General Meeting shall declare those nominated to be elected.

14.5.2 When nominations are less than the number of vacancies:

If the number of candidates for any office is less than the number of vacancies the Chairman at the Annual General Meeting shall declare those nominated to be elected and shall then call for nominations for any office remaining vacant, as follows:

- (a) Nominations may be received from the floor provided the person nominated is present at the meeting or has signified their consent in writing to such nomination.
- (b) Any person nominated under rule 14.5.2(a) for the position of President or Secretary must have previously served on the Executive.
- (c) If such nominations exceed the vacancies a ballot shall be held at the meeting.
- (d) If by reason of equality of votes given for two or more candidates any election is not complete, the Chairman of the Annual General Meeting may decide by lot in such manner as the Chairman may determine which of such candidates shall be elected and thereby complete the election.

14.5.3 When nominations exceed the number of vacancies:

If the number of candidates for any office is more than the number of vacancies a postal ballot shall be held in the following manner:

- (a) As soon as practicable after the date on which the nominations close, the Secretary shall forward by post to each eligible member of the Association at the address appearing in the register of members a voting paper containing, in alphabetical order of surnames, a list of all the duly nominated candidates for all offices and also directions as to voting together with any biographical or other relevant details submitted by the candidate.
- (b) Any member who satisfies the Secretary that they have not received or have lost or spoiled the voting paper, shall be entitled to receive a voting paper and complete the same at any time prior to the closing of the ballot.
- (c) The voting paper shall be in the form prescribed by the Executive.
- (d) The Executive shall appoint a Returning Officer who is independent of the Association, and who is neither a current nor a former member of the Association; the Returning Officer shall receive all completed voting papers.
- (e) The closing of the ballot shall be not less than two (2) days before the day of the Annual General Meeting at which the result of the election is to be declared.
- (f) Between the time fixed for the closing of the ballot and the commencement of the Annual General Meeting the envelopes containing the voting papers shall be opened and the votes recorded for each candidate counted by the Returning Officer who shall be provided by the Secretary with a list upon which is indicated the names of any members whose voting papers will be informal pursuant to the provisions of rule 14.5.3(j)(ii) below.
- (g) On completion of the count the Returning Officer shall prepare a certificate showing the number of valid votes cast for each candidate and deliver such certificate to the Chairman of the Annual General Meeting who shall declare the result of the postal ballot.
- (h) If by reason of equality of votes given for two or more candidates any election is not complete, the Chairman of the Annual General Meeting may decide by lot in such manner as the Chairman may determine which of such candidates shall be elected and thereby complete the election.
- (i) Any omission on the part of the Secretary to forward a voting paper to any member entitled to vote shall not invalidate the election.
- (j) A voting paper shall be informal in any of the following cases:

- (i) If the voting paper is not enclosed in a sealed envelope and the name of the voter does not appear signed and printed legibly on the outside of the flap of the envelope.
- (ii) If the voter has not at least two (2) days before the day on which the ballot closed paid membership fees for the current year or is otherwise disqualified from voting under these rules.
- (iii) If the number of candidates whose names have not been struck out is greater than the number of vacancies to be filled.
- (iv) If the envelope containing the voting paper is delivered after the closing of the ballot.
- (k) If a person is a candidate for election to more than one office on the Executive the result of the election to the higher office (in the order of President, Secretary, Treasurer, and Executive Member) shall be declared first and if they shall be successful their other candidatures shall be void.
- (l) The Returning Officer shall dispose of voting papers and other documentation used in connection with any ballot not less than twenty-one (21) days and not more than twenty-eight (28) days after completion of the ballot and declaration of the result.

15. Elected Officers

15.1 The President

15.1.1 It shall be the duty of the President to:

- (a) Supervise the business and affairs of the Association.
- (b) Attend and preside over meetings of the Association, and to keep order thereat, to conduct the business and to decide on all points of order.
- (c) Prepare and present an Annual Report to the Annual General Meeting, and table the Minutes of the Executive meetings held in the preceding year.
- (d) Obey all such lawful instructions, and to perform all such lawful things and acts as may be given or required to be done by any meeting.
- (e) Do and perform such lawful duties as may usually appertain to the office of President.
- (f) At all meetings exercise a deliberative vote, and if necessary a casting vote.

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- (g) Decide the order of business, to put motions and to declare the result of voting.
 - (h) Order the removal from a meeting of any person obstructing the business of a meeting or behaving in a disorderly manner or of any person not entitled to be present.
 - (i) By resolution of the meeting, or in the absence of a quorum, to adjourn a meeting or declare a meeting closed.
 - (j) Generally to do and perform such other lawful things and acts as may be necessary or desirable to carry on the business of a meeting with order and regularity.
 - (k) Be ex-officio a member of every special committee or sub-committee of the Association.
- 15.1.2 (a) The President shall, ex-officio, be the spokesperson for the Association, and shall have both the authority and the duty to speak on behalf of the Association and represent its interests, views, and/or opinions to other parties as required from time to time; provided that the President or the Executive may delegate authority to any other member to act as the Association's spokesperson and/or representative as they may determine is appropriate on a case-by-case basis.
- (b) Unless authorised by the Executive, no other member shall either directly or indirectly purport to be the Association's spokesperson or represent its views to other parties, and should a member do so this may be considered as a serious disciplinary offence.

15.2 The Secretary

15.2.1 It shall be the duty of the Secretary to:

- (a) Attend all meetings of the Association and keep Minutes of all proceedings, and to provide a written copy of such Minutes to members not more than six (6) weeks after each meeting.
- (b) Maintain the register of members.
- (c) Maintain a record of the training hour credits accrued by each member towards renewal of the member's practising certificate within each renewal period.
- (d) Conduct all correspondence of the Association.
- (e) Generally carry out such further duties as the Association or the President directs.

15.3 The Treasurer

15.3.1 It shall be the duty of the Treasurer to:

- (a) Prepare and present a financial report at each Annual General

Meeting, of the financial affairs and activities of the Association for the preceding year.

- (b) Prepare or be responsible for preparation of a properly audited balance sheet and prepare or be responsible for preparation of a budget for the ensuing year to be presented to each Annual General Meeting, on which basis subscriptions can be calculated.
- (c) Prepare and deliver or be responsible for preparing and delivering the Annual Financial Statement to the Registrar of Incorporated Societies, as required by Section 23 of the Incorporated Societies Act 1908 or any replacement legislation.
- (d) Generally carry out such further duties as the Association or the President directs.

16. Executive Officer

- 16.1 The Executive shall have the power to employ an Executive Officer of the Association and/or such other paid officers and staff of the Association as the Executive may from time to time deem necessary, who shall be paid remuneration as the Executive may from time to time determine.
 - 16.2 In the event an Executive Officer is employed by the Association, such Executive Officer shall hold the roles of Secretary and Treasurer, and any reference to the "Secretary" or the "Treasurer" in the rules shall be deemed to refer to the "Executive Officer".
 - 16.3 In the event an Executive Officer is employed, there shall be a consequential change to rule 14.1, which shall then read: "The Executive shall comprise the President, and four (4) other members; all Executive members shall be full members or life members of the Association."
 - 16.4 In the event an Executive Officer is employed, they shall:
 - (a) Attend to all duties formerly carried out by the Secretary as detailed in rule 15.2.1.
 - (b) Attend to all duties formerly carried out by the Treasurer as detailed in rule 15.3.1.
 - (c) Be responsible for the operation of the office of the Association.
 - (d) Generally carry out such further duties as the President or Executive shall direct.
 - 16.5 The Executive may from time to time appoint an acting Executive Officer during the absence of the Executive Officer.
 - 16.6 The Executive Officer may be suspended or removed from office by the Executive.
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17. Special Appointments

17.1 Examination Board

- 17.1.1 The Executive shall nominate an Examination Board as required from time to time, which shall consist of the President, a Chief Practical Examiner, and any number of assistant examiners as may be required.
- 17.1.2 All examiners must hold, and at all times continue to hold, a current NZEA practising certificate.
- 17.1.3 Names of members of the Examination Board will be submitted to FSTT (or any successor ITO) for appointment as practical examiners when candidates for the national qualification in embalming require practical embalming examination.
- 17.1.4 When a candidate for membership requires examination under the provisions of rule 6.1.2(c), the Association's examiners shall adopt a competence-based model of theoretical and/or practical examination consistent with the marking standards used for the current national qualification in embalming.
- 17.1.5 Appointment to the Examination Board shall be for a period as required by the Executive, and shall be notified to members at the next Association meeting.

17.2 Funeral Service Training Trust of New Zealand

- 17.2.1 The Funeral Service Training Trust of New Zealand (FSTT) is the Industry Training Organisation (ITO) for funeral service in New Zealand. The FSTT will advise the Association from time to time what number of members are required to serve as trustees and represent the Association on FSTT.
- 17.2.2 The Executive shall, when required, propose the name(s) of suitable representatives to be appointed as trustees. Such appointments shall be notified to members at the next Association meeting.
- 17.2.3 Each appointment shall be for a three (3) year term, unless otherwise advised, and retiring trustees are eligible for re-appointment, provided that no NZEA representative shall serve more than four (4) consecutive terms on FSTT.
- 17.2.4 Trustees must hold, and at all times continue to hold, a current NZEA practising certificate.

17.3 Funeralcare Editorial Board

- 17.3.1 "Funeralcare" is the magazine for the New Zealand funeral industry, published by the Funeral Directors Association of NZ. The Executive

shall appoint two (2) members (or such other number of representatives as *Funeralcare* magazine may require from time to time) to be the Association's representatives on the Editorial Board of *Funeralcare* magazine.

17.3.2 Such appointments shall be for a period determined by the Executive in consultation with *Funeralcare* magazine, and shall be notified to members at the next Association meeting.

17.4 Other Appointments

17.4.1 The Executive may appoint members to other positions as required. Such positions may include but are not limited to: Almoner, Disaster Response Team member(s), Historian, Meeting/Conference Convenor, Public Relations Officer, and Website Administrator.

17.4.2 Such appointments may be made by the Executive as the need arises, provided the Executive reports such appointment(s) to the next Association meeting.

18. Indemnity and Insurance

18.1 Indemnity of Officers and Employees

18.1.1 The Executive shall cause the Association to indemnify an officer or an employee of the Association for costs incurred by them in any proceeding:

- (a) That relates to liability for any act or omission in their capacity as an officer or employee; and
- (b) In which judgement is given in their favour or in which they are acquitted, or which is discontinued.

18.1.2 The Executive shall cause the Association to indemnify an officer or an employee of the Association in respect of:

- (a) Liability to any person other than the Association for any act or omission in their capacity as an officer or an employee; or
- (b) Costs incurred by the officer or employee in defending or settling any claim or proceeding relating to any liability under rule 18.1.2(a) above; not being:
 - (i) Criminal liability; or
 - (ii) Liability in respect of a breach of the duty to act in good faith and in the best interests of the Association; or
 - (iii) Liability for breach of any fiduciary duty owed to the Association.

18.1.3 For the purposes of rules 18.1.1 and 18.1.2, "officer" includes a former

officer and “employee” includes a former employee.

18.2 Insurance of Officers and Employees

18.2.1 The Executive may cause the Association to effect insurance for officers and for employees of the Association in respect of:

- (a) Liability, not being criminal liability, for any act or omission in their capacity as an officer or employee; or
- (b) Costs incurred by such officers or employees in defending or settling any claim or proceeding relating to any such liability; or
- (c) Costs incurred by an officer or employee in defending any criminal proceedings in which they are acquitted.

18.2.2 The officers who vote in favour of authorising the effecting of insurance under rule 18.2.1 must sign a certificate stating that, in their opinion, the cost of effecting the insurance is fair to the Association.

18.2.3 For the purposes of rules 18.2.1 and 18.2.2, “officer” includes a former officer and “employee” includes a former employee.

19. Meetings

19.1 Unless the previous Annual General Meeting shall decide unanimously upon an alternative venue and/or date, the Annual General Meeting of the Association shall be held in Wellington on the first Saturday of May in each year, or the first available Saturday thereafter.

19.2 The Annual General Meeting may consider and transact any business of the Association provided that at every Annual General Meeting the following business shall be transacted:

- (a) Receive and consider the Annual Reports from the President, Secretary, and Treasurer (or the President and Executive Officer as the case may be).
- (b) The election of officers as provided in rule 14;
- (c) The appointment of an auditor who shall be a member of the New Zealand Institute of Chartered Accountants;
- (d) The fixing, on the recommendation of the Executive, of the annual subscription;
- (e) The consideration of remits or notices of motion.

19.3 At any meeting, the President, or in their absence the Secretary, shall be Chairperson, unless the meeting resolves that another person should be elected Chairperson.

19.4 At all meetings of the Association, the quorum shall be twenty per cent (20%) of full members and life members or their proxies, but not including any non-financial or suspended members.

19.5 Special General Meetings of the Association may be called by the

President or by the Executive, or shall be called by the Secretary upon being requested to do so by notice in writing signed by not less than thirty-three per cent (33%) of members entitled to vote at such meeting.

- 19.6 Fourteen (14) days notice in writing of any Annual General Meeting or any Special General Meeting of the Association shall be given to all members. Notices calling meetings shall specify the nature of business and any policy matters to be transacted.

20. Voting

- 20.1 For the purposes of this rule:

- (a) "Member" shall mean a financial full member or a life member, but shall not include associate, student, or affiliate members, or any suspended member; and
- (b) "Member" shall include an honorary member if they have been duly appointed as another member's proxy holder for the meeting at which a vote is being taken; however, honorary members shall not be entitled to vote in their own right.

- 20.2 Each member shall have one vote only which must be cast by them or their duly appointed proxy.

- 20.3 The chairperson of any meeting shall have a casting vote.

- 20.4 At all meetings, voting shall be by voice. If the vote is unclear, a request for a show of hands may be made by any member. Alternatively a written poll may be demanded by any member.

- 20.5 All matters shall be decided by a simple majority of those present at the meeting in person or by proxy unless these rules provide otherwise, except that a majority of members may decide before any vote is taken that any particular matter shall be referred to a postal ballot of all members.

- 20.6 In the event that any particular matter is referred to a postal ballot of all members such postal ballot shall be held in accordance with the procedures established by rule 14.5.3, the provisions of which may be amended as necessary to determine the matter being voted upon.

21. Proxies

- 21.1 If any financial member is unable to be present at any meeting, they may by notice in writing delivered to the Secretary appoint any other member (as defined in rule 20.1) to be their proxy, and such proxy shall thereupon vote on the absent member's behalf at such meeting.

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- 21.2 The proxy notice must be in the hands of the Secretary twenty-four (24) hours prior to the commencement of any meeting, except that where a member has registered for a meeting and has paid any required registration fee, and that member is then unable to attend the meeting, then the stipulation as to prior hours shall be waived, and written notice of proxy may be accepted until the commencement of the meeting.
 - 21.3 Only full members, life members, and honorary members may hold a proxy.
 - 21.4 No member shall hold more than one (1) proxy.

22. Finance

- 22.1 The financial year of the Association shall end on 31st day of December in each year, or on such other date as the Annual General Meeting may from time to time decide.
- 22.2 Subscriptions for members shall be fixed in accordance with rule 23, but if during any year it appears to the Executive that the income of the Association will be insufficient to meet expenditure the Executive shall have the power to require payment from members of such further levy as it may determine.
- 22.3 All monies received by the Association shall be paid into a bank account opened in the name of the Association, and from which authorised payments shall be made by cheques or authorities signed by the President and the Secretary or Treasurer, or such other member of the Executive that the President, Secretary and Treasurer agree upon.
- 22.4 The annual financial statements of the Association will be presented and considered at the Annual General Meeting of the Association.

23. Subscriptions

- 23.1 The annual subscription payable by members shall be determined by the Association at the Annual General Meeting, and the members shall act on the recommendation of the Executive.
- 23.2 Subscriptions shall be due on the 1st day of July following the Annual General Meeting at which they are set or at such other time as the Association shall from time to time determine.
- 23.3 Subscriptions not paid within two (2) months of the due date shall incur an additional charge equal to twenty per cent (20%) of the relevant subscription owing.

- 23.4 Any member whose subscription is unpaid three (3) months following the due date for payment shall be liable to have their membership cancelled by resolution of the Association at the next meeting of the Association. Any outstanding subscription shall remain a debt owed by the member to the Association.
- 23.5 Every member on being admitted as a member of the Association shall pay such entrance fee as shall be decided from time to time by the Executive.
- 23.6 Notwithstanding the foregoing provisions, the Executive may at any time at its discretion reduce or waive any subscription and/or entry fee.

24. Payments to Members

- 24.1 No member, nor any person who is a near relative of the member or closely associated with a member by virtue of an employment relationship, shall participate in or materially influence any decision made by the Association in respect of payment to or on behalf of that member or any associated person of any income, benefit, or advantage whatsoever.
- 24.2 Any such income paid shall be reasonable and relative to that which would be paid in an “arms length” transaction (i.e. being the open market value).
- 24.3 In recognition of their voluntary contribution to the Association, Executive members may be reimbursed travel, accommodation, and/or meeting registration costs associated with their attendance at Executive meetings and Association general meetings. However, such reimbursement shall specifically exclude meals, alcohol, and other expenditure of a personal nature.
- 24.4 Claims for any other reasonable expenses incurred on behalf of the Association or in carrying out Association business by any member shall be submitted to the Executive for approval, and may be reimbursed on production of receipts for expenditure.

25. Common Seal

The Association shall have a common seal, which shall be kept at the registered office, and shall only be affixed to documents in the presence of the President and Secretary or Treasurer, or other person duly appointed by the Executive for such purpose.

26. Registered Office

The registered office of the Association shall be situated at such place as shall be decided by the Executive. Any change of location shall be notified within fourteen (14) days to members and the Registrar of Incorporated Societies.

27. Bylaws

The Association by resolution at the Annual General Meeting or any Special General Meeting, may from time to time make, amend or rescind bylaws not inconsistent with the provisions of the Incorporated Societies Act 1908 (or any replacement legislation) or with the rules of the Association, for the purposes of regulating or controlling the affairs of the Association or for such other purposes as the Association may by such resolution from time to time determine.

28. Alteration of the Rules

The rules of the Association may be altered, added to or rescinded by a majority of not less than seventy-five per cent (75%) of members present in person or by proxy at the Annual General Meeting or any Special General Meeting, and entitled to vote at such meeting, provided the notice of such meeting specifies the nature of the amendment in accordance with rule 19.6.

29. Remits

- 29.1 All remits or notices of motion for the Annual General Meeting or for any Special General Meeting shall be in the hands of the Secretary not less than twenty-eight (28) days before the said meeting.
- 29.2 In accordance with rule 19.6, fourteen (14) days notice in writing of any Annual General Meeting or any Special General Meeting of the Association shall be given to all members, and the notice calling meetings shall specify the nature of business and any policy matters to be transacted.

30. District Committees

- 30.1 The Executive may from time to time approve the formation of a district committee consisting of members of the Association resident in such district for the purposes of arranging regional meetings to discuss matters pertinent to such district and furthering the objects of

- the Association in such district.
- 30.2 Any district desiring the formation of such a committee shall make application to the Executive giving names of the proposed committee members and the address of each.
- 30.3 Such district committee when so approved shall have full power to regulate its own affairs subject to the rules and bylaws of the Association, and such rules and bylaws with any consequential changes necessary shall be the rules of each District Committee except that no District Committee shall have power to suspend or expel members, or in any way bind or commit the Association.
- 30.4 For the purposes of this bylaw non-financial and/or suspended members may not attend or vote at district meetings.

31. Dissolution of Association

- 31.1 The Association may be put into liquidation if the Association at any Annual General Meeting or Special General Meeting of its members passes a resolution requiring the Association to be put into liquidation, and such resolution is confirmed at a subsequent Special General Meeting of the Association called for the purpose and held not earlier than thirty (30) days and not later than ninety (90) days after the date of the resolution so to be confirmed was passed.
- 31.2 If the Association shall be put into liquidation, the funds of the Association after payment of all debts properly incurred and chargeable against the Association shall be divided between all the members of the Association at the date of the decision to go into liquidation, in proportion to the total payments made to the Association by each such member during the past five (5) complete financial years; or shall be disposed of in any other way as may be determined by seventy-five per cent (75%) of the members present in person or by proxy and voting at the initial meeting at which it is decided to liquidate the Association.

32. Adoption of Rules

- 32.1 These rules and bylaws shall have effect from their adoption at the Annual General Meeting held in Wellington on Saturday, 3rd November 2012.
- 32.2 A printed copy of these rules and bylaws shall be provided to every current member, and shall be provided to all new members upon their admission to the Association.

- 32.3 In the event of any rule change(s) or any amendment to the Code of Ethics and/or the Code of Professional Conduct, such rule change or amendment shall have effect from the date of the meeting at which it was adopted by the membership; and details of such rule change(s) and/or amendment(s) shall be notified to all members within twenty-eight (28) days of adoption.
- 32.4 (a) Every reprint of the rule book shall incorporate all rule changes and/or amendments made since the rule book was last printed, and the edition and date of printing on page (iii) of the rule book shall be duly amended; and
 - (b) A printed copy of any such revised rule book shall be provided on request to every current member at the time it is printed.
- 32.5 Appendix C shall be reviewed and updated as appropriate every time these rules and bylaws are reprinted (for whatever reason); however, such update shall not be considered to constitute a rule change.

33. Definitions

- 33.1 **Association** means the New Zealand Embalmers Association (Inc), and **NZEA** shall have the same meaning.
- 33.2 **Bylaws** means the regulations adopted in accordance with rule 27, that together with the rules govern the operation of the Association.
- 33.3 **Certificate of Membership** means the certificate issued to full members on entry to the Association.
- 33.4 **Embalmer** means a person with a national qualification in embalming, or such other qualification as may be recognised and accepted by the Association from time to time.
- 33.5 **Embalming** means a procedure performed on a dead human body to disinfect and preserve, thereby retarding deterioration, and restoring a natural appearance.
- 33.6 **Embalming Qualification** means a national qualification in embalming attained in New Zealand, or such other qualification as may be recognised and accepted by the Association from time to time.
- 33.7 **Employed in the funeral industry** means a member currently working as an employee or contractor for an entity (being any company, corporation, partnership, firm, group, sole proprietorship, or other trading entity) directly carrying on the business of funeral directing and/or embalming services, whether in New Zealand or abroad, and shall include members who work for a trade supplier or any other such entity that may be recognised by the Executive from time to time.

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- 33.8 **Executive** means the committee of members elected annually at the Annual General Meeting to manage the business and affairs of the Association.
- 33.9 **Executive Meeting** means a meeting of the Executive held to administer the business and affairs of the Association; such executive meetings maybe held in person, or by conference telephone calls, video-conferencing, or use of such other technology as the Executive may determine is appropriate.
- 33.10 **Funeral Service Training Trust of New Zealand** means the Industry Training Organisation for funeral service in New Zealand, and **FSTT** shall have the same meaning.
- 33.11 **Industry Training Organisation** means a body corporate for the time being recognised under the Industry Training Act 1992 (or any replacement legislation) as the organisation setting skill standards for, and administering the delivery of, industry-based training, and **ITO** shall have the same meaning.
- 33.12 **Meeting** means any meeting held to conduct the business of the Association, and shall include the Annual General Meeting, Special General Meetings, and the Association’s normal half-yearly general meeting.
- 33.13 **Member** means a person who has satisfied the requirements of rule 6, and whose name appears in the register of members maintained by the Association.
- 33.14 **MNZEA** means Member of the New Zealand Embalmers Association.
- 33.15 **National Qualification** means a qualification registered on the New Zealand Qualifications Framework, and **New Zealand Qualification** shall have the same meaning.
- 33.16 **New Zealand Qualifications Framework** means the framework for national qualifications in secondary schools and in post-school education and training developed by the New Zealand Qualifications Authority under sections 248 and 253 of the Education Act 1989, and any replacement legislation.
- 33.17 **Near Relative** means the spouse or partner; or minor child or person to whom the member is in a parental relationship; or any other close relative who is financially dependent upon the member; or any other person upon whom the member is financially dependent.
- 33.18 **Practising Certificate** means the NZEA embalming practising certificate issued to members who satisfy the requirements detailed in rule 11 and bylaw 1.
- 33.19 **Qualifications Authority** means the New Zealand Qualifications
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Authority established by Part 20 of the Education Act 1989.

- 33.20 **Register of Members** means the list of members belonging to the Association.
- 33.21 **Training Hour Credits** means the units (measured in hourly increments or approved fractions thereof), used to record on-going professional development training approved by FSTT for embalmers.

- *Rules 6.4.1 and 6.4.4 were amended at a Special General Meeting held in Dunedin on 8th May 2014 – to provide for former members to be able to retain or renew links with the Association, as associate members.*
 - *Rule 19.1 was amended at the Annual General Meeting held in Wellington on 15th November 2014 – to change future Annual General Meetings from November to May in each year.*
 - *Rules 17.2.1, 22.1, 32.3, 32.4, and 33.21, together with bylaw 2.3, were amended at the Annual General meeting held in Wellington on 2nd May 2015 – to rationalise administration of the Association’s affairs.*
 - *Rules 14.2, 14.4, and 14.5 were amended at the Annual General Meeting held in Wellington on 4th May 2019 – to provide for biennial election of office bearers.*
 - *Rule 15.2.1 was amended at the Annual General Meeting held on 4th May 2019 – to require Minutes of Association meetings to be distributed to members within six weeks following such meetings.*
 - *The amendments to rules 14.2 and 14.4 adopted at the Annual General Meeting held in Wellington on 4th May 2019 were revoked at the Annual General Meeting held on 17th October 2020, and replaced with new rules 14.2 and 14.4 governing the election of office bearers.*
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Code of Ethics

An embalmer shall fully acknowledge their individual and collective obligations to safeguard the public health especially of those they serve and their mutual responsibilities for the proper welfare of the funeral profession. They will at all times and in all circumstances vigilantly support the laws of our country and render service with absolute fidelity, observing the highest standard of competence and dignity.

They will at all times treat with confidence their business and professional relationships, co-operate with customs of all races, nationalities and creeds, observe the respect due to the deceased and ensure that all services are provided without any form of deception or misleading representation.

As a member of this Association they will share their knowledge and skills with fellow members. They will at all times support high educational standards, improve techniques, encourage scientific research, observe all rules of fair competition and maintain favourable personal relationships within their own and allied professions.

They will ensure at all times that public announcements are such as will not bring criticism to fellow members and disrepute to the profession or the Association.

The embalmer shall fully acknowledge their duty to make themselves fully conversant with the Rules and Bylaws of the Association and abide and adhere to them at all times.



Code of Professional Conduct***Minimum standards of service offered by a member of the New Zealand Embalmers Association (Inc).*****1. Standard of Conduct**

- 1.1 In dealings with a client, embalmers will do everything in their power to ensure a standard of conduct beyond reproach or criticism.
- 1.2 Confidentiality will be preserved at all times and furthermore the details and/or circumstances regarding the deceased or the estate of the deceased will not be divulged except as required by law.
- 1.3 All embalmers will be thoroughly conversant with and abide completely with the laws of the land as they apply to funerals and to allied industries and professions.
- 1.4 Embalmers will always deal fairly and honestly, and will not intentionally injure the professional reputation or practice of another embalmer whether a member or not.
- 1.5 Transfers of human remains will be carried out with due care and in a manner which is acceptable to maintain a standard of decency and hygiene.
- 1.6 All monies, documents, jewellery or personal property accompanying the deceased shall be properly recorded.

2. Mortuary Services and Embalming

- 2.1 All human remains shall be prepared to ensure an acceptable and safe standard of hygiene.
- 2.2 Prior to commencing any preparation of the deceased, the embalmer should ensure that:
 - (a) The client family's permission to embalm has been received; and
 - (b) The appropriate certificate has been signed by a medical practitioner or coroner.
- 2.3 The human remains and the casket will be so prepared to ensure that any liquid or gaseous products of decomposition will not escape or cause distress.

- 2.4 The casket will be so prepared that it could be opened at any time for inspection or viewing, the only exception to this rule will be when the law, cause, or mode of death makes it illegal or unwise to do so.
- 2.5 When relevant in their workplace, embalmers shall at all times observe the obligations imposed on them by the Hazardous Substances and New Organisms Act 1996 and the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001, to:
 - (a) Maintain a current Approved Handler Test Certificate in accordance with the requirements of the Regulations; and
 - (b) Comply with all applicable requirements of the Act and/or the Regulations when they use or store tracked products. (** see note)

3. NZEA Membership

- 3.1 In the best interests of everyone, members will be loyal to the Association, and its aims and objectives; be active in its work; make every effort to assist the development and progress of the profession; and willingly share within the Association the benefits of their experience.
- 3.2 When a member is charged with unethical practices or actions prejudicial to the good reputation of the association, that member will place all pertinent facts before the Executive of the Association in writing for investigation and decision.
- 3.3 Members will participate in continuing education.

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(This note is for member's information and does not form part of the rules.)

Information: *In relation to embalming use, products in class 6.1B must be tracked. Products in classes 6.1B and 6.1C are classified as highly toxic and require approved handler certificates for any quantity held or used, while those classified 6.7A (carcinogenic) and 3.1B (highly flammable) require an approved handler dependent on quantities being used, handled or stored.*

Note: *This information is of a general nature, and should not be relied upon as a substitute for professional advice. Always refer to the Material Safety Data Sheet and/or the product supplier.*

Founder Members (1971)

† Jack Airton
 † Roger Burgoyne
 Francis Day
 † Lionel Griggs
 Alan Irvine
 Cedric Little
 Eric Maffey
 † Albert Marker
 David Morris
 † Harry Rollo
 † Graham Shirley
 Stan Stout
 Peter Strong

Life Members

Alan Irvine	1979
Francis Day	1989
Peter Strong	1991
Eric Maffey	1995
Neil Hickey	1996
Cedric Little	2005
Derek Hope	2006
John Peryer	2007
Barrie Head	2011
Malcolm Harding	2019

NZEA Presidents

1971-73	Peter Strong (Chairman)
1973-75	David Morris
1975-77	† Graham Shirley
1977-79	Lindsay Helson
1979-81	Derek Hope
1981-83	Francis Day
1983-84	Barrie Head
1984-86	Neil Hickey
1986-88	Eric Maffey
1988-90	Michael Wolffram
1990-92	Peter Cohen
1992-93	Mark Pattinson
1993-95	John Schipper
1995-97	Michael Hope
1997-99	Alistair Ferguson
1999-2001	Brenton Faithfull
2001-03	Johanna Kinvig
2003-06	David Parker
2006-07	Andrew Malcolm
2007-09	Wade Downey
2009-12	Andrew Ellis
2012-14	John Peryer
2014-16	Geoff Botherway
2016-18	Gary Wybrow
2018-19	Nick Evans
2020-	Geoff Botherway

Honorary Members

David Cathcart
 Ian Christison
 Robyn Grooby
 Mike Marfell-Jones
 Bernie Richmond
 Geoff Shapland

† (deceased)

1. Practising Certificates

- 1.1 The Association shall be responsible for the issuing and maintenance of the NZEA practising certificate referred to in the rules. The purpose of the practising certificate is to provide an incentive for on-going professional development and thereby ensure that the standard of embalming by members is maintained at a level consistent with best practice.
- 1.2 In accordance with rule 11.4, the Executive shall from time to time review the period of validity for practising certificates and/or the minimum number of embalming training hour credits to be attained to renew such certificates upon their expiry, and make recommendation to members; a general meeting of the Association shall then set the conditions which are to be met for members to obtain and/or retain a practising certificate, and bylaw 1.5 shall be amended accordingly.
- 1.3 In accordance with rule 11.5, no review under rule 11.4 and/or bylaw 1.2 shall have the effect of reducing the minimum number of training hour credits to be accrued for renewal of a practising certificate.
- 1.4 From the date these rules and bylaws are adopted, the requirement for members to complete a specified number of practical embalming cases annually and/or to furnish an annual statutory declaration shall be abolished and repealed.
- 1.5 From the date these rules and bylaws are adopted until any amendment under rule 11.4 and/or bylaw 1.2:
 - (a) Each practising certificate shall be valid for a period of two (2) years from the date of issue; and
 - (b) The minimum number of embalming training hour credits to be accrued in each two year period for renewal of a practising certificate shall be twelve (12).

2. Communication with Members

- 2.1 Unless otherwise stipulated in these rules and bylaws, communication with members shall primarily be to their email address (if any), and shall only be by postal mail when the member does not have an email address.
- 2.2 To avoid doubt, the provisions of bylaw 2.1 shall apply to all communications from the Association, including notices of meetings issued under rule 19.6; however, any voting papers required under rule 14.5.3 or rule 20.6 shall be sent to members by postal mail.

- 2.3 Communications sent to members shall be deemed to have been received by the member seven (7) days after they are sent by the Association, whether they are sent by email or by ordinary post to the address for the member in the Register of Members.

3. Nomination Guidelines

- 3.1 These guidelines have been written to:
- (a) Clarify the requirements which are necessary for a nomination for life membership or honorary membership to be submitted to the Executive of NZEA;
 - (b) Establish the criteria that will be used by the Executive to determine whether a nominee has satisfied the requirements to be awarded life membership or honorary membership; and
 - (c) Establish a set of protocols for the presentation of life membership or honorary membership to a successful nominee.
- 3.2 When assessing a nomination for life or honorary membership, the Executive will consider criteria including, but not necessarily limited to, factors such as:
- (a) Length of membership;
 - (b) Service to the Association (whether as a member, or in an elected or appointed position);
 - (c) Service to the wider industry;
 - (d) Conduct of the nominee;
 - (e) Professional standing in their community.
- 3.3 Criteria that would not be considered favourably include, but are not limited to:
- (a) Professional or personal conduct that is contrary to the Association's Code of Ethics;
 - (b) Professional or personal conduct unbecoming of a funeral professional;
 - (c) Criminal convictions.
- 3.4 Any member of the Association can submit a name to the Executive for consideration; however, the Executive is not obligated to act on such a submission.
- 3.5 No nomination for life or honorary membership can be made from the floor at any meeting of the Association.
- 3.6 Written nominations, signed by two (2) members as proposer and seconder, are to be accompanied by a written citation that outlines how the nominee qualifies for life or honorary membership.
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- 3.7 The Executive may initiate an award of life or honorary membership of its own volition.
- 3.8 All nominations shall be made to the Executive, and held by the Executive, in strict confidence. There shall be no written record or acknowledgment in the Association's correspondence file.
- 3.9 Any unsuccessful nomination shall remain in strict confidence.
- 3.10 Formal notification to members of the intention to award either life or honorary membership to a recipient shall be by way of a nomination from the Executive notified verbally to a duly convened meeting of the Association, which shall be kept "in committee". Once such nomination is ratified by the membership it shall remain in strict confidence until such time as the award presentation has occurred.
- 3.11 All preparations for the award ceremony presentation will be kept in secrecy from the recipient.
- 3.12 The award ceremony may be held in conjunction with any duly convened meeting of the New Zealand Embalmers Association (Inc).

4. Membership Classifications

- 4.1 From the date these rules and bylaws are adopted:
 - (a) Existing life, honorary, or student members shall retain their current membership status until such time as it may be changed to another category in accordance with any provisions of rule 6.
 - (b) "Practising members" shall become "full members".
 - (c) "Non practising members" who are not currently employed in the funeral industry shall become "associate members", with the proviso they may return to full membership at any time they satisfy the requirements of rule 6.4.9.
 - (d) "Non practising members" who are employed in the industry shall revert to full membership, and shall be issued with an interim practising certificate valid until 30 September 2013, by which date they must attain a minimum of six (6) embalming training hour credits; they shall then be issued with a practising certificate valid for two (2) years, in accordance with the provisions of bylaw 1.5.
- 4.2 Any former "non practising" member who does not satisfy the above requirements of bylaw 4.1(d) by 30 September 2013 shall at that time become subject to the provisions of rule 11.8, and may consequently be liable to have their membership cancelled in accordance with the provisions of rule 11.9.

