



**New Zealand Association
of Fire Investigators Incorporated**

Constitution and By-Laws 2023

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ARTICLE 1 - NAME AND OBJECTIVES

Section 1 - Name of the Society

- 1) The Society shall be known as the " New Zealand Association of Fire Investigators Incorporated" (NZAFI), hereinafter referred to as the "Association".
- 2) The Association is recognised as "Chapter 45" of the International Association of Arson Investigators, (IAAI).

Section 2 - Objectives and Purposes

- 1) The Objectives and Purposes of the Association are -
- 2) To unite, for mutual benefit, those public officials and private individuals engaged in Fire Investigation.
- 3) To provide for an exchange of technical information and developments, and to be a focal point for educational, social and developmental relationships between members and organisations, thereby serving as a collaboration base for Fire Investigation in New Zealand.
- 4) To encourage cooperation between public service agencies and private enterprises and associations involved in the investigation of fires in New Zealand.
- 5) To encourage high professional standards of conduct among fire investigators.
- 6) To foster and promote greater professional conduct and competence in fire investigation.
- 7) The Association shall not be operated for financial profit and its funds shall not be used to support any political organisation or individual candidate or to align the Association with any political organisation or individual candidate.

ARTICLE 2 – MEMBERSHIP

Section 1 - Active Membership

- 1) Any person who is engaged in some aspect of fire investigation at the time application is made, who the Board believes to be an appropriate person by way of that person's pursuits or interests, shall be eligible for Active Membership on application, provided that the applicant (at the discretion of the Board) possesses the other qualifications for membership.
- 2) All applicants for Active Membership, shall be on a temporary basis until voted on by the Board.
- 3) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.
- 4) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- 5) If the Committee rejects the application, it must return any money accompanying the application to the applicant.
- 6) No reason need be given for the rejection of an application.

Section 2 - Honorary Life Membership

- 1) The Board, subject to the ratification of the next Annual General Meeting, may at its discretion grant Honorary Life Membership to any member of the Association for exceptional services rendered.

Section 3 - Personal Eligibility

- 1) Prior to voting upon any application for membership, the Board shall give due consideration to the following (among other) eligibility criteria deemed applicable, namely –
 - a) The personal character and reputation of the applicant.
 - b) The nature, character and reputation of the applicant's business.
 - c) The character and reputation of the applicant's employer and associates.
 - d) The general nature, character and reputation of the principal business of the applicant's employer and associates,
 - e) Membership shall not be granted to any person whom in the resolution of the Board fails any aspects of the above.
- 2) Membership shall not be granted to any person who has been a member, or is presently a member, or becomes a member of any organisation whose objectives and operations are inconsistent with the purposes of the Association.
- 3) Membership shall not be granted to any person who has been convicted of a criminal offence unless the provisions of the Criminal Records (Clean Slate) Act 2004 apply.
- 4) Membership shall not be granted to any applicant who's previous membership had been terminated by the Board or resigned where disciplinary action was pending.

Section 4 – Disciplinary Action or Termination of Membership

- 1) Membership of the Association may be terminated by:
 - a. voluntary withdrawal or
 - b. The Board after giving written notice to any member who is in arrears by three months in the payment of dues or any other obligation to the Association.
(Suspension of Voting rights pending payment)
- 2) The Board may censure or may terminate the membership of any member who:
 - a. Has falsified their application or made any misrepresentation thereon or
 - b. Has conducted themselves in a manner prejudicial to the good name or best interests of the Association or
 - c. Has exhibited traits of character or conduct inconsistent with the qualifications for membership of the Association.
- 3) Where a grievance has been submitted to the Association against a member which may cause such membership to be censured or terminated within the provisions of Sub-Section 3 a. herein:
 - a. Where that member is also a member of the IAAI, the grievance shall also be submitted to the IAAI within the provisions of Article VII Section 6 of the IAAI's Constitution and By-Laws.
 - b. Whether that member is a member of the IAAI or not, the grievance shall be investigated by a Committee appointed by the President, and or the board who shall without undue delay submit their report and recommendation to Board. Where sanction or termination of membership is being considered. The Board shall provide such member with an opportunity to appear before and be heard by the Board. A majority of the Board present shall be sufficient to cause censure or termination of membership.
- 4) Grounds for taking disciplinary action
 - a. The Association may take disciplinary action against a member in accordance with these rules if it is determined that the member—
 - i. has failed to comply with these rules; or
 - ii. refuses to support the purposes of the Association; or
 - iii. has engaged in conduct prejudicial to the Association.
- 5) Disciplinary subcommittee
 - a. If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
 - b. The members of the disciplinary subcommittee
 - i. may be Committee members, members of the Association or anyone else; but
 - ii. must not be biased against, or in favour of, the member concerned.

c. Notice to member

- i. Before disciplinary action is taken against a member, the Secretary must give written notice to the member
- ii. stating that the Association proposes to take disciplinary action against the member and
- iii. stating the grounds for the proposed disciplinary action; and
- iv. specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the *disciplinary meeting*); and
- v. advising the member that he or she may do one or both of the following
 1. attend the disciplinary meeting and address the disciplinary subcommittee at that meeting
 2. give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting and
- vi. setting out the member's appeal rights under rule 7.
- vii. The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

6) Decision of subcommittee

- a. At the disciplinary meeting, the disciplinary subcommittee must
 - i. give the member an opportunity to be heard and
 - ii. consider any written statement submitted by the member.
- b. After complying with sub rule (a), the disciplinary subcommittee may
 - i. take no further action against the member or
 - ii. subject to sub rule 3) b.
 1. reprimand the member; or
 2. suspend the membership rights of the member for a specified period; or
 3. expel the member from the Association.
 - iii. The disciplinary subcommittee may not fine the member.
- c. The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

7) Appeal rights

- a. A person whose membership rights have been suspended or who has been expelled from the Association under Article 2 Section 4, may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.
- b. The notice must be in writing and given
 - i. to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken or
 - ii. to the Secretary not later than 48 hours after the vote.

- c. If a person has given notice under sub Rule (b), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.
 - d. Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must
 - i. specify the date, time and place of the meeting and
 - ii. state
 - 1. the name of the person against whom the disciplinary action has been taken and
 - 2. the grounds for taking that action and
 - 3. that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.
- 8) Conduct of disciplinary appeal meeting
- a. At a disciplinary appeal meeting
 - i. no business other than the question of the appeal may be conducted; and
 - ii. the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - iii. the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
 - b. After complying with sub Rule 8) a., the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
 - c. A member may not vote by proxy at the meeting.
 - d. The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.
- 9) Grievance Procedure Application
- a. The grievance procedure set out in this Section applies to disputes under these Rules between
 - i. a member and another member
 - ii. a member and the Committee
 - iii. a member and the Association.
 - b. A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.
- 10) Parties must attempt to resolve the dispute
- a. The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.
- 11) Appointment of mediator
- a. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Rule 10, the parties must within 10 days:

- i. notify the Committee of the dispute and
 - ii. agree to or request the appointment of a mediator and
 - iii. attempt in good faith to settle the dispute by mediation.
 - b. The mediator must be
 - i. a person chosen by agreement between the parties or
 - ii. in the absence of agreement
 1. if the dispute is between a member and another member—a person appointed by the Committee; or
 2. if the dispute is between a member and the Committee or the Association a person appointed or employed by the Dispute Process outlined in the rules of the IAAI as a guidance.
 - c. A mediator appointed by the Committee may be a member or former member of the Association but in any case, must not be a person who
 - i. has a personal interest in the dispute; or
 - ii. is biased in favour of or against any party.

12) Mediation process

- a. The mediator to the dispute, in conducting the mediation, must—
 - i. give each party every opportunity to be heard; and
 - ii. allow due consideration by all parties of any written statement submitted by any party and
 - iii. ensure that natural justice is accorded to the parties throughout the mediation process.
- b. The mediator must not determine the dispute.

13) Failure to resolve dispute by mediation

- a. If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

Section 5 - Reinstatement of Terminated Membership

- 1) A former member whose membership was cancelled within the provisions of Article 1 Section 6 may be reinstated at the discretion of the Board.
- 2) If a former member has been in arrears in the payment of dues or other financial obligation to the Association at the termination of membership, the payment of all arrears shall be a condition of reinstatement unless the board, by majority vote and for good cause, shall waive the payment thereof
- 3) The Association must maintain a register of all members whom have had their membership terminated or had had a disciplinary action that against them.
 - a. May consider reinstatement pending resolution of any outstanding disciplinary actions against that person.

ARTICLE 3 – THE BOARD OFFICERS, TERMS AND ELECTION.

Section 1 - Eligibility for Office (Member of the committee/board)

- 1) A member, to be eligible to hold Office
 - a. Must have been a financial member of the Association for at least two years, and
 - b. Must be a financial member of the "IAAI". (Refer IAAI section 3 (1))
 - i. IAAI Fees may be reimbursed by the board to board member on request.
 - c. To be eligible to hold Office as President, a member must have additionally served at least one term as Vice-president or alternatively two successive terms on the Board

Section 2 - Officers

- 1) The Officers of the Association shall be President, Vice-president, Immediate Past President, Secretary and Treasurer, except that in general operating, the positions of Secretary and Treasurer may be combined.
- 2) The Secretary/Treasurer if combined may be a contracted position receiving an honorarium for services to the board without having voting rights on boards activities, shall not be considered office holder for Article 3 (2).
- 3) If the Secretary/Treasurer is a member and also a member of the IAAI they shall still be paid an honorarium, due to the work involved in the role. They are considered a full Board Member with voting rights.

Section 3 – Board

- 1) The Board shall consist of the Officers and 2 - 5 additional eligible members of the Association, to be referred to as Board Members
- 2) The President of the IAAI and the immediate Past President of the Association shall be deemed to be ex-officio members of Board. (Via Zoom attendance at board meetings)

Section 4 - Terms of Officers and members of the Board

- 1) Officers shall serve a three-year term and may succeed themselves by election from the members for consecutive terms. Provided that this time constraint shall not apply to the Secretary and Treasurer.
- 2) Positions will be elected on a three cycle with Board members being elected to one of the following 3-year cycles:
 - Cycle "A"
 - Cycle "B"
 - Cycle "C"
- 3) In the event of there being no nomination for the Office of President either in writing or from the floor of the meeting, and the incumbent President having served two consecutive

terms, the incumbent President shall be eligible for election for a further third term.

- 4) Board members shall be elected for a term of three years, or until the election and qualification of their respective successors.

Section 5 – Vacancies

- 1) Any vacancy in the office of President, Vice President, Secretary and Treasurer between Annual General Meetings shall be filled by the Board and the appointment shall be only until the next Annual General Meeting.
- 2) Any vacancy on the board, being other than an Officer, shall be filled by a member appointed by the President, and such appointment shall be only until the next Annual General Meeting.

Section 6 – Elections

- 1) The Officers and Board shall be elected at the Annual General Meeting.

Section 7 – Nominations

- 1) Nominations shall be in writing with the nominee's acceptance signed thereon, together with the signatures of the proposer and seconder, to be submitted to the Secretary no less than 14 days prior to the Annual General Meeting. Nominations shall however be accepted from the floor of the meeting, provided the nominee is present.
- 2) Eligibility for nomination to board membership shall be from members who have a minimum of 2 years of current financial membership.

ARTICLE 4 – GOVERNANCE

Section 1 – Board

- 1) The Association shall operate in accordance with the Constitution, the by-laws of the IAAI and the NZ Incorporated Societies Act 2022.
- 2) The governance of the Association shall be vested in Board and more than half of Board members shall constitute a quorum for Board Meetings.

Section 2 - Duties and Powers

- 1) The Board shall
 - a. Have full power to initiate and transact all kinds of business (including the borrowing of money) necessary to the existence of the Association and the observance of its purposes,
 - b. Determine the date and location of the Annual General Meeting and outline the programme of activities for such meetings,
 - c. Have general powers to direct and control the affairs of the Association, including the appointment of appropriate committees (where none is elected at a General Meeting) for the conduct of the activities of the Association,
 - d. set policy and procedures for the membership, ethical conduct and behaviour of members.

Section 3 – President

- 1) The President shall
 - a. Be the Chief Executive Officer of the Association,
 - b. Be responsible for the supervision and co-ordination of the Association's activities,
 - c. Preside at the meetings of the Association and the Board
 - d. Require reports from all committees at each Annual General Meeting and as otherwise desired.

Section 4 - Vice President

- 1) The Vice President shall
 - a. In the absence of the President, act as Chief Executive Officer
 - b. Undertake any such duties conferred upon the president in their absence.

Section 6 – Secretary

- 1) The Secretary shall
 - a. Keep the records and the minutes of the Association
 - b. Maintain a current roll of members

- c. Be custodian of the Constitution and other documents of value of the Association.
- d. Acknowledge all communications and attend to correspondence of the Association, including that directed by the President and the Board
- e. Notify all financial members of the date and location of all General Meetings
- f. Perform such other duties as assigned by the President.

Section 7 – Treasurer

1) The Treasurer shall

- a. Be the custodian of the funds and financial records of the Association
- b. Disburse such funds as authorised by the Board for purposes which promote the welfare and objectives of the Association
- c. Render a complete summary of all income, disbursements and balances when requested by the Board, and to the members at each Annual General Meeting or upon request

ARTICLE 5 – MEETINGS

Section 1 - Annual General Meeting

- 1) The Annual General Meeting shall be held in each fiscal year and not later than sixteen (16) months from the previous Annual General Meeting, at a venue to be arranged by the Board.
- 2) Notice of the meeting shall be mailed to each member's last known address not less than thirty (30) days in advance of the Meeting.
- 3) Business to be transacted at an Annual General Meeting shall include:
 - a. Presidents and any sub-Committee reports
 - b. Annual financial accounts
 - c. Elections
 - d. Such other business as may be presented to and accepted by the meeting.

Section 2 - Special General Meetings

- 1) Special General Meetings may be called by order of the Board or at the request in writing often (10) financial Active Members, at such time and place as fixed by the Board.
- 2) Notice of the meeting shall be mailed to each member's last known address not less than ten (10) days in advance of the meeting.

Section 3 - Quorum for General Meetings

- 1) That 20% of all financial members present at any General Meeting of the Association shall constitute a quorum.

Section 4 - Procedure at Meetings

- 1) When any questions on procedure that arise at any meeting are not specifically provided for herein, the presiding Officer shall be governed by the rules described in "The Law and Procedure at Meetings in Australia and New Zealand" by P E Joske.

Section 5 - General Meeting Minutes

- 1) Minutes of the proceedings of General Meetings shall be circulated to financial members and shall be confirmed at the next General Meeting.

ARTICLE 6 - VOTING AT GENERAL MEETINGS

Section 1 - Voting Privileges

- 1) Voting privileges at General Meetings shall be restricted to financial Members and Honorary Life Members of the Association.

Section 2 - Voting Procedures

- 1) Voting at all General Meetings shall be by a show of hands unless three (3) persons present request a secret ballot. If a secret ballot is held, at least two (2) scrutineers shall be appointed (being Past Presidents of the Association or in their absence such other appropriate persons) by the meeting.
- 2) The decision shall be by simple majority with the presiding Officer having a casting vote in the event of a tie.

ARTICLE 7 - FINANCE

Section 1 - Annual Dues

- 1) Dues for active membership in the Association shall be for such an amount, as shall be determined from time to time at an Annual General Meeting of the Association or by the Board.

Section 2 – Audit

- 1) That the accounts of the association are held by the secretary / treasurer and are open to inspection and explanation to any finical member on request the provision of having the accounts audited are not necessary.

Section 3 - Gifts or Grants

- 1) All gifts and grants to the Association may be accepted by the Board. The Secretary shall make proper acknowledgment of all such gifts or grants.

Section 4 - Control of Funds

- 1) All moneys received on behalf of the Association shall, as soon as is reasonably practicable, be placed in a bank account in the name of the Association, or invested in such a manner as the Board shall determine,
- 2) Withdrawal from any such account or investment shall be over the signatures of any two (2) of three (3) Officers designated by the Board or has authorised by the internet banking process, except that the Secretary shall be authorised as the sole signatory for purchases of less than \$250.00 using a debit card in the name of the association, in accordance with the Acceptable use of debit card policy of the Association.
- 3) No Member or person associated with a member of the Association shall derive any income, benefit or advantage from the Association where they can materially influence the payment of the income, benefit or advantage, except where that income, benefit or advantage is derived from:
 - a. Professional services to the Association rendered in the course of business charged at no greater rate than current market rates, or
 - b. interest on money lent to the Association at no greater rate than current market rates.

Section 5 - Financial Year

- 1) The fiscal year of the Association shall be from the 1st July until the 30th June of each year.

Section 6 – Honorariums

- 1) The Secretary shall be paid an annual honorarium, in addition to actual expenses incurred which shall be set in advance at each Annual General Meeting.

Section 7 - Presidents Travel

- 1) The President shall be paid an amount to attend the International Conference on behalf of the chapter. At the Presidents discretion this payment may be transferred to any member in good standing who attends to represent the chapter where the President is unavailable.
- 2) The amount to be paid will be set in advance at the Annual General Meeting or a Special Meeting of the Board.
 - a. The meeting is generally in the USA and in April each year.

Section 8 – Training scholarship

- 1) There shall be made available, to any member in good standing, an annual scholarship to be awarded to enable further the education and training of members in the field of Fire Investigation. The scholarship may be awarded to multiple recipients in any one year up to the maximum amount set in advance as determined by the board.
- 2) All applications for the training scholarship shall be assessed by the Board on behalf of the membership, except that in the case of a Board member being an applicant that board member shall forego the ability to be any part of the applicant assessment process.

ARTICLE 8 -GENERAL

Section 1 - Amending of the Constitution

- 1) The Constitution may be amended at any Annual General or Special General Meeting of the Association by a vote of two thirds (2/3) of the members present, provided:
 - a. Such proposed amendment is included with a notice of such meeting, and
 - b. It receives the approval of the Registrar of Incorporated Societies.
- 2) No addition to or alteration of Article 7, Section 4, Subsection (3) - Pecuniary Profit Clause - or Article 8, Section 3 - Winding Up Clause - shall be approved without the agreement of the Inland Revenue Department.

Section 2 - Common Seal

- 1) The common Seal of the Association shall be kept in the custody of the Secretary or President or such other Officer as the Board may at any time determine.
- 2) The seal shall only be affixed on the authority of the Board and in the presence of a minimum of two (2) members of the Board, at least one (1) of whom shall be an Officer.

Section 3 - Winding Up of the Association

- 1) In the event of the winding up of the Association in accordance with the provisions of the Incorporated Societies Act 2022, any surplus assets shall be disposed of as decided by resolution of those financial members present at the meeting called for such purposes, provided that surplus assets or the benefits thereof shall not be disbursed to members.
- 2) The funds shall be provided to a New Zealand registered charity as nominated and voted by the members.
- 3) The nominated charity is as voted at 2022/2023 AGM on the 18th August 2023:
 - a. Burns Support Group Charitable Trust Inc. PO Box 97164, Manukau City, Auckland 2241, New Zealand

Mission

It is our mission to encourage professionalism in the field of fire investigation for the benefit of the wider community in ensuring investigators are professional, accountable and of high integrity.

The NZAFI shall serve as the national resource with global ties, for those working in and associated with the fire, arson, and explosion investigation profession with respect to fire safety and prevention; fire investigation, determination, and prosecution; and fire loss claims and litigation.

Our Values

Honesty – We act with honesty to ourselves and our clients.

Integrity – We demonstrate the highest levels of integrity in all that we do.

Professionalism – We act professionally at all times for ourselves and the Association.

Inclusion – We are inclusive, value our differences and treat everyone equally and with respect.

Loyalty – We are loyal to our Association and the principles of professional investigative practice.

Code of Conduct and Ethics

As professional fire investigators, members of the New Zealand Association of Fire Investigators Incorporated are required to follow the Code of Conduct and Ethics, listed below, at all times:

- I will, as a fire investigator, regard myself as a member of an important and honourable profession.
- I will uphold the values of the Association.
- I will regard my fellow investigators with respect.
- I will maintain confidentiality and professionalism in my conduct at all times.
- I will regard it my duty to work within my competence and area of expertise.
- I will make no claim to professional qualifications which I do not possess.
- I will maintain a continued professional development of my investigation skills.

- I will complete an honest and unbiased fact-finding investigation using recognised scene examination techniques.
- I will, in accordance with legal instructions, provide full disclosure and documentation of the findings based upon facts.
- I will present my evidence in accordance with the Code of Conduct for Expert Witnesses in accordance with New Zealand legislation.
- I will bear in mind always, that I am a truth-seeker, not a case-maker.