

**THE RULES AND CONSTITUTION
FOR
THE NEW ZEALAND FORENSIC SCIENCE SOCIETY INCORPORATED**

1. NAME:

The name of the Society shall be The New Zealand Forensic Science Society Incorporated.

This Society shall be a branch of the Australian and New Zealand Forensic Science Society.

2. REGISTERED OFFICE:

The registered office of the Society shall be at such place as the Council of the Society may from time to time decide.

3. OBJECTS:

The objects of the Society shall be to advance the study, application and standing of forensic science and to facilitate co-operation among persons interested in forensic science throughout the world. The Society may co-operate with other Societies having similar or allied interests and may establish branches and specialist groups on such terms as the Council of the Society shall determine. The Society may take steps to be represented at national and international conferences concerned with forensic science, and related topics.

4. MEMBERSHIP:

4.1 Membership category

A person seeking entry as a Member of the Society must satisfy the following criteria:

- 4.1.1 Provide two referees acceptable to the Council, one of whom is a member of the Society who can attest to employment history, forensic experience and character as relevant,
- 4.1.2 High ethical standards and
- 4.1.3 Demonstrate to the Council, the ability to satisfy the criteria for one of the following membership categories:

4.1.2 Full Member

- 4.1.2.1 Current employment in a forensic discipline or employment related to forensic science; and
- 4.1.2.2 A relevant tertiary qualification or relevant forensic experience.

4.1.3 Honorary member

- 4.1.3.1 A Full Member who has made an outstanding contribution to the Society over a period of time may be elected as an Honorary Member by an Annual General Meeting.
- 4.1.3.2 A proposal for the election of a person as an Honorary Member shall be submitted to the Council not less than six weeks prior to the Annual General Meeting. Honorary Membership is not something that is thought of at the last moment.

4.1.4 Student Member

- 4.1.4.1 Currently enrolled at a Tertiary Institution or University in a relevant area of study and
- 4.1.4.2 Demonstrate an active interest in a field of forensic science.

4.1.5 Associate member

- 4.1.5.1 An active interest in a field of forensic science; or
- 4.1.5.2 An individual who is, or becomes, a member of an affiliated association, under the rules of that association, provided that they satisfy the criteria prescribed by Rule 4.2, or
- 4.1.6 Persons elected or appointed to act in a specified capacity of the Society.

4.2 Admission to membership

At the discretion of the Council the following items may be an immediate bar to membership;

- 4.2.1 Conviction of an offence punishable by imprisonment where the conviction reflects on the applicant's fitness to practise, or tends to bring the profession into disrepute,
- 4.2.2 Expulsion from any professional organisation on ethical grounds,
- 4.2.3 Conviction for perjury,
- 4.2.4 Dismissal from any employment for dishonesty or corruption,
- 4.2.5 Falsification of any document supporting another person's application to join the Society,
- 4.2.6 De-registration for misconduct from any professional register, or
- 4.2.7 Any other matter of sufficient ethical seriousness as determined by the Council of the Society.

The Secretary shall inform each candidate for membership the results of his application, and shall forward /or direct newly elected members a copy of the Constitution.

Membership of the Society neither indicates nor infers any forensic qualification and accordingly shall not be used by any member of the Society to so infer such qualification.

5. REGISTER

- 5.1 The Secretary shall maintain a register of members, which shall contain the names, addresses, and any other details relevant to membership. Details of a membership may be available to members upon application to the Secretary.
- 5.2 It is the responsibility of each member to ensure that personal details in the register are accurate.
- 5.3 The Register of Members shall be made available to the ANZFSS National Secretary annually.

6. SUBSCRIPTIONS:

Members of the Society shall pay such annual subscription as shall be determined by the Council from year to year.

7. VOTING:

- 7.1 All Members are entitled to vote at Meetings.
- 7.2 No Member shall have more than one vote on a motion.
- 7.3 Voting shall be by show of hands, unless a division or a ballot is requested by any Member
- 7.4 Each motion or resolution shall be decided by a majority of votes, unless otherwise specified in these Rules.
- 7.5 The President shall not vote except to make the casting vote if the vote is tied.

8. RESIGNATIONS:

- 8.1 Any member may resign from the Society by informing the Secretary in writing. Members resigning shall be liable for payment of outstanding subscriptions up to the date such resignation is received by the Secretary,
- 8.2 Upon the death of the member membership to the Society shall automatically cease.

9. EXPULSION FROM MEMBERSHIP:

Any member whose subscription is six months in arrears, and who has been notified and reminded of the fact, and given reasonable opportunity to rectify the arrears may be removed from membership by a resolution of the Council.

The Council of the Society may recommend expulsion of a member, if the member's conduct is deemed to be against the objects of the Society. Any such recommendation shall be considered by a General Meeting of the Society. A two-thirds majority of the members present will be required for the expulsion to be ratified. The member whose expulsion is to be considered shall be given at least twenty-eight days notice of the meeting, sent by registered mail to his last known address. Such notice must include reasons for the Council's recommendation.

10. GOVERNING BODY:

- 10.1 The affairs of the Society shall be managed by a Council of financial members. The Officers of the Council shall comprise the following members:
 - 10.1.1 Officers elected by a General Meeting of the Society. These shall include the President, Vice President, the Secretary and the Treasurer and up to six additional full members of the Society. The President shall not serve more than two consecutive years in office. The other officers shall be eligible to offer themselves for re-election. The President elect should preferably be chosen from a different professional group within the Society than the Immediate Past President.
 - 10.1.1.1 The requirement that the President shall not serve more than two consecutive years in office, may be waived where it is deemed beneficial to the President to continue for an addition term. Such Wavier shall be approved at a General Meeting or Special General Meeting and shall expire at the next General Meeting.
 - 10.1.2 The Immediate Past President shall be ex-officio a member of the Council.
 - 10.1.3 Branches and specialist groups of the Society, established in terms of rule 3 shall be entitled to appoint one delegate to the Council of the Society.
- 10.2 Each member of Council shall have one vote on any business discussed by the Council. Any member of the Council unable to attend a meeting shall be entitled to appoint a proxy from the financial members of the Society to speak and vote on his behalf.
- 10.3 A quorum for the conduct of business of a meeting of the Council shall constitute an office holder plus any three members of the Council.
- 10.4 Matters discussed by the Council shall be resolved by a simple majority vote. In the event of any business remaining unresolved the Chairman of the meeting shall be entitled to a second or casting vote.
- 10.5 The Council shall meet at the time of the Annual General Meeting of the Society, and at such other times as may be required. Other business of the Council may be conducted in any suitable manner. All business conducted by the Council shall be recorded by the Secretary in the minutes. Copies of the minutes shall be distributed to each member of the Council.
- 10.6 The minutes, the President's Report and the Financial Report shall be posted on the NZ Branch website and published in the newsletter.

- 10.7 Twelve financial and full members personally present shall be a quorum for a General Meeting and no business shall be transacted unless a quorum is present.
- 10.8 The Council may appoint sub-committees for the purpose of giving effect to any of the Objects of the Society.
- 10.9 The Council has the power to co-opt further members as may be required for giving effect to the Objects of the Society.

11. MEETINGS:

An Annual General Meeting of the Society shall be held, at which time the Officers of the Society shall present their reports.

An election for the Officers of the Society shall be conducted biennially.

- 11.1 Special General Meetings may also be convened as required either by resolution of the Council, or by request from 15 members of the Society.
- 11.2 Notice of any General Meeting of the Society shall be forwarded to each member at least one calendar month before the date of the meeting.
- 11.3 Any member who wishes to bring any other business before a General Meeting may give notice to the Secretary not less than 21 days prior to the date of the proposed Meeting. The Secretary must issue a supplementary Notice, to all members, not less than 14 days prior to the General Meeting and include this business as additional matters to be discussed at the Meeting.
- 11.4 Control of any Society meeting shall be in the hands of the Chairman. The Chairman shall be the President of the Society, or any other member approved by the Council of the Society.
- 11.5 Each motion submitted to a meeting shall be decided on the voices or on a show of hands or such other way of voting as shall be decided by the meeting.
- 11.6 Meetings of the Society are private and confidential to members and proceedings shall not be communicated to any other person or organisation without prior permission of the Council.
- 11.7 The Council may invite other individuals to participate in its meetings.
- 11.8 Each branch and specialist group of the Society shall be entitled to conduct meetings as determined by the rules of such branch or specialist group.

12. PROPERTY OF THE SOCIETY:

- 12.1 No member shall derive any financial gain from any property or funds acquired by the Society.
- 12.2 All monies paid to the Society shall be forwarded to the Treasurer at the earliest opportunity. The Treasurer shall ensure all monies received are banked to the credit of an account in the name of the Society. Cheques drawn down from any account of the Society shall be signed by any two officers of the Society authorised by Council.
- 12.3 Cash not exceeding the sum of fifty dollars (\$50.00) may be retained (to meet day to day expenses of the Society) by an officer of the Society authorised by the Council.
- 12.4 The Council of the Society may invest any approved monies to the benefit of the Society in or upon such investments, securities or property as may be thought fit.
- 12.5 The Council of the Society may borrow or raise money for the purpose of the Society on such terms and on such security as may be thought fit.
- 12.6 The financial year of the Society shall run from 1 April to 31 March in each year. All accounts of the Society shall be reviewed annually to a sub-committee comprising 3 members of the Society who will be advised by the treasurer. The accounts will be presented to the Annual General Meeting for approval and copies shall be forwarded to each member of the Society as soon as practicable after the Annual General Meeting and lodged with the Registrar of Incorporated Societies.
- 12.7 Branches and specialist groups within the Society approved by the Council may retain control of such funds as they require for the conduct of their business. Each Branch or specialist group shall forward to the Secretary of the Council a copy of their accounts annually, no later than 30 May.
- 12.8 The Society shall reimburse members any reasonable expenses incurred in the conduct of the Society's business on the authority of the Council or subsequently ratified by the Council. Members shall obtain receipts for any monies received from or expended on behalf of the Society.
- 12.9 No member or person associated with a member of the Society shall derive any income, benefit or advantage from the Society where they can materially influence the payment of the income, benefit or advantage.

Except where that income, benefit or advantage is derived from:

- Professional services to the Society rendered in the course of business, charged at no greater rate than current market rates, or
- Interest on money lent at no greater rate than current market rates.

13. ALTERATIONS TO RULES:

- 13.1 The Rules shall be made, amended or rescinded only by resolution passed at a General Meeting or Special General Meeting after due notice of motion under Rule 11.
- 13.2 The proposed alterations shall be forwarded to every member of the Society at least one calendar month before the date of the General Meeting or Special General Meeting.
- 13.3 No alteration to the Rules shall be made unless two thirds of those voting are in favour of the alteration. All members will be entitled to one vote on any motion to alter these rules. This vote may be exercised in person at the General Meeting or Special General Meeting, by written proxy in the hands of any member attending the meeting in person or by written vote delivered to the Secretary prior to the commencement of the General Meeting or Special General Meeting.
- 13.4 No addition to or alteration of the rules shall be approved if it affects the personal benefit clause (12.9) or the winding up clause (16.2).

14. INTERPRETATION OF CONSTITUTION:

Any dispute involving interpretation of the Constitution shall be resolved by the Council.

15. THE SEAL:

The Seal of the Society shall not be affixed to any instrument except by the authority of a resolution of the General Meeting or Elected Council duly authorised and on that behalf, and in the presence of at least two members of the Elected Council and of the Secretary, and the said members and Secretary shall sign every instrument to which the seal shall be so affixed in their presence.

16. DISSOLUTION OF THE SOCIETY:

- 16.1 The Society shall be dissolved upon the resolution of two thirds of the members so determined by a vote of all members.
- 16.2 If upon winding up or dissolution of the Society there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Society but

shall be given or transferred to some other charitable organisation or body having objects similar to the first organisation, or for some other charitable purpose, within New Zealand.

17. NOTICES TO MEMBERS:

Any notice or documentation required by these Rules to be sent to a member shall be deemed to have been sent to him by sending the notice to the member at the last known electronic and/or physical mailing address of which he last notified the Society.

AMENDMENTS

September 2008, replaced in its entirety by the current (this) document



CODE OF ETHICS

PREAMBLE

The members of the Australia and New Zealand Forensic Science Society, being resolved that certain standards of conduct are essential for the proper practice and good standing of their profession, and that a Code of Ethics, although not intended to represent an inflexible set of rules, is desirable to guide their practice of forensic science, declare that:

The practice of forensic science requires the application of science and scientific techniques with the object of providing objective and impartial evidence to assist in the administration of the law.

Compliance with the provisions of this Code will in any particular instance ensure a member of the support of the Society.

Non-compliance with the provisions of the Code may be regarded as inconsistent with membership of the Society.

SCIENTIFIC METHOD

Accepted scientific principles and methods should be utilised unless a particular investigation requires the use of a novel method.

Appropriate methods should be used having regard to the standard of proof that is required and that can reasonably be achieved.

Objectivity should be maintained at all times, from when examining scenes and collecting items for further examination, to reaching conclusions based on available evidence.

Relevant experimental controls should be used and, where appropriate, results verified by retesting or by the application of additional or alternative techniques.

Examinations should not be taken beyond the limits of one's expertise.

Where practicable, the physical results of tests, field notes, test notes, reports and photographs should be retained for as long as possible or at least during the currency of any relevant legal proceedings.

REPORTING

Distinction should be made between results of tests, and examinations and opinions based on these. Any pertinent limitations to the test results and conclusions should be explained.

Opinions should be expressed in simple, precise and unambiguous terms.

Where test results or conclusions are capable of being interpreted to the advantage of either side in a legal proceeding, each result or conclusion should be given weight according to its merit.

There should be a preparedness to concede that other opinions, being contrary to or at variance with one's own, can honestly be held.

Reference should be made in the report to all items examined or tested.

The nature and character of all tests and examinations should be available to the Court.

Reports will be signed only by persons who have either carried out the work described or have directly or indirectly supervised it. The requirements of this clause are not binding for the purposes of signing certificates of analysis under the New Zealand Transport Act 1962 and the New Zealand Misuse of Drugs Act 1975.

PRE-TRIAL CONDUCT

Every endeavour should be made to produce the report in sufficient time before the relevant legal proceedings so as to enable proper consideration of it, provided that sufficient notification of the date of legal proceedings has been received.

On the understanding that there is no property in expert scientific witnesses, the prospective witness should be reasonably available for discussion with professional representatives of all parties involved in the proceedings.

Any retainer offered should be refused if it is suspected that a purpose of the offer is to prevent relevant evidence being presented to a Court.

CONDUCT IN COURT

As far as possible, simple terms should be used when giving evidence.

Any attempt made to press the witness to testify as to matters beyond and/or outside his/her expertise should be firmly resisted.

An objective and moderate manner in giving evidence should be cultivated.

In the conduct of giving evidence the witness, upon request, is under an obligation to disclose all tests and experiments performed, subject to the directions of the presiding judicial officer.

The witness should plainly state opinions as such and take care to distinguish them from statements of fact.

The witness should appeal to the presiding judicial officer (in the absence of the jury if the trial be by judge and jury) if he or she believes that the manner in which evidence is being elicited is such as to prevent the disclosure of a significant relevant matter or circumstance.

GENERAL MATTERS

It is proper to advise a lawyer concerning the reports and evidence of another expert even though such advice might be used in the cross-examination of that expert. To this end, co-operation in the provision of notes/records should be given with, if desired, the proviso of open consultation and discussion with the reviewing expert.

Confidential information received should not be inappropriately disclosed.

Media association of an expert's name with specific cases or accomplishments, or association of one's name with developments, publications or organisations with which that expert played no significant part, should be discouraged.

Professional and personal behaviour consistent with membership of a skilled profession should be observed and colleagues treated with due respect and inappropriate criticism of them avoided.

No services shall be rendered where the fee is dependent on the outcome of the examination.

Errors or omissions discovered prior to, during, or after any hearing should be disclosed.

COUNCIL AND OFFICE BEARERS

Those elected as Council or Committee Members of the NZFSS have the following additional obligations:

- To actively avoid voting on, or in any way influencing any decision where the Member has a personal or financial interest greater than the Member's generally.
- To immediately declare any conflict of interest, actual or potential, and abstain from decision making in such situations.
- To keep confidential all NZFSS information as required by law, the Rule or the Constitution.
- To ensure that NZFSS properties, funds, services and influence are not taken or used for private gain.

ACCOUNTABILITY

Alleged violations for this Code should be brought to the attention of the Council of the Society for consideration and may be dealt with by the Council under section 9 of the Rules and Constitution.

