



# New Zealand Hypnotherapists Registration Board Inc.

## **Constitution, Rules and Ethics**

Revised Version 2008

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PO Box 91-856, AMSC, Auckland.

[www.nzhrb.co.nz](http://www.nzhrb.co.nz)

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## The New Zealand Hypnotherapists Registration Board Incorporated

### 1. Name

- A) The name of the Society shall be: “The New Zealand Hypnotherapists Registration Board Incorporated”. (hereinafter referred to as the Board)

### 2. Objectives

- A) To provide for the registration and discipline of hypnotherapists.
- B) To receive, process and authorise the registration of members according to the registration entrance criteria.
- C) To promote and encourage high standards of professional conduct.
- D) To set a minimum standard of competency for the registration of professional hypnotherapists practising in New Zealand.

### 3. Membership

- A) A Register of Members shall be kept and maintained by the Secretary showing in respect of each member, relevant details including their full name, address, qualifications, assigned registration number, the date of commencement of membership, and affiliate Society. Members changing their address and/or phone number shall forthwith notify the Secretary who shall amend and correct the register from time to time as occasion may require.
- B) Members shall be designated as Registered Hypnotherapists. There shall be no other category of membership (hereinafter referred to as registration).
- C) All members shall abide by the code of ethics of the New Zealand Hypnotherapists Registration Board Incorporated.
- D) Qualifications of applicants for registration:-  
Except as otherwise provided, every person shall, on payment of the prescribed fee, be entitled to registration as a hypnotherapist who satisfies the board that they have
- a.           i. in New Zealand or elsewhere, obtained a standard of qualification that meets the minimum standard of competency as set by the Board,  
                  and  
                  ii. in New Zealand or elsewhere, received sufficient training and experience to enable them to function effectively as a practising hypnotherapist,  
                  or  
                  iii. in New Zealand or elsewhere, received sufficient training or experience to enable them to function effectively as a hypnotherapist and, at the time of application, have current full professional practising membership of the International Hypnotherapy Practitioners Society Inc. (IHPS); New Zealand Association of Professional Hypnotherapists Inc. (NZAPH); New Zealand Society of Clinical and Applied Hypnosis Inc. (NZSCAH); Psychoanalysis and Hypnotherapy Institute of New Zealand Inc. (*formally the Psychotherapy and Hypnotherapy Institute of New Zealand Inc.*) (PHINZ).
- b. No person shall be entitled to be registered under section 3 D a (iii) of this constitution after 31st March 2009.

- E) Applicants are required to give authority to the Board to obtain a NZ criminal clearance report from the Ministry of Justice.
- F) Applicants for registration will be required to undertake assessments as prescribed by the Board and/or further training as determined by the Board in any case.
- G) In the case where the Board has required a candidate to undertake further training and/or testing, the candidate shall be re-assessed in those areas for which further training or testing was required.
- H) Certificate of Registration. Every registered hypnotherapist shall, on payment of the prescribed fee be entitled to receive a certificate of registration issued under the authority of this board.
- I) Annual Practicing Certificate. Every registered hypnotherapist shall be required to obtain an annual practicing certificate. Annual practicing certificates shall be issued provided that -
  - a. the prescribed fee has been paid
  - b. the hypnotherapist is currently registered
  - c. the hypnotherapist has fulfilled all renewal requirements as set by the Board, including completing at least the minimum requirements for hypnotherapy related continuing education, within each 12 month period preceding the renewal application.
- J) Members shall be entitled to the designation “Registered Hypnotherapist” provided that-
  - a. they are currently registered with this board
  - and
  - b. they have a current practicing certificate issued by this board
- K) Any member may resign their membership by giving to the Secretary written notice to that effect and paying to the Board all fees, subscriptions, levies, penalties and other monies theretofore due to the Board by such member, provided that such member is not the subject of any disciplinary action, in which case his/her resignation shall not take effect until the conclusion of the investigation or disciplinary action. The resigning member shall return any certificates of registration and annual practicing certificates, and all other property belonging to the Board within twenty one (21) days of their resignation.
- L) The resigning member shall immediately cease all advertising and referenced associations with the Board as a registered member.
- M) Hypnotherapists on the register may not claim or represent themselves as ‘Registered Hypnotherapist’ of the Board, in connection with any form of promotion, advertising or references, unless they hold a current annual practicing certificate issued by the Board.

#### **4. Discipline Arbitration**

- A. A Disciplinary Committee shall be formed as required to deal with disputes, complaints, discipline, suspension and expulsion. The Disciplinary Committee will consist of five registered members who may not be members of the Executive Board. The Disciplinary Committee at the direction of the Executive Board, on behalf of its members, shall have power to deal with the matter in such manner as it may deem advisable in the circumstances of the particular case.
- B. Any member subject of a complaint shall be given a copy of the complaint and be given notice that the complaint is before the Disciplinary Committee.

- C. The Disciplinary Committee shall require that the member who is subject of the complaint responds to the complaint in writing.
- D. The Disciplinary Committee may require that the complainant and/or the member provide it with further information in relation to the complaint, and may also require that it be supplied with documents or other evidence relating to the complaint.
- E. The Disciplinary Committee has the power to:
  - a. Adopt an inquisitorial process;
  - b. Draw on it's own knowledge and expertise;
  - c. Require the attendance of any member to give evidence or to assist the Committee in its' determination.
- F. The Disciplinary Committee shall make its' findings according to considerations of general justice and fairness.
- G. The Disciplinary Committee shall regulate its' own procedure and in particular may determine the complaint without hearing further from the complainant and may dismiss any complaint without further inquiry.
- H. The Disciplinary Committee may:
  - a. Dismiss the complaint;
  - b. Admonish the member;
  - c. Require the member to take certain action;
  - d. Fine the member
  - e. Suspend the member
  - f. Strike the member from the register.
  - g. Advertise in the Public Notices of appropriate newspapers and other publications and to other professional groups and interested parties that an expelled member is no longer a registered member of the Board.
- I. A member shall within twenty one (21) days of being convicted of a criminal offence within New Zealand or any other country, notify the Association in writing so that the matter can be considered by the Disciplinary Committee as to whether the member should retain their membership.
- J. Failure to disclose, or giving false information on the membership application form shall be sufficient cause to strike the member from the register.
- K. Failure to provide information to the Disciplinary Committee, in the form required by the committee, and in accordance with the Privacy Act of 1993, by those involved in an investigation shall be deemed sufficient reason to strike the member from the register.
- L. A report from the Disciplinary Committee will be made to the Executive Board noting the charge, findings and action taken. The Chairman of the Disciplinary Committee shall release sufficient information as may be required by the Executive Board.

## **5. Executive Officers**

- A. Executive Officers shall include the President, Vice President, Treasurer, and Secretary and shall be decided by a majority of registered hypnotherapists at the Annual General Meeting. The Executive Board shall consist of the Executive Officers plus a minimum of four other members.

- B. The President of the Board shall be charged with the duties usually entrusted to a President of an Incorporated Society including the Chair and control of all general and committee meetings unless otherwise delegated, have automatic right to attend any and all sub-committee meetings or any other meetings held in the name of the Board and must be notified of the date, time and place of all such meetings.
- C. The Vice-President of the Board shall be charged with the duties usually entrusted to a Vice-President of an Incorporated Society including the Chair and control of all general and committee meetings in the absence of the President unless otherwise delegated, becoming familiar with the Constitution, Rules and Ethics of the Board and the procedure and application of the Constitution, Rules and Ethics of the Board and bring these to the attention of the Chairperson as necessary, overseeing of Sub-committees and their assigned tasks.
- D. The Secretary of the Association shall be charged with maintaining an up to date register of hypnotherapists in accordance with the rules of this Board and the duties usually entrusted to a Secretary of an Incorporated Society, including the keeping of minutes, the conduct of correspondence and filing of all records of the Board other than books of account unless the position be Secretary/Treasurer.
- E. The Treasurer of the Board shall be charged with the duties usually entrusted to a Treasurer of an Incorporated Society, including the receipt and disbursement of all monies and keeping of proper books of account and preparation of balance sheets, and it shall be the duty of the Treasurer to submit the financial position and audited accounts of the Association for the preceding financial year to 31st of March.

**6. Executive Board**

- A. The management of the New Zealand Hypnotherapists Registration Board shall be vested in the Executive Board
- B. The Executive Board shall consist of a minimum of eight (8) registered hypnotherapists, four of whom shall be the Executive, elected by a majority of registered hypnotherapists at the AGM, four of whom will be the executive officers, and shall be elected for a term of three (3) years.
- C. At the expiry of their term executive board members may offer themselves for re-election but in no case may an executive board member serve a consecutive term of more than nine (9) years.

**7. Powers of the Executive Board**

- A. To exercise the powers vested in it by the Constitution and Rules.
- B. To take any steps that it may deem fit for the purpose of promoting any of the Objects of the Board.
- C. To appoint to any casual vacancy occurring amongst the Executive Officers from the Executive Board. The member so appointed shall hold the office for the unexpired term of the member so replaced.
- D. To enter into any arrangements with any authorities, which may seem conducive to the attainment of any of the Board's objectives, and to attain from any authority any rights, privileges or concessions.
- E. To prepare, edit, print, publish, sell, circulate, lend, issue and distribute, gratuitously or otherwise any papers, treatises, books, pamphlets, videos,

cassettes, films, newsletters or documents relating to Hypnotherapy and allied subjects.

- F. To appoint, remove and suspend contractors and/or employees, determine their powers and duties, and to make such arrangements with them as the Executive Board sees fit.
- G. To oversee the control and use of funds or other negotiable instruments.
- H. To form Sub Committees and to co-opt Members to any such Committee.
- I. To develop and implement such policies and procedures as may be necessary to the smooth running, and attainment of the board's purposes specifically in such areas as the establishment of equivalency of qualification and experience for such purposes of registration, and in ensuring fair and equitable treatment of all applicants to, and members of the register.

**8. Nominations for the Election of Executive Board**

- A. At each Annual General Meeting all Members of the Executive Board whose terms of office have expired shall retire and elections shall be held at the meeting to fill such positions.
- B. Any registered member may in writing nominate another registered member(s) for a position(s) of the Executive Board. Such nominations must be signed by both nominator and the nominee who must indicate his/her willingness to stand for election. The signed document must be in the hands of the Secretary at least thirty (30) days prior to the Annual General Meeting. Only those positions having less than 2 nominations received 30 days prior, may be received from the floor.
- C. In the event of insufficient nominations being received 30 days prior to the Annual General Meeting, any registered member may nominate another registered member to the Executive Board at the Annual General Meeting provided that the registered member so nominated is present at the meeting and accepts the nomination.
- D. All candidates for all positions shall have the opportunity to address the members, prior to the election, on what they have to offer and why they would like to receive votes to the position.
- E. In the event that a nomination to an Executive Board position is not forthcoming at the Annual General Meeting the position shall remain vacant and the Executive Board will at its first meeting appoint someone to the position from within those elected

**9. Proceedings of the Executive Board**

- A. The management of the Board shall be vested in the Executive Board.
- B. The Executive Board shall meet as it deems necessary but not less than four times per year. The Executive Board may meet for the dispatch of business, adjourn or otherwise appoint and regulate its meetings as it thinks fit.
- C. The President may at any time, and the Secretary at the request of any two Members of the Executive Board, summon a meeting of the Executive Board.
- D. Questions arising at any meeting of the Executive Board shall be decided by a majority vote of those present. A determination of the majority of members shall for all purposes be a determination of the Executive Board.

- E. In the case of an equality of votes the President or Chairperson shall have a second or casting vote.
- F. The continuing Executive Board may act notwithstanding any vacancy in the Executive.
- G. Minutes of all meetings of the Board shall be kept and shall be open for inspection by any registered member of the Board.
- H. The Executive Board may from time to time, for such purposes as it may deem fit, appoint one or more persons as a Sub-Committee.
- I. Registered members of the Board may sit in as observers at any meeting of the Executive Board unless the Executive Board goes "into Committee". Member(s) may speak at Executive meetings if and when recognised by the Chair but will have no voting rights.
- J. Any member or members of the Executive Board who have any personal interest, financially, professionally or socially, must declare the interest and must disqualify themselves from being able to cast any vote in respect of the interest declared.

**10. Vacation of Office of the Executive Board**

- A. The office of a member of the Executive Board shall become vacant-
  - a. Upon the Member's decease.
  - b. If the Member becomes bankrupt.
  - c. If the Member is convicted of any criminal offence in New Zealand or any other country.
  - d. If the Member becomes subject to a reception order under the Mental Health Act (1969) or a protection order under the Aged and Infirm Persons Act (1912).
  - e. If the Member resigned his/her office by notice in writing to the Secretary.
  - f. If any Member of the Executive Board does not attend three (3) consecutive meetings without good cause, ceases to be a member of that Executive Board.
  - g. If the Member ceases to be registered.
  - h. If the Member has a direct or indirect interest in any contract or proposed contract with the Association without prior notice to the Management Committee.

**11. Quorum**

- A. At Annual General and Special General Meetings a quorum shall consist of six (6) registered members.
- B. At meetings of the Executive Board a quorum shall consist of not less than five (5) members, two (2) of whom must be either the President, Vice President, Secretary or Treasurer.
- C. Should within half an hour after the time set down for a meeting to commence a quorum not be present, then the meeting shall be adjourned to a place and time within thirty (30) days of the date of such meeting to be determined thereat.
- D. If at such adjourned meeting a quorum not be present, then those Members attending shall be deemed a quorum, provided the number of such Members is not less than three (3)

**12. Annual General Meeting**

- A. The Annual General Meeting of the registered members shall be held within ninety (90) days from the end of the Financial Year on such date, at such place and at such time as the Executive Board shall appoint. At least fourteen (14) days notice in writing of such a meeting shall be given to all registered members.
- B. Notices of Motion for Annual General Meeting:
  - a. Any member desiring to move at the Annual General Meeting any motion on any matter shall notify the Secretary in writing at least thirty (30) days before the date of the Annual General Meeting. The Secretary shall, within not less than fourteen (14) days, include any such notice on the Agenda to each member.
- C. At the Annual General Meeting a Balance Sheet showing the financial position of the Board for the preceding financial year to 31st March and audited by the Auditor of the Association and a report of the President shall be submitted. The Solicitor, the Auditor and the Executive Board Members whose terms have expired shall be elected at each Annual General Meeting.
- D. Unspecified Business:
  - a. Any general business, in addition to that which is on the Agenda not specified on the notice calling an Annual General Meeting, of which notice has not been given under Rule 13(b) must be transacted by permission of the Chairman if not opposed by a majority of the members present.

**13. Alteration of Constitution and Rules or Code of Ethics / Resolutions Binding**

- A. The Constitution and Rules, or the Code of Ethics of the Board may be altered, added to, or rescinded by a resolution supported by at least two thirds of the registered members, voting by a ballot taken at an Annual General Meeting or Special General Meeting and shall be binding on all registered members whether they are present at the meeting or not, provided said meeting be properly called and constituted in terms of these rules, and that notice of the proposed alterations be given in writing to members not less than fourteen (14) days prior to the date of the Annual General Meeting or Special General Meeting. A declaration by the Chairman of the meeting that a resolution has been carried, or lost, together with an entry in the minute book of the Board shall be conclusive evidence of the fact.

**14. Special General Meeting**

- A. A Special General Meeting of the Board shall be convened by the Secretary on written request by any three (3) members of the Executive Board or upon written request of not less than nine (9) in number of the registered members of the Board. The Special General Meeting shall be held within a period of forty-two (42) days from the date of receipt of the request. The requisition shall state the purpose for which the meeting is to be called and no other subject shall be discussed at the meeting.

**15. Convening Meetings / Notice Of Meetings**

- A. The Secretary shall give at least fourteen (14) days notice in writing of all Special General meetings to the registered members of the Board. Therein shall be specified the place, the day and the hour of the meeting and the general nature of the business to be dealt with thereat. Only business of which notice has been given shall be conducted at such meetings.



C. Postal Votes

a. Wherever possible postal votes are available to all members and are acceptable on any motion providing the vote is:

- i. Received by the returning officer
- ii. Received at least three (3) working days prior to the meeting
- iii. The vote to be on the prescribed form

or the vote will be deemed to be void.

**18. Minutes**

A. The Executive Board shall cause minutes to be made of all proceedings at all meetings of the Board and of the Executive Board including date, place, time and those in attendance. Records created by the Disciplinary Committee and when the Management Committee goes "into Committee", shall be confidential and available only to the executive Board.

B. All minutes shall be signed by the Chairman of the succeeding meeting and noted that following a vote, the minutes are a true and correct record.

**19. Accounts**

A. The Treasurer shall keep books of accounts and shall report to each Executive Board Meeting and shall submit to each Annual General Meeting an audited statement of the Board's assets, liabilities, income and expenditure for the preceding year.

**20. Pecuniary Gain**

A. No member shall receive or obtain any pecuniary gain from the property or operations of the Board, except as a salaried officer or for out of pocket expenses approved by the Executive Board. This section shall not apply to the salary or honorarium of the Executive Board members.

**21. Honorarium**

A. Honorariums are to be set at the Annual General Meeting for the year commencing.

**22. Income**

A. The income and property of the Board shall be applied solely towards the promotion of the Objects of the Board.

**23. Control and Use of Funds**

A. All monies received by or on behalf of the Board shall forthwith be paid to the credit of the Board in an account with a bank or other financial institutions from time to time to be fixed by the Executive Board.

B. The working and current expenses of the Board, shall be paid from time to time by the Treasurer on the direction of the Executive Board. All payments by the Board shall be made on the signature of any two (2) jointly of the President, Secretary, Vice President, and/or Treasurer.

C. The Executive Board may, from time to time, invest and reinvest in such securities and upon such terms as it shall think fit, the whole or any part of its monies which shall not be required for immediate business of the Board, as would be required by a trustee in terms of the Trustee Act of 1956.

- D. Any registered member of the Board who by the authority of the Executive Board accepts or incurs pecuniary liability on behalf of the Board shall be held indemnified by the Board against any personal loss in respect of such liability.

**24. Authorisation of Accounts and Expenditure:**

- A. All accounts shall be presented to and passed for payment at a meeting of the Management Committee or may be paid in advance provided that payment is ratified at the next meeting of the Management Committee so that the delay in payment shall not incur any additional financial expense in terms of late fees or penalties. Full details of all such approvals shall be entered in the minute book.
- B. The Executive Board shall not create an overdraft without having it approved at an Annual General Meeting or Special General Meeting.

**25. Financial Year**

- A. The financial year of the Board shall begin on the 1st day of April and end on the 31st day of March of the following year.

**26. Registration Fee**

- A. The registration fee shall be such sum as determined from time to time by the Executive Board.
- B. The registration fee shall be paid together with the first annual practicing certificate fee, as determined by the executive Board.

**27. Annual Fees and Levies**

- A. Annual practicing certificate fees payable by registered members of the Board shall be determined by the Executive Board and approved by a majority at the Annual General Meeting or a Special General Meeting.
- B. Annual practicing certificate fees are due and payable by registered members of the Board on the 1st day of April of each year.
- C. The Executive Board may recommend a levy on members, over and above the annual practicing certificate fee to meet any outstanding expense of the Board, such levy to be approved by a majority at an Annual General Meeting or Special General Meeting.
- D. Late payment of annual registration fees will incur a 10% charge in addition to the annual renewal fee if not paid by the due date.

**28. Auditor**

- A. The Auditor shall audit the Board's accounts and prepare a report thereon for presentation to the Members at the Annual General Meeting.
- B. The Auditor shall be a Member of the New Zealand Society of Accountants but is neither a registered member of the Board nor a relative of any member of the Executive Board.
- C. The Auditor shall hold office for one year and may be re-elected for a further term and shall be paid whatever remuneration the Executive Board determines.

**29. Borrowing Powers**

- A. The Executive Board, having been authorised at a general meeting, shall have power to borrow or raise money from time to time by the issue of debentures, bonds, mortgages or other security founded or based on all or any of the property of the Board, or without any such security and upon such terms as to priority or otherwise as shall deem fit to the Executive Board, who shall also be entitled to exercise such power or raise money.

**30. Deeds**

- A. The Board Solicitor shall be responsible for all original deeds and documents of title relating to the said property of whatever kind belonging to the Association.

**31. Publicity**

- A. No member shall purport to speak for and represent the views of the Board as a whole unless specifically authorised to do so, by minuted entry, in each particular case by the Executive Board.

**32. Register of Members**

- A. The name and address of every member shall be entered in a book to be kept by the Secretary, to be called the Register of Members. At any meeting of the Board the Register shall be deemed prima facie, a correct and complete list of the members of the Board, stating their membership status.
- B. Every member changing his/her address/phone number, shall within fourteen (14) days notify the Secretary who shall make the necessary alterations in the Register.
- C. It shall be the duty of the Secretary to produce such Register at all meetings of the Board and if there be present at any such meeting any member who has not paid his annual membership fees or any former fees or any fine or any penalty or any contribution or levy made upon members in accordance with these rules, to call the attention of the Chairman to the fact, and thereupon such member shall not be entitled to take any part in the proceedings of the meeting.

**33. Panel of Assessors**

- A. The Board at its first meeting after the Annual General Meeting or Special General Meeting shall appoint the Panel of Assessors which shall consist of a minimum of 3 members who are registered members of the Board.
- B. The Board shall have the powers to appoint suitable persons or advisors to the panel of assessors at any time as it deems fit.
- C. The Panel of Assessors shall be appointed for the purposes of assessing the competency and experience of the candidates, and/or the suitability of any qualification they may already possess, for registration in accordance with Rule 3.
- D. The Panel of Assessors shall prepare the criteria, subjects and format against which the candidate is to be assessed.
- E. The Secretary shall make the necessary arrangements for assessments to be

conducted at such times and in such places as deemed suitable.

- F. Applications for registration shall be accompanied by such fee as the Board shall from time to time set.
- G. In making decisions for the registration of candidates, the Board shall consider the recommendations of the Panel of Assessors and the Secretary shall notify the applicant of the decision accordingly.

#### **34. Notices**

- A. Any notice to a member of the Board may be served upon that member either personally or by sending it prepaid through the post addressed to that member's last known address.
- B. Any notice served by post shall be considered served on the fifth day following posting.

#### **35. Association Registered Office**

- A. The Registered Offices of the Board shall be located at a suitable place determined by the Executive Board.

#### **36. Liquidation**

- A. The Board may be liquidated in terms of Section 24 of the Incorporated Societies Act 1908.

#### **37. Disposal of Surplus Assets**

- A. Upon the dissolution or winding up of the Board, the surplus assets thereof (after payment of liabilities) shall be distributed to a society with similar objects and activities, or to a charity or charities, of the financial member's choice. Such choice to be decided by a simple majority of financial members voting at the general meeting at which the resolution for liquidation is confirmed.

#### **38. Common Seal**

- A. The Common Seal of the Board shall not be affixed to any document or other instrument, except pursuant to the President and the Secretary. The Secretary shall be responsible for the safe custody and control of the said seal.
- B. Whenever the Common Seal of the Board is required to be affixed to any deed, document, writing or other instrument, the Seal shall be affixed thereto pursuant to a resolution of the Executive Board and in the presence of two Executive Officers, who shall sign the document or instrument to which the Seal is so affixed.

#### **39. Interpretation**

- A. In these rules, unless inconsistent with the content, words importing the singular number only shall include the plural number, and words importing the masculine gender only shall include the feminine gender.

## **Code of Ethics**

**All Registered Hypnotherapists are bound by the following principles:**

- (1) Members shall recognise all of their moral and legal obligations when working with a client and shall always seek to provide a comfortable and safe environment where their client's health and wellbeing are given top priority.
- (2) Members shall familiarise themselves with information contained within the Code of Health and Disability Services Consumer Rights and practice in accord with its requirements.
- (3) Members shall conduct themselves with absolute integrity and shall, at all times, continue to strive for professional excellence.
- (4) Members shall recognise and only practice within their level of competence, and shall when appropriate refer clients to a specialist or another practitioner competent to deal with a presenting problem.
- (5) Members shall continue to develop their professional knowledge and skills through on-going training.
- (6) Members shall give due respect to professional colleagues and continue to uphold with dignity the profession of hypnotherapy.
- (7) Members shall keep in confidence all information derived from a client and, except where there is a legal duty, divulge information only with the express permission of the client, or, where failure to take action could constitute a menace or a danger to the client or to some other person.