



RULES
of
THE AUCKLAND JUSTICES OF THE PEACE ASSOCIATION INC

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1.0 The Association

1.1 Name

The name of the Association shall be “The Auckland Justices of the Peace Association Incorporated” (“the Association”).

1.2 Office

The registered office of the Association shall be at the premises of the Auckland District Court, 65-69 Albert Street, Auckland Central, or such alternative place as determined by the Council of the Association.

1.3 Status

The Association is an incorporated society and is registered with the New Zealand Charities Services.

1.4 Purposes

The Association is a registered charitable organization established to assist its members in their ministerial and judicial functions, in accordance with legislation and for the benefit of the community, as follows:

- (a) to provide educational training and meetings for the benefit of members so they may carry out their duties legally, competently and impartially in the interests of and for the benefit of the community;
- (b) to uphold the status and interests of Justices of the Peace through members’ enhanced awareness of the voluntary services they contribute for the benefit of the community;
- (c) to promote and encourage a spirit of collegiality and good fellowship among members;
- (d) to promote and encourage the members to be non-political and non-sectarian in their duties having regard to the Judicial Oath and the Oath of Allegiance sworn or affirmed by each member;
- (e) to promote and uphold honourable practices by the members in accordance with the Justices of the Peace Codes of Ethics and Conduct;
- (f) to use all income, benefit or advantage for the advancement of the Association’s purposes;
- (g) for any other activities that are incidental to or conducive to the achievement of the above purposes.

2.0 Members of the Association

2.1 Members

Justices of the Peace resident within the Association’s region may apply to join the Association and shall make application for membership on the Association’s printed form, **provided** the Council may also approve applications for membership from Justices of the Peace resident outside the region. Once membership has been accepted, members shall be entitled to all the privileges of membership subject to payment of a membership subscription.

2.2 Associate Members

Any person authorised by the Secretary for Justice to use JP(retired) may become an Associate Member on payment of a reduced membership subscription. An Associate Member shall not be eligible to vote, to nominate for office or to hold elected office, but shall be entitled to all other privileges of membership.

2.3 Life Members

The Council may recommend to an Annual General Meeting the appointment of any member who has rendered outstanding service to the Association to be a Life Member. Life Members shall be entitled to all the privileges of membership but shall not pay a subscription. Life Members shall in all other respects be subject to the Association’s Rules.

2.4 Honorary Members

The Council may recommend to an Annual General Meeting the appointment of any person who, although not a member, has given meritorious service to the Association and/or the administration of justice, to be an Honorary Member of the Association. Honorary Members shall not be eligible to vote, to nominate for office or to hold elected office, but shall be entitled to all other privileges of membership. Honorary Members shall not pay a subscription.

2.5 Resignation, Removal, Suspension of Members

- 2.5.1 Any member may resign from membership by giving notice in writing to the Registrar.
- 2.5.2 Any member may be suspended from membership by Council resolution while a complaint against that member is being investigated.
- 2.5.3 Any member of the Association shall cease to be a member:
 - (a) if his/her subscription is one year or more in arrears; or
 - (b) if the Governor-General removes him/her from the office of Justice of the Peace; or
 - (c) on death; or
 - (d) by resolution passed by a two-thirds majority at a meeting of Council Members if, in the opinion of the Council and after reasonable investigation, the member's conduct is found prejudicial to the interests of the Association or deemed to be derogatory to the office of Justice of the Peace, **provided** prior written notice of this has been given to the member and an explanation sought.

2.6 Register of Members

- 2.6.1 For administrative purposes a register shall be kept and maintained of the names and the contact details of members of the Association together with their date of appointment as a Justice of the Peace.
- 2.6.2 Members are responsible for informing the Registrar of changes of address and other personal details.
- 2.6.3 Members shall have reasonable access to a list of members.

3.0 Patronage

3.1 Patron

The Association at each Annual General Meeting on the recommendation of the Council, shall appoint a Judge or other distinguished person to be the Patron of the Association. The Patron shall be an Honorary Member.

3.2 Vice-Patrons

The Association at each Annual General Meeting may appoint as Vice-Patrons the Liaison Judges and Executive Judges of District Courts within the Association's region. The Vice-Patrons shall be Honorary Members.

4.0 General Meetings

4.1 Annual General Meetings

- 4.1.1 The Annual General Meeting of the Association shall be held once every year not later than 30 September.
- 4.1.2 The Council shall determine when and where the Meeting shall be held.
- 4.1.3 The Registrar shall give members at least fourteen (14) days' written notice of the Meeting. The notice shall provide details of the time and location of the Meeting and details of the business to be considered, including any motions to be considered and the Council's recommendations (if any) regarding these. **Provided** the Registrar has informed all members

in good faith, the meeting and its business shall not be invalidated if any member(s) fail to receive the notice.

- 4.1.4 The retiring President shall chair the Meeting and remain in office until the conclusion of the Meeting. If both the President and the Vice-President are absent, the members present shall elect another Council Member to chair the Meeting.
- 4.1.5 The business to be transacted at an Annual General Meeting shall be:
- (a) Apologies
 - (b) Confirmation of the Minutes of the previous Annual General Meeting and of any Special General Meeting(s)
 - (c) President's Report
 - (d) Financial Report and Annual Financial Statements
 - (e) Setting of subscriptions
 - (f) Appointments of Patron and Vice-Patrons
 - (g) Election of the Association's nominee as Auckland Regional Representative on the Board of the Royal Federation of New Zealand Justices Associations Inc (the "Federation")
 - (h) Election of President, Vice-President and Members of the Council
 - (i) Appointment of auditor or reviewer
 - (j) Appointment of a legal representative
 - (k) Recommendations from the Council for Life Membership
 - (l) Recommendations from the Council for Honorary Membership
 - (m) Notices of Motion (if any)
 - (n) Any General Business.
- 4.1.6 All members shall be entitled to attend the Meeting but only those who were financial members at the close of the financial year immediately preceding the Annual General Meeting shall be eligible to vote together with any Life Members ("eligible members").
- 4.1.7 The quorum for the Meeting shall be twenty (20) eligible members.
- 4.1.8 In the event that a quorum is not present at the specified time, a period of 30 minutes shall be allowed. If a quorum is still not present, the chairperson shall advise that the Meeting is adjourned to be reconvened at the earliest opportunity and in accordance with clause 4.1.3. If at the subsequent meeting a quorum is still not present, then those eligible members present shall be deemed to constitute a quorum and may transact the business of the meeting.
- 4.1.9 Voting
- Each eligible member may vote in person. No member shall be entitled to vote by proxy.
- (a) Election of candidates (refer clause 4.1.5 (h) & (i))
 - (i) In the event that the number of nominations for any position exceeds the number of positions to be filled, a ballot shall be held to determine the successful candidate(s).
 - (ii) If voting is tied, the result shall be determined by lot.
 - (iii) The number of votes for each candidate shall be announced at the meeting and shall be recorded.
 - (b) Voting on Motions
 - (i) Any changes to the Rules (refer clause 10.0), shall be carried if a two-thirds majority of eligible voters is in favour.
 - (ii) All other matters requiring a vote shall be carried if a majority of eligible voters is in favour.
 - (iii) Voting may be on the voices or by a show of hands or by a ballot. Any eligible member present may call for the vote to be determined by ballot.
 - (iv) If the voting is tied the chairperson of the Meeting shall have a casting vote, that is, a second vote.
 - (c) When required, the meeting shall appoint at least two (2) scrutineers to oversee the voting.

4.2 Special General Meetings

4.2.1 A Special General Meeting may be requested in writing by ten (10) financial members or by three (3) Council members. The request shall be lodged with the Registrar and shall set out the reasons for the request. The Meeting shall be held within 28 days of receipt of the request. The procedure for notifying members and the conduct of the meeting shall follow that for the Annual General Meeting.

5.0 Governance of the Association

5.1 The Council

5.1.1 Governance of the Association shall be vested in the Council which shall act at all times in the best interests of members.

5.1.2 The Council shall have the following powers:

- (a) to provide public services to the community, including the establishment and oversight of service desks ;
- (b) to provide training opportunities for the members in order to carry out their duties to a high standard, including the establishment and oversight of support groups;
- (c) to organise an annual conference of members and such other meetings as desirable;
- (d) to appoint a ministerial trainer and a judicial trainer;
- (e) to establish and maintain good working relationships with the Ministry of Justice and other Government agencies, other associations, and the Federation;
- (f) to ensure the Association's financial affairs are managed in an efficient and responsible manner;
- (g) to raise funds to finance the work of the Association;
- (h) to buy, sell, exchange, invest and hold assets as required;
- (i) to employ such personnel as necessary for the efficient conduct of the Association's business;
- (j) to set honoraria;
- (k) to delegate authority as appropriate;
- (l) to co-opt members to the Council as appropriate;
- (m) to appoint a replacement for any casual vacancy occurring in the Council;
- (o) to ensure procedures are in place for dealing with any complaints;
- (p) to publicise and promote the work of Justices of the Peace;
- (q) to pursue any other activities that are incidental to or conducive to the achievement of the Association's purposes.

5.2 Auckland Regional Representative

5.2.1 An eligible member of the Association shall be elected annually as the Association's nominee representing it on the Board of the Federation as the Auckland Regional Representative. The Regional Representative shall report the Association's and the Council's views to the Federation and vice-versa.

5.2.2 The Association's nominee for Regional Representative shall be elected at the Annual General Meeting.

- (a) The Registrar shall call for nominations at least eight (8) weeks before the Annual General Meeting.
- (b) Nominations on the prescribed form shall close at 5pm, four (4) weeks before the Annual General Meeting and shall be accompanied by a brief curriculum vitae of the candidate. Nominations must be proposed and seconded by eligible members in writing. Nominations and curriculum vitae shall be circulated with the notice of the Annual General Meeting.
- (c) The position of Auckland Regional Representative shall take effect once confirmed by election at the Annual General Meeting of the Federation that next follows.

- 5.2.3 If the Regional Representative is absent for two (2) consecutive meetings of the Council without leave of absence that person shall cease to hold office and the position shall be deemed to be vacant.
- 5.2.4 In the event that this position should become vacant during the term of office, the Council may nominate a replacement to the Board of the Federation.

5.3 Council Membership

- 5.3.1 The Council shall comprise of:
- (a) the President, Vice-President and the Immediate Past President;
 - (i) the President and Vice-President shall be elected annually.
 - (ii) the President's term shall not exceed three (3) consecutive years;
 - (iii) the office of Immediate Past President is not an elected position but an automatic position that is held until the succeeding President ceases to hold office and becomes the next Immediate Past President.
 - (iv.) the nominees for the positions of President and Vice-President must have previously served at least one full year as a member of Council.
 - (b) and up to ten (10) other members:
 - (i) whose term of office shall each be two (2) years;
 - (ii) who are eligible for re-election but shall not serve more than three (3) consecutive terms.
 - (c) Auckland Regional Representative
- 5.3.2 The position of Auckland Regional Representative shall take effect once confirmed by election at the Annual General Meeting of the Federation that next follows. The term of office of all other members of the Council shall commence at the close of the Annual General Meeting at which they are elected and shall terminate at the close of the Annual General Meeting relative to their position.
- 5.3.3 Any member absent for three (3) consecutive meetings of the Council without leave of absence shall cease to hold office and that person's position shall be declared vacant.
- 5.3.4 A person shall cease to be a member of the Council:
- (a) if he/she resigns from the Association; or
 - (b) if he/she is no longer financial, or ceases to be a member in accordance with clause 2.5.3; or
 - (c) by giving written notice to the Council.

5.4 Election of Council Members

- 5.4.1 The Registrar shall call for nominations for the President, the Vice President and for other members of the Council (according to the number of positions that are required to be filled) at least eight (8) weeks before the Annual General Meeting. Nominations on the prescribed form shall close at 5pm four (4) weeks before the Annual General Meeting and shall be accompanied by a brief curriculum vitae of the candidate. Nominations must be proposed and seconded by eligible members in writing. Nominations and curriculum vitae shall be circulated with the notice of the Annual General Meeting.
- 5.4.2 In the event that the number of nominations exceeds the number of vacancies for any positions an election shall be held at the Annual General Meeting by ballot (refer clause 4.1.9).
- 5.4.3 If a vacancy occurs during the term of office of any member of the Council, the Council may appoint an eligible member to fill the vacancy for the remainder of the term.
- 5.4.5 The Council may co-opt an eligible member as an additional member of the Council to meet the need for a specific skill. Appointees shall hold office until the Annual General Meeting following the appointment.

5.5 Committees

- 5.5.1 At the first meeting of the Council after the Annual General Meeting, the President shall establish committees and assign membership for the governance of the Association's affairs.

- 5.5.2 The Council may establish and appoint committees from time to time for specific and finite purposes.

5.6 Meetings of the Council

- 5.6.1 The Council shall meet at such times and places as it shall decide with a minimum of six (6) per year.
- 5.6.2 The Registrar shall give five (5) days' written notice of the meeting with the agenda of the business to be transacted.
- 5.6.3 The President shall chair Council meetings and in his/her absence the Vice-President shall preside. If neither of these persons is present, the members present shall elect another member to chair the meeting.
- 5.6.4 The quorum for Council meetings shall be a majority of the Council members. If a quorum is not reached within ten minutes after the time appointed for the meeting, the meeting shall be adjourned to be reconvened to such day, time and place as decided by the members present. The Registrar shall give urgent notice of the subsequent meeting. If at the subsequent meeting a quorum has still not been reached then those members present shall be deemed to constitute a quorum and may transact the business of the meeting.
- 5.6.5 The Council may invite any person to attend all or part of a Council Meeting as appropriate.
- 5.6.6 Minutes of the Council's meetings (excluding any confidential "in Committee" minutes), once confirmed, shall be available to all members of the Association.
- 5.6.7 All decisions of the Council shall be by a majority vote. If the voting is tied the chairperson shall have a casting vote, that is, a second vote. Only Council members present may vote at a Council meeting.
- 5.6.8 Decisions of the Council bind the Association unless the Council's power is limited by these Rules or by a majority decision of the Association's members.
- 5.6.9 Meetings may be held via video or telephone conference or other formats as the Council may decide.

5.7 Legal or Adverse Action by Council Member

Any Council member who threatens in writing to take or takes any legal or other action (other than under the approved Complaints Procedure) against the Association, its members, the Council or any member of Council in relation to the actions of the Council may, by Council resolution, be excluded from all or part of any Council meeting and/or any of the Council's committees until such action is completed, withdrawn or settled, **provided** that the member shall be sent copies of papers circulated to Council members whilst so excluded, other than material that refers to the action taken by the member.

5.8 Conflicts of Interest

Any Council member or employee shall not participate in decision-making:

- (a) either when a conflict arises between their role as a Council member and any private or other external interest he/she might have;
- (b) or in which they have a pecuniary interest.

5.9 Reimbursements or Payments for Members

Notwithstanding the preceding clause:

- (a) A Council member or employee may receive reimbursement for expenses properly incurred.
- (b) The Association may pay reasonable remuneration and/or reimbursement to any person, including a member, in return for services rendered to the Association and resolved by the Council, **provided** that any such amount paid shall be reasonable and relative to that which would be paid in comparable circumstances.
- (c) The President and any other member may receive an honorarium for duties related to his/her role in the Association. The amount shall be determined by the Council at its first meeting following the Annual General Meeting.

5.10 Confidential Information

Members and employees shall not disclose confidential information or use such information for any purpose other than the purpose for which the information was supplied. This provision shall also apply to confidential decisions made at meetings, unless authorised to be disclosed by the members present.

6.0 Management

6.1 Registrar and Treasurer

- (a) The Council shall appoint a Registrar and a Treasurer. The Council may decide that the two positions shall be combined.
- (b) The Council shall determine the duties of the Registrar and the Treasurer which shall form part of the terms of engagement agreed from time to time between the Council and the Registrar and the Treasurer.
- (c) The amount of the remuneration and the terms of engagement shall be approved by the Council.

7.0 Finance

7.1 Financial Year

The Association's Financial Year shall begin on 1 July each year and end on the 30 June in the following year.

7.2 Membership Subscription

- (a) The annual subscription shall be set at the Annual General Meeting on the recommendation of the Council and shall be due for payment within six (6) weeks of the date it is set.
- (b) If any member does not pay the subscription by 31 December, the Registrar will give written notice that, all rights of membership (including participation in any Association activity) shall be withheld until full payment has been made.
- (c) New members joining within three (3) months of the end of the financial year shall pay a reduced subscription.
- (d) The Council may on any grounds of financial hardship waive all or part of a member's annual subscription.

7.3 Use of Money and other Assets of the Association

The Association may use money and other assets only if:

- (a) it is for a purpose of the Association;
- (b) it is not for the sole personal or individual benefit of any member; and
- (c) that use has been approved by either the Council, or a committee of the Council, or by majority vote of the members at any General Meeting.

7.4 Use of the Association's name

No member may use, or act in, the Association's name or endorsement **except** by resolution of the Council or with the Council's prior approval in writing.

7.5 Banking

- (a) The Association's funds shall be kept in such bank(s) as decided by the Council, in which all transactions shall be maintained.
- (b) The Council shall approve all accounts for payment and banking transactions which shall be made and/or undertaken by any two of three members appointed by the Council for that purpose.

7.6 Auditor/Reviewer

The auditor or reviewer shall provide a report annually to the Association on the Association's financial statements.

8.0 Common Seal

- 8.1 The Association shall have a Common Seal ("Seal").
- 8.2 The Seal shall be held by the Registrar or such other person appointed by the Council.
- 8.3 The Seal shall be used only by resolution of the Council in the presence of the President and one other Council member who shall sign the document to which the Seal is affixed.

9.0 Association's Badge

- 9.1 The Association's Badge is described as a black and white outline representation of the Royal Crown (as used in 1922 when the Association was founded) surrounded by a blue band bearing in white the words "Auckland Justices of the Peace Association NZ" and as depicted in the illustration below:



- 9.2 No person shall be entitled to use the Association's Badge without the Council's approval.
- 9.3 The Association may change its badge only by resolution of members at an Annual General Meeting.

10.0 Changes to Rules

- 10.1 The Rules may be deleted, amended or added to only at a General Meeting and **provided** the resolution is passed by a two-thirds majority of the eligible members of the Association present and voting at the meeting.
- 10.2 No changes to the Rules of the Association shall be made which alter the charitable nature of the Association or affect the ability of the Association to rely on the income tax exemptions for charitable organisations contained in any New Zealand legislation, and approved by the Inland Revenue Department.
- 10.3 Any member intending to bring forward a motion to change the Rules at a General Meeting shall provide a written copy of the proposed change with an explanation of the reasons to the Registrar, not less than twenty-eight (28) days before the date of such Meeting.
- 10.4 The Registrar shall give members at least fourteen (14) days' written notice of the Meeting. The notice shall provide details of the time and location of the Meeting, the proposed change and reasons for it, together with the Council's recommendation, if any.
- 10.5 No Rule change shall take effect until lodged with the Registrar of Incorporated Societies.

11.0 Winding up or Dissolution

- 11.1 The Association may be wound up if a resolution to wind up is passed by a majority at a Special General Meeting and the resolution is confirmed at a subsequent Special General Meeting called for that purpose and held not earlier than 30 days after the first meeting.
- 11.2 If the Association is wound up or dissolved whether voluntarily by resolution of members at a Special General Meeting or otherwise:

- (a) the Association's debts, costs and liabilities shall be paid;
- (b) surplus money and other assets of the Association may be disposed of:
 - (i) by resolution; or
 - (ii) according to the provisions of the Incorporated Societies Act 1908; but
- (c) no distribution may be made to any member;
- (d) the surplus money and other assets shall be distributed to another charitable organisation within New Zealand having purposes substantially similar to those defined in these Rules.

12.0 Definitions

12.1 In these Rules:

- (a) "Eligible" means both Members who are currently financial and Life Members.
- (b) "Money and other assets" means any real or personal property or any interest therein, owned or controlled to any extent by the Association.
- (c) "Use money or other assets" means to use, handle, invest, transfer, give, apply, expend, dispose of, or in any other way deal with money or other assets.
- (d) It is assumed that headings are a matter of reference and are not part of the Rules.

These Rules were adopted by the 2014 Annual General Meeting of the Auckland Justices of the Peace Association Inc on 29 October 2014 and became operative on 31 October 2014 once registered by the Registrar of Incorporated Societies and in accordance with the resolution of the 2014 AGM.

Two amendments (clauses 4.1.5 and 5.3.1/2) were adopted by the 2018 Annual General Meeting of the Auckland Justices of the Peace Association Inc on 30 September 2018 and became operative on 26 November 2018 when the change was registered with the Registrar of Incorporated Societies.

Two amendments (clauses 2.5.3(2) and 5.3.1(iv) were adopted by the 2019 Annual General Meeting of the Auckland Justices of the Peace Association Inc on 22 September 2019 and became operative on 30 September when the change was registered with the Registrar of Incorporated Societies.