

WELLINGTON
JUSTICES OF THE PEACE
ASSOCIATION INCORPORATED

CONSTITUTION

Registered by the Registrar of Incorporated Societies 21 October 2019

History

Revised/Approved at the AGM 30 October 2021
Revised/ Approved at the AGM 12 October 2019
Revised/Approved at the AGM 15 October 2016
Revised/approved October 2011
Last re-printed November 2008
Amended 10 October 1988, October 1994,
10 October 2005, 14 October 2008
Revised/approved 29 November 2005

Table of Contents

A.	Interpretation	3
B.	Name.....	3
C.	Purposes.....	3
D.	Registered Office.....	3
E.	Membership.....	3
1.	Membership Applications	3
2.	Membership Categories.....	4
3.	Transfer of Membership	4
4.	Subscriptions, Fees and Levies	4
5.	Ceasing Membership	5
6.	Misuse of Membership	5
F.	Officers, Council & Branches.....	5
7.	Council	5
8.	Council Meetings.....	5
9.	Council Quorum.....	6
10.	Conflict of Interest	6
11.	Officers.....	6
12.	Nomination of Officers.....	6
13.	Election of Officers.....	7
14.	Casual Vacancies.....	7
15.	Use of Technology	7
16.	Branches.....	7
G.	Legal Obligations.....	8
17.	Common Seal.....	8
H.	Management	8
18.	Financial Management.....	8
I.	Dispute Resolution	8
J.	Meetings	9
19.	Annual General Meeting	9
20.	Special General Meeting	10
21.	Notice of Meetings	10
22.	Voting.....	10
23.	Quorum.....	11
24.	Election of Officers.....	11
25.	Meeting Chair.....	11
K.	Information.....	11
L.	Alteration of Constitution	12
M.	Winding up.....	12

A. Interpretation

Association	means “Wellington Justices of the Peace Association (Incorporated)”
Executive	means a committee of the President, Vice President, Past President, Treasurer and Registrar
Federation	means “The Royal Federation of New Zealand Justices’ Associations (Incorporated)”
Month	means calendar month
Council	means the officers of the Association
Wellington District	means the area encompassing Wellington City, Porirua City and Kapiti Coast District as far north as Peka Peka
Branch	means a sub group of Association Members set up with the authority of the Association within the boundaries agreed by the Council
Ordinary Member	means Active and Life Members
The Act	means the Incorporated Societies Act 1908 and any amendments or substitutions

B. Name

The name of the organisation shall be the Wellington Justices of the Peace Association, hereafter called “the Association”.

C. Purposes

The purposes of the Association shall be:

1. To ensure that members of the Association perform their statutory and judicial functions wisely, impartially and with decorum.
2. To educate and instruct Justices in all facets of their duties so that they may efficiently and effectively carry out those duties for the benefit of the community whom they are appointed to serve.
3. To encourage a high level of loyalty to the Crown and to seek to maintain the rule of law.
4. To co-operate with the Minister of Justice and his or her officers in the selection of fit and proper persons for appointment as Justices of the Peace.
5. To promote reforms of the law which may be considered expedient or desirable.
6. To create a spirit of fellowship and understanding among Justices.
7. To do all such things desirable or necessary to attain the foregoing objects and to enhance the standing and interests of Justices, including the formation of “Branches” where justified within the Association’s boundaries.

D. Registered Office

The registered office of the Association shall be situated at such place as shall be decided by the Council and notified to members and the Registrar of Incorporated Societies from time to time.

E. Membership

Membership of the Association shall be open to all Justices of the Peace living in New Zealand, pursuant to the Justices of the Peace Act 1957 and its amendments.

1. Membership Applications

1. Membership in the Association shall be by application on the forms provided by the Association. Such applications, together with the prescribed fee, shall include details required by the Council as set from time-to-time.
2. The Registrar will then place the application before the Council at its next meeting.
3. Any former member of this Association may apply for re-instatement subject to the provisions and procedure as set out in Section E.4.

2. Membership Categories

Membership in this Association shall be as follows:

1. Active Member: A financial member, who is entitled to all rights and privileges and subject to all obligations which membership of this Association confers or implies. This shall include eligibility to seek, if qualified, any office in this Association and the right to vote in all matters requiring the vote of members.
2. Retired JP Member: Any person who is a member and who has been formally advised in writing by the Secretary for Justice and Minister of Justice or delegated Associate Minister that their retirement has been acknowledged, and the Association has been advised of, or sights, such an acknowledgement. Any such person, remaining a member of the Association:
 - a. is entitled upon payment of an annual membership fee set by Council to all rights and privileges and subject to all obligations which membership of this Association confers or implies other than E.2.b below;
 - b. is not eligible to hold office in the Association; and,
 - c. has the right to vote in all matters requiring the vote of members.
3. Honorary Member: Any individual not a member of this Association who has performed outstanding or meritorious service in the administration of the law or to the Association may, on the recommendation of the Council, be elected an Honorary Member at an Annual General Meeting. Such a member may attend meetings but shall not be entitled to the rights of Membership.
4. Life Member: Any member who has maintained a continuous active membership in the Association for 10 or more years and has rendered outstanding service to the Association may, in recognition of exceptional service, be granted Life Membership in the Association upon:
 - a. the recommendation of the Council of the Association; and,
 - b. the approval of not less than two thirds attending and voting at an Annual General Meeting.
 - c. Notwithstanding the foregoing provisions, the number of Life Members in this Association shall not exceed fifteen (15) members from the total Active Membership.
 - d. A Life Member shall have all the rights of Membership without the payment of annual dues.

3. Transfer of Membership

The Association shall grant membership on a transfer basis to one who has terminated or is terminating membership in another Association provided that:

1. The application for transfer of membership is received and confirmed by the Registrar of the former Association within six months of such termination or transfer.
2. At the terminating date the applicant member was in good standing.
3. Such membership shall be subject to the approval of the Council.

4. Subscriptions, Fees and Levies

1. Annual Subscription: The Council shall have the power to fix the members' annual subscription, but no increase in the subscription shall exceed the amount of \$10 in any one year without the approval of a simple majority of members at an Annual General Meeting. The subscription amount proposed for the next financial year shall be advised to members in the Notice calling either the Annual General Meeting of that year or any Special General Meeting. The annual subscription shall become due on the first day of the financial year.
2. Joining Fees: Every joining member shall pay such fees as the Council may determine from time-to-time. Such joining fee shall include the subscription for the year during which the member joins, calculated in proportion to the period of the year remaining.
3. Levies: The Council may recommend to an Annual General Meeting or a Special General Meeting that a levy be made upon all members for a particular purpose or purposes and, upon approval by the meeting, shall become due during the financial year in which approval is given.

5. Ceasing Membership

Membership of this Association shall cease:

1. on a member's death;
2. in the event of the Governor-General removing a member from the Commission of Peace or if by law a member ceases to be eligible to be a Justice of the Peace;
3. if a member resigns his or her appointment as a Justice of the Peace;
4. if suspended or expelled under Section I.14.;
5. on request of the member in writing; or,
6. on the non-payment of fees for any member who
 - a. fails to pay the annual subscription due to this Association within three (3) calendar months after receipt of electronic or written notice.

6. Misuse of Membership

No member of the Association shall use his or her membership as a means of furthering any personal, political, business or other aspiration.

F. Officers, Council & Branches

7. Council

The Council shall consist of the officers of the Association:

1. No person shall be eligible to hold office in this Association unless he or she is a financial member.
2. Any member of Council who is absent without leave from three (3) consecutive Council meetings shall cease to hold office and this will create a casual vacancy.
3. The Council is collectively responsible for ensuring that the Association complies with the Act.
4. Council members must exercise their powers and discharge their duties:
 - a. in good faith in the best interests of the Association;
 - b. for a proper purpose;
 - c. with care and diligence; and,
 - d. avoid and declare any potential or perceived conflicts of interest.
5. Council members and former Council members must not make improper use of:
 - a. their position;
 - b. information acquired by virtue of holding their position so as to gain an advantage for themselves or any other person; or,
 - c. to cause detriment to the Association.
6. The business of the Association must be managed by, or under the direction of, the Council.
7. The Council may:
 - a. appoint and remove the Registrar; and,
 - b. establish subcommittees consisting of Members and non-members with terms of reference it considers appropriate.

8. Council Meetings

1. Shall be held not less than every three (3) months and at such other times as deemed necessary by the Council.
2. No business shall be transacted at any Council meeting unless a quorum is present at the time when the meeting proceeds to business.

9. Council Quorum

1. A quorum shall be not fewer than five Council members including one of these being the President, Treasurer or Vice President. Ex officio members do not count towards the Quorum. All personally (including by technology as referred to in Section F.15) present and eligible to vote.
2. If there is any dispute as to whether or not a quorum is present, the Chairperson's decision will be final.

10. Conflict of Interest

A Council member who has a material personal interest in a matter being considered at a Council meeting must disclose the nature and extent of that interest to the Council.

1. If the President determines that a member has a material conflict, the member:
 - a. must not be present while the matter is being considered at the meeting; and
 - b. must not vote on the matter.
 - c. If there are insufficient Council members to form a quorum after all Council members who have a material personal interest are disqualified from voting on a matter, a general meeting may be called to deal with the matter.
2. This rule does not apply to a material personal interest:
 - a. that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
 - b. that the member has in common with all, or a substantial proportion of, the Members of the Association.

11. Officers

No officer shall receive any compensation for any service rendered to the Association in his or her official capacity with the exception of the Registrar[s] and Treasurer, whose compensation, if any, shall be determined by the Council.

The officers of this Association shall be:

1. President: The President's duties are to preside at all meetings of the Council, to issue calls for regular and special meetings of the Council and the Association, to arrange such standing or special committees as may be deemed desirable, and to ensure the regular functioning and reporting of such committees. The President shall see that regular elections are duly called and held, and is to play an appropriate part in the affairs of the Federation.
2. Immediate Past President: This officer is ex-officio a member of the Council and as such may attend all meetings of the Council.
3. Vice-President: In the event of the President being unable to perform the duties of his or her office for any reason the Vice-President shall occupy the position and perform the duties with the same authority as the President.
4. Treasurer: This officer shall be under the direction and supervision of the President and Council.
5. Six Ordinary Members: Ordinary members being Active or Life members.
6. Registrar: This officer shall be appointed by the Council and shall act as the liaison officer between the Association and the Federation. The Council may appoint a Deputy Registrar. The Registrar is not a voting member of Council.

12. Nomination of Officers

The President, Vice President, Treasurer and six (6) ordinary council members will be elected in the following manner:

1. No later than two (2) calendar months before the date of the Annual General Meeting, the Registrar shall call for nominations for offices to be filled by election and these nominations are to be received not less than six (6) weeks prior to the Annual General Meeting.
2. At a Council meeting, to be held not later than one (1) month prior to the Annual General Meeting, the Council will make additional nominations as required.

13. Election of Officers

At each Annual General Meeting three (3) of the six (6) Ordinary Members of the Council shall retire but shall be eligible for re-election.

1. Three (3) members who have held office on the Council continuously without re-election as Ordinary Members and have served as such longer than any other members in the two years immediately preceding the Annual General Meeting shall retire.
2. No officer, setting aside the office of President, may serve more than five (5) consecutive (two-yearly) terms in office.
3. The President is elected for a term of two years and may be eligible for re-election. The term of office shall have a maximum of 2 terms (4 years).
4. Nominees for the office of President shall have served at least one full term on the Council.

14. Casual Vacancies

In the event of a vacancy of an elected officer, the Council will appoint a suitable replacement in following manner.

1. If the office of President becomes vacant for any reason, the Vice-President shall assume the office vacated.
2. In the event that the Vice-President is unable to fill the office of President, the Council shall call a special election giving each member in good standing fourteen (14) days' notice of the time and place of this meeting.
3. In the event of any other vacancy of an elected Member of the Council, the Council shall fill such vacancy for the unexpired term.

15. Use of Technology

1. Any or all Council members may participate in a Council meeting by way of technology as long as the technology in use enables all Council Members to clearly and simultaneously communicate with each other.
2. A Council member participating in a Council meeting *by way of technology or in person* is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

16. Branches

Branches may be established when not less than thirty (30) members of the Association resolve to form such a Branch. The Branch shall be deemed to cease to exist if its membership falls below twenty five (25) and its affairs shall be wound up.

1. Branches shall have the right to elect their own officers, hold their own meetings, and conduct their own affairs, subject to the rules and general policy of the Federation and the Association be complied with.
2. Branches shall have the right to appoint one of its members to the Council of this Association. Financial Members of the Association shall be entitled to attend meetings organized by this Association and vote on any questions raised at such meetings

G. Legal Obligations

17. Common Seal

1. The Common Seal of the Association shall be kept in the custody and control of the Registrar and shall not be affixed to any document except by order of the Council and then in the Presence of the Registrar and a member of the Council or any two (2) members of the Council each of whom shall append their signatures.
2. The Registrar shall maintain a record of all resolutions authorising the use of the Seal.

H. Management

18. Financial Management

1. The fiscal year of the Association shall be from the 1st day of August to the 31st day of July following
2. The funds of the Association shall be devoted solely to carrying out the Objects of this Association as set out in Section C of this Constitution.
3. The Council is responsible for keeping proper accounting records of the Association's financial transactions to allow the Association's financial position to be readily ascertained.
4. Annual financial statements for presentation at each Annual General Meeting will be prepared in accordance with the Association's accounting policies.
5. The Association may own real and personal property in accordance with the provisions of Section 10 of the Incorporated Societies Act 1908 and may sell, exchange, lease or mortgage the same or invest the funds by way of deposit, mortgage, purchase of debentures or otherwise in accordance with a resolution of the Council.
6. The Association may at any time borrow money on the security of its real and personal property when duly authorised to do so by resolution of the Council, and become a party to contracts in accordance with the provisions of Section 15 of the Incorporated Societies Act 1908.
7. The Association may invest and deal with funds of the Association not immediately required in such a manner as decided by Council.
8. No officer shall receive any compensation for any service rendered to the Association in his or her official capacity with the exception of the Registrar[s] and Treasurer, whose compensation if any shall be determined by the Council.
9. At the Annual General Meeting of the Association, a suitably qualified Reviewer shall be appointed.
 - a. The duties and functions of the Registrar, Treasurer and Reviewer shall be at the direction of the Council.
 - b. The Reviewer must not be a member of the Council.

I. Dispute Resolution

1. Every Member who has a Complaint made against him or her has the right to be fully informed of the nature of the Complaint and the right to respond. In either case the Member or relevant Client may be represented or attend with a support person.
2. All decisions will be made fairly and with regard to the rights of all parties. An impartial and consistent approach will be used to ensure parity and fairness in resolving Complaints.
3. Any person (complainant) may lodge a Complaint with the Association concerning a member.
4. Every complaint shall be in writing.
5. When a member lays a Complaint with the Association against any other member, the complainant member shall agree that it will accept the decision of the Council.

6. The Executive shall only consider (or continue to consider) a Complaint made or referred to it, if it is satisfied that:
 - a. the matter has not arisen due to mental capacity issues and/or
 - b. the matter cannot be resolved informally, and/or
 - c. that the Complaint is not frivolous, vexatious, and/or of insufficient nature
 - d. it is not a Complaint relating to a Judicial Justice in the conduct of Judicial functions
 - e. is not a Complaint which will be dealt with through other legal process such as bankruptcy or Court Proceedings
7. On receipt of a Complaint, the Registrar shall:
 - a. send to the member concerned copies of the Complaint;
 - b. require the member within fourteen (14) days to respond in writing to all matters raised in the Complaint and any other matters required by the Association or to appear before the Executive;
8. The Executive shall investigate the Complaint *in camera* and either decide that no action is required, or to further investigate the Complaint. If the decision is to investigate:
 - a. the Executive will appoint one of its members to investigate, with the Registrar, the nature and circumstances of the Complaint.
 - b. the appointed Executive member and the Registrar will be the “panel” for the purposes of this investigation.
 - c. both the Registrar and the appointed Executive member must act independently and impartially and have no conflict of interest, which would influence, or be seen to influence, the investigation of the Complaint and the outcome.
9. The panel will ensure that both the Complainant and the relevant Member:
 - a. are able to provide their own account of the circumstances of the matter;
 - b. are given the opportunity to respond to the other party’s account;
 - c. are given the opportunity to comment on the draft conclusions and recommendations of the panel to the Executive and,
 - d. are notified of the panel’s reasons for those conclusions and the consequences of the relevant recommendations.
10. If the Complaint is withdrawn, or if concerns are being treated as a Complaint, the Executive (through a panel appointed for the purpose) may nonetheless continue to investigate the Complaint.
11. The panel will investigate the Complaint, taking into account the views and responses from the parties with a view to making a recommendation to the Executive;
12. The panel will endeavour to complete its investigation within 14 working days of receipt of the Complaint.
13. The Executive will review that recommendation, and may seek further information from the panel if required. The Executive will report to the Council on it’s investigation with recommendations which may include:
 - a. dismiss the Complaint; or
 - b. consider what sanctions or penalties might be appropriate for the Member, including expulsion from the Association if the Complaint is upheld.
14. Expulsion of member must be made by a two-thirds majority of the entire Council.
15. When the Council makes a decision in respect of the Complaint, it will also decide whether or not a public statement should be made.
16. The complainant may refer the decision of Council to the Federation President if they wish to appeal the decision.

J. Meetings

19. Annual General Meeting

1. An Annual General Meeting shall be held each year within five months of balance date at a time and place determined by the Council.
2. At each Annual General Meeting the Council shall present a report covering the previous year’s work and other matters pertaining to the welfare of the Association and the Association’s year-end financial statements.
3. Other business, including general business, may also be undertaken.

20. Special General Meeting

1. Special General Meetings of the Association may be called by the President upon request of the Council or by written request of not less than twenty (20) members in good standing of the Association.
2. The request shall set out the purpose of such a meeting and shall be delivered to the Registrar who, within thirty (30) days from the date of receiving such requisition, shall convene a Special General Meeting of members by Public Notice.
3. At this meeting only the business specified in the requisition and in the notice given to members shall be dealt with.

21. Notice of Meetings

1. Members shall be given at least fourteen (14) days' notice of any general meeting.
2. The Association may give the notice of meeting to its Members
 - a. by sending it by post to the address of the Member in the register of Members; or,
 - b. by sending it to the electronic mail address nominated by the Member.
3. The notice of meeting must:
 - a. set out the place, date and time for the meeting (and, if the meeting is to be held in two or more places, the technology that will be used to facilitate this);
 - b. state the business of the meeting; and,
 - c. state that the business of the meeting will be restricted to those items of which due notice has been given.
4. Notices of Motion relating to business shall be in writing and handed to the Registrar not less than twenty one (21) days prior to the date appointed for the Annual General Meeting or Special General Meeting at which it is to be discussed. Notices of motion of General Business will be circulated 7 days out from the AGM.

22. Voting

Resolutions at a General Meeting will be decided on a show of hands unless a poll is demanded

1. At any general meeting, a resolution put to the vote of the meeting must be decided on a show of hands unless any member, either in person or by proxy, demands a poll. Such demand must be made before, or immediately on, the declaration of the result of the show of hands.
2. If a resolution is to be voted on by show of hands, each member present shall have one vote.
3. Unless a poll is demanded in accordance with these Rules, a declaration will be made by the chairperson that a resolution has on a show of hands been carried unanimously or by majority, or lost.
4. An entry to that effect in the minutes of the Association is conclusive evidence of the fact, provided that the chairperson's declaration reflects either the show of hands or the votes received.
5. How and When Poll Taken
 - a. If a poll is demanded in accordance with these Rules, it must be taken as the chairperson directs.
 - b. The result of the poll is the resolution of the meeting at which the poll was demanded.
 - c. A poll demanded on the election of a chairperson or on a question of adjournment must be taken immediately.
 - d. A demand for a poll may be withdrawn.
6. Votes of Members if Poll is Demanded
 - a. If at any general meeting a resolution is put to the vote of the meeting by a poll, either at the meeting or by postal or electronic ballot, each member who is entitled to vote has one (1) vote.

7. Postal and Electronic Ballots
 - a. Any resolution of Members able to be passed at a general meeting may instead be passed by postal or electronic ballot (a ballot) conducted in accordance with these Rules.
 - b. The Council may determine that any resolution be put to Members by way of ballot and, if so, the Council is to be responsible for conducting the ballot, for supervising the conduct of each ballot and for determining whether the votes have been properly cast.
 - c. The ballot paper for, and other papers relating to, any ballot are to be in the form determined by the Council, but in each case must:
 - i. specify the resolution proposed to be put for the consideration of Members;
 - ii. include an explanatory memorandum, setting out the general effect of the resolution; and,
 - iii. state the time and date on which the ballot is to close.
 - d. On any ballot, voting shall be deemed a poll. The Council shall ensure that Members are advised of the result of the ballot within 48 hours of the counting of the votes in any ballot. The result of any ballot shall be as effective and binding on Members as a resolution at a meeting.

23. Quorum

A quorum for Annual and Special General Meetings shall be 5% of the total membership rounded up to the nearest whole number who are financial members and who must be present within thirty (30) minutes of the appointed time, otherwise the meeting must be adjourned.

1. When any such meeting has been adjourned, the Registrar shall advise all members, of the time, date and place of the reconvened meeting.

24. Election of Officers

1. Notice shall include the names of all nominees for Council and may provide personal details, not exceeding ninety (90) words, in support of their nomination.
2. All nominees for any office are to be voted upon at the Annual General Meeting.
3. No nominations may be made from the floor.
4. If there are more nominations than positions available, an election will take place at the AGM.
5. All elections of officers of the Council shall be by ballot. The ballot shall be conducted as follows:
 - a. a list of candidates whose nominations are in order shall be given to each member present and qualified to vote at the Annual General Meeting.
 - b. two or more scrutineers shall be appointed and each member shall hand to the scrutineers their voting paper with the names of the candidates for whom the voter does not wish to vote struck out.
6. All those elected to Council at an AGM will assume office at the conclusion of that AGM.

25. Meeting Chair

The President or, in his or her absence, the Vice-President, shall preside at all meetings and if neither is present a Chairman shall be chosen from the members present.

K. Information

A record of each member shall be maintained and will include:

1. the date of appointment as a Justice of the Peace;
2. the date of joining the Association;
3. the details of any transfer members from other Associations;
4. the address (postal, residential and where available electronic) of all members;
5. the date and cessation of membership and the reasons for cessation;
6. full name;
7. membership status and category;
8. any Council or Committee role;
9. JP number;

10. service record eg Judicial JP, Issuing Officer, Nominated adult, Service desk and such other services as may be required to be identified;
11. payment records;
12. training attendance records;
13. accreditation;
14. status updates eg application for JP Retired;
15. year of birth;
16. communications preferences eg email or post;
17. phone numbers;
18. other languages spoken; and,
19. previous members and reason for status including suspension eg at member's request.

L. Alteration of Constitution

This Constitution may be amended, added to or rescinded at any Annual or Special General Meeting of the Association. Full details of any proposed amendments must be set out in the Notice of the Meeting. At that meeting, a quorum is to be the affirmative vote of two thirds (2/3rds) rounded up to the nearest whole number of the members present in person who are qualified to vote

M. Winding up

A simple majority of members present at a Special General Meeting convened for the purpose, may resolve that the Association shall be dissolved from a date named in the resolution and at that meeting the Association shall resolve, in the same manner, that the Association's property shall be handed over to the custody of the Federation. A second meeting to be held not earlier than thirty (30) days after the first shall be convened to confirm the resolutions so passed.