

The Rules and the Constitution

of

THE TASMANIAN

SOCIETY OF

JUSTICES OF THE PEACE

INCORPORATED

THE TASMANIAN SOCIETY OF JUSTICES OF THE PEACE INCORPORATED.

1. NAME OF THE ASSOCIATION

The Name of the Association shall be THE TASMANIAN SOCIETY OF JUSTICES OF THE PEACE INCORPORATED, in this Constitution called "the Society". The Society was formerly known as The Tasmanian Society of Honorary Justices and The Honorary Justice Association of Southern Tasmania Founded 1922.

2. INTERPRETATION

In this Constitution, unless the contrary intention appears, "the Act" means the Associations Incorporation Act 1964;

"Association" means the Association referred to in Rule 1;

"Associate Member" means an interstate or territorial Justice of the Peace elected in accordance with the provisions of Rule 5.7;

"Auditor" means the person appointed as the Auditor of the Society in accordance with the provisions of Rule 9;

"Council" means the committee of the association as defined by the Act;

"General Meeting" means the Annual General Meeting of the Society or a Special General Meeting of the Society or, as the case may be, a General Meeting or a Special General Meeting of Council;

"Financial Member" means a Member of the Society whose subscription is not more than twelve months in arrears, or a Life Member.

"Special Resolution" means a resolution that is passed by three-quarters of the financial members of the Society or Council, as the case may be, entitled to vote who may be present in person at an Annual General or Special General Meeting of the Society or Special General Meeting of Council, as the case may be, which notice specifying the intention to propose the resolution as a special resolution was given;

Words and expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1931 and the Act.

The Model Rules promulgated in accordance with the provisions of the Act shall have no application to the Society or its Rules

References to legislation means the legislation as amended from time to time.

Where the term "He" is used, it also means "She".

3. SOCIETY'S OFFICE

The Office of the Society shall be at the Public Officer's residential address or such other place in Southern Tasmania as Council may from time to time determine.

4. OBJECTS AND PURPOSES OF THE SOCIETY

The objects and purposes of the Society are: -

1 To represent the interests of Justices of the Peace.

2 To represent the Society in dealing with the responsible Minister on matters affecting the administration of justice in so far as it relates to the powers, rights, functions, duties and obligations of Justices of the Peace.

- 3 To promote honorable and professional practices amongst Justices of the Peace.
- 4 To foster, encourage, advance and promote the status and interests of Justices of the Peace.
- 5 To provide for the professional development of Justices of the Peace by conducting lectures, workshops, seminars, visits, conferences and tutorials.
- 6 To promote and encourage the distribution of legal and other literature relating to the conduct, functions, powers, rights, duties, obligations and interests of Justices of the Peace.
- 7 To institute research into all matters and to do all lawful things incidental and conducive to the attainment of all and any of the objects and purposes of the Society including the raising of finance.
- 8 To provide for the social interaction of Justices of the Peace.
- 9 The purchasing, selling and/or supplying of, and dealing, in goods of any kind.
- 10 The purchase, taking on lease, or in exchange the hiring or otherwise acquiring any real or personal property that may be deemed essential for any of the objects or purposes of the Society.
- 11 The making of gifts, subscriptions or donations to any of the funds, authorities or institutions to which the provisions of Section 30 - 15 of The Income Tax Assessment Act 1997 of the Commonwealth relates.
- 12 The purchase or acquisition and undertaking of all or any part of the property, assets and liabilities of any Association with which the Society is amalgamated in accordance with the Act and the Constitution of the Society.
- 13 The construction, maintenance and alteration of property necessary or convenient for any of the objects or purposes of the Society.
- 14 The accepting of any gift, whether subject to a special trust or not.
- 15 The investment of any moneys of the Society not immediately required for any of its objects or purposes in such a manner as Council may from time to time determine.
- 16 The aiding in the establishment or support of any Association whose objects and purposes are analogous to those of the Society.
17. The Society shall be non-political and non-sectarian

5. MEMBERSHIP

- 1 The Society shall be composed of Members, Life Members, Associate Members and such other class as may be determined by the Society,
- 2 A Justice of the Peace for Tasmania, or an applicant who has completed the introductory course and is pending appointment as such, may at any time signify his/her desire to become a Member of the Society and such person shall, upon making an application in writing addressed to the Registrar and after paying a joining fee (if applicable) and subscription for the current year, or a half subscription if joining after 1st January as may apply, be enrolled as a Member after due election by

Council and become entitled to the privileges of membership during such time as he/she remains a financial Member. *AGM 2008*

- 3 The application for membership shall contain the full name, address, occupation, date of appointment as a Justice of the Peace and registration number of the applicant.
- 4 As soon as practicable after the receipt of the application, the Registrar shall refer it to Council.
- 5 Upon the application being approved by Council, the Registrar shall forthwith notify the applicant in writing that he/she has been approved for membership of the Society and on receipt of the sum payable by or on behalf of the applicant, shall enter the applicant's name in the Membership Register, whereupon the applicant becomes a Member of the Society.
- 6 A Member of the Society may resign from the Society by delivering or sending by post to the Registrar a written notice of resignation. On receipt of such a notice under this Rule the Registrar shall remove the Member's name from the Membership Register whereupon the Member ceases to be a Member of the Society.
- 7 Council may elect interstate or territorial Justices of the Peace as Associate Members of the Society provided previous notice has been given. Voting at such elections shall be determined by a two-thirds majority of those present and entitled to vote. Associate Members are not entitled to vote at any meetings conducted by the Society.
- 8 Any person admitted to membership of the Society shall become entitled to the privileges of membership during such time he/she remains a financial member, provided always that any Member or Associate Member alleged to have been guilty of conduct unbecoming a Member or an Associate Member of the Society or as a Justice of the Peace may be expelled from the Society in accordance with the provisions of Rule 36.
- 9 Council shall be empowered to nominate for Life Membership any Justice of the Peace who has been deemed to give outstanding service to the Society. Such Life Membership shall be authorised by a resolution carried by unanimous vote by those present and entitled to vote at an Annual General Meeting or at a Special General Meeting called for that purpose. A Life Member shall have the right to be present and the right to vote at any or all meetings conducted by the Society. A Life Member shall not be required to pay any annual subscription to the Society.
- 10 Council may defer the election of any Member, Associate Member or Life Member pending enquiry or for any other reason.
- 11 Financial Members shall be those whose subscriptions are not more than twelve months in arrears.
- 12 A Member of the Society whose subscription is more than twelve months in arrears shall not take part in any of the proceedings associated with any meeting conducted by the Society.
- 13 A Member of the Society, including an Associate Member or Life Member shall advise the Registrar whenever he/she changes his/her address.

6. INCOME AND PROPERTY OF THE SOCIETY

- 1 The income and property of the Society however derived shall be applied solely towards the promotion of the objects and purposes of the Society and save as hereinafter mentioned no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus or otherwise, to any Member of the Society.
- 2 The Society shall not: -
 - (a) appoint a Member of Council to any Office in the gift of the Society to the holder of which there is payable any remuneration by way of salary, fees or allowances;
 - (b) pay to any such Member of Council any remuneration or other benefit in money or money's worth other than the repayment of out-of-pocket expenses; except that Council shall recommend to the Annual General Meeting the payment of such honorariums as it may determine from time to time.
- 3 Nothing in the foregoing provisions of this Rule prevents the payment in good faith to a Member of the Society of: -
 - (a) remuneration in return for services actually rendered to the Society by the Member or for goods supplied to the Society by the Member in the ordinary course of business;
 - (b) a reasonable and proper sum by way of rent for premises let to the Society by the Member.

7. ACCOUNTS OF RECEIPTS AND EXPENDITURE

- 1 The Treasurer of the Society shall faithfully keep all general records, accounting books and records of receipts and expenditure connected with the operation and business of the Society in such form and manner as Council may direct.
- 2 The Treasurer of the Society shall keep true accounts of: -
 - a) all sums of money received and expended by the Society and the manner in respect of which the receipts and expenditure take place;
 - b) of the property, credits and liabilities of the Society
- 3 Subject to any reasonable restrictions as to the time and manner of inspecting them that may be imposed by Council for the time being, those accounts shall be open to the inspection of the financial Members of the Society.
- 4 The accounts, books and records referred to in this Rule and all other documents, records and securities of the Society shall be kept at the Office of the Society or at such other place as Council may decide.

8. BANKING AND FINANCE

- 1 The Treasurer of the Society shall, on behalf of the Society, receive all moneys paid to the Society and immediately thereafter issue official receipts.
- 2 Any other Member of Council coming into possession of moneys belonging to the Society shall pay the same to the Treasurer as soon as practicable.
- 3 Council shall cause to be opened with any bank, building society or credit union Council selects, an account in the name of the Society into which all moneys received shall be paid by the Treasurer as soon as practicable after receipt.
- 4 Council may receive from the Society's financial institution for the time being the cheques drawn by the Society on its account with the financial institution and may release and indemnify the institution from and against all claims, actions, suits or demands that may be sought against the financial institution arising directly or indirectly out of those cheques or the surrender thereof to the Society.
- 5 Except with the authority of Council, no payment or sum exceeding twenty dollars shall be made from the funds of the Society otherwise than by cheque drawn on the account of the Society.
- 6 No cheques shall be drawn on the account of the Society except for the payment of expenditure that has been authorised by Council.
- 7 Any two Members of the Executive Committee of Council, one of whom must be the Treasurer or Registrar shall sign all cheques, drafts, bills of exchange, promissory notes and all other negotiable instruments.
- 8 Except with the approval of a two-thirds majority of financial Members attending and entitled to vote at an Annual General Meeting or a Special General Meeting of the Society, no transaction, commitment or payment exceeding two thousand dollars shall be made or entered into on behalf of the Society.
- 9 Council may, from time to time, provide the Treasurer with a sum of money not exceeding one hundred dollars for petty cash purposes and to meet urgent expenditure, subject to the strict observance of such conditions in relation to the use and expenditure thereof as Council may impose.

9. AUDITOR

- 1 At each Annual General Meeting of the Society the Members present and entitled to vote shall elect and appoint as auditor of the Society, a person approved to act as such by the Commissioner of Corporate Affairs, to be the Auditor of the Society.
- 2 An Auditor so appointed shall hold office as the Auditor of the Society until the Annual General Meeting next after that which he is appointed and is eligible for re-appointment.

- 3 If such an appointment is not made at an Annual General Meeting, Council shall forthwith appoint an Auditor of the Society for the then current financial year of the Society.
- 4 If a casual vacancy occurs in the Office of Auditor of the Society, Council shall forthwith appoint such a person as aforesaid as the Auditor of the Society and the person so appointed shall hold office until the next succeeding Annual General Meeting.
- 5 The Auditor of the Society may only be removed from office by special resolution.
- 6 The Auditor of the Society shall be entitled to remuneration in accordance with the usual practise of his professional organization.

10. AUDIT OF ACCOUNTS

- 1 As soon as is practicable after the conclusion of the financial year the Treasurer of the Society shall cause to be delivered to the Auditor of the Society a list of all the accounts, books and records of the Society.
- 2 The Auditor of the Society shall then: -
 - (a) as soon as is practicable examine the accounts of the Society;
 - (b) certify as to the correctness of the accounts of the Society; and
 - (c) report thereon to the Members present at the Annual General Meeting;
- 3 In reporting to the Annual General Meeting and in certifying to the accounts, the Auditor of the Society shall state whether: -
 - (a) he/she has obtained the information required by him;
 - (b) in his/her opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Society according to the information at his/her disposal and the explanations given to him/her and as shown in the books of the Society; and
 - (c) the Rules relating to the administration of the funds of the Society have been duly observed.
- 4 The Auditor of the Society: -
 - (a) has a right of access to the accounts, books, records, vouchers and documents of the Society;
 - (b) may, in relation to the accounts of the Society examine and require from any or all Members of Council such information and explanations as may be necessary for the performance of his/her duties as Auditor;
 - (c) may employ persons to assist him/her in investigating the accounts of the Society.
- 5 The Treasurer of the Society shall cause to be published in the Society's Official Journal, as soon as is practicable after the holding of the Annual General Meeting, a copy of the Income and Expenditure Account and Balance Sheet relating to the

previous financial year, duly audited, for the information of the Membership of the Society.

11. ANNUAL GENERAL MEETING

- 1 The Society shall, in each year, hold an Annual General Meeting;
- 2 The Annual General Meeting shall be held on such a day (being not later than four months after the close of the financial year of the Society) as Council may determine.
- 3 The Annual General Meeting shall be specified as such in the notice convening it.
- 4 The ordinary business of the Annual General Meeting shall be: -
 - (a) to confirm the Minutes of the last preceding Annual General Meeting;
 - (b) to confirm the Minutes of any preceding Special General Meetings;
 - (c) to receive from the President, Council, Auditor of the Society, Delegate to the Australian Council of Justices Associations and the Chairpersons of Standing Committees and Sub Committees, reports on transactions of the Society during the preceding financial year;
 - (d) to elect the Officers of the Society;
 - (e) to appoint the Auditor of the Society;
 - (f) to determine the amount of the annual subscription of Members;
 - (g) to authorise the payment of honoraria as recommended in accordance with the provisions of Rule 6.2(b);
 - (h) to elect Life Members as recommended in accordance with the provisions of Rule 5.9.
- 5 The Annual General Meeting shall also transact special business of which notice is given in accordance with the provisions of these Rules and of which fourteen days notice is given.

12. SPECIAL GENERAL MEETINGS OF THE SOCIETY

- 1 Council may whenever it thinks fit, convene a Special General Meeting of the Society.
- 2 Council shall, on the requisition in writing of not less than ten percent of the financial Members of the Society duly entitled in accordance with these Rules to vote, convene a Special General Meeting of the Society.
- 3 A requisition for a Special General Meeting shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the Office of the Society and may consist of several documents in like form, each signed by one or more requisitionists.
- 4 If Council does not cause a Special General Meeting to be held within twenty-eight days from the date on which a requisition pursuant to Rule 12.2 is deposited at the

Office of the Society, the requisitionists, or any of them, may convene the meeting; but any meeting so convened shall not be held after three months from the date of deposit of the requisition.

- 5 A Special General Meeting convened by requisition in pursuance of these Rules shall be convened in the same manner and as nearly as possible as that in which those meetings are convened by Council.
- 6 Reasonable expenses associated with a Special General Meeting convened by requisition in pursuance of these Rules shall be reimbursed to those financial Members of the Society incurring them.

13. NOTICES OF THE ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETINGS OF THE SOCIETY.

- 1 The Public Officer of the Society shall ensure that due notice of at least fourteen (14) days before the date fixed for the holding of the Annual General Meeting has been given in the official organ of the Society, specifying the place, day and time for the holding of the meeting and the nature of the business to be transacted thereat.

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- 2 The Public Officer of the Society shall, at least fourteen days before the date fixed for the holding of a Special General Meeting of the Society advise all Members of the Society by written notice the special business to be transacted at the Special General Meeting specifying the place, day and time for the holding of the meeting.

14. BUSINESS, QUORUMS AND ADJOURNMENTS AT THE ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETINGS OF THE SOCIETY.

- 1 All business that is transacted at Special General Meetings of the Society and all business that is transacted at the Annual General Meeting with the exception of that specially referred to in these Rules, as being ordinary business of the Annual General Meeting shall be deemed to be special business.
- 2 No item of business shall be transacted at any of these meetings unless a quorum of twenty financial Members (being Members entitled to vote thereat) is present during the time when the meeting is considering that item.
- 3 If within thirty minutes after the appointed time for the commencement of one of these meetings a quorum is not present, the meeting, if convened by the requisition of Members, shall be dissolved; and in any other case it shall stand adjourned to the same day in the next week, at the same time, and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to Members given before the day to which the meeting is adjourned) at the same place, and if at the adjourned meeting a quorum is not present within thirty minutes after the time appointed for the commencement of the meeting, shall be dissolved.
- 4 The Chairperson at any of these meetings at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but

no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

- 5 Where the meeting is adjourned for fourteen days or more the notice of the adjourned meeting shall be given as in the case of the original meeting.
- 6 Except as provided for in the foregoing provisions of this Rule it is not necessary to give any notice of an adjournment or of the business to be transacted at the adjourned meeting.

15. PRESIDENT TO PRESIDE AT THE ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETINGS OF THE SOCIETY.

- 1 The President, or in his absence the Immediate Past President or if both the President and Immediate Past President are absent the Vice President shall preside as Chairperson at these meetings.
- 2 If the President, the Immediate Past President and the Vice President are absent the Members present at these meetings and entitled to vote shall elect one of their number to preside thereat.
- 3 The Chairperson, in accordance with the provisions of Rule 17.4 shall have a deliberative vote only and whether or not he/she exercises his/her deliberative vote he/she shall have no casting vote.

16. DETERMINATION OF QUESTIONS ARISING AT THE ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETINGS OF THE SOCIETY.

Save whereby these rules a secret ballot is required a question arising at any of these meetings shall be determined by a show of hands and unless before or on the declaration of the result of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands been carried, or carried unanimously, or carried by a particular majority or lost, an entry to that effect in the Minute Book of the Society is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against that resolution.

17. VOTING AT THE ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETINGS OF THE SOCIETY, AND GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS OF COUNCIL, AND STANDING COMMITTEE MEETINGS AND SUB COMMITTEE MEETINGS OF COUNCIL.

- 1 Upon any question arising at any of these meetings a Member has one vote only, known as a deliberative vote, and only financial Members present at these meetings shall be entitled to vote. All votes shall be given personally, except where a secret vote is provided for in accordance with the provisions of Rule 32.
- 2 If at any meeting referred to in this Rule a poll on any question is demanded it shall be taken at that meeting in such manner as the Chairperson may direct, and the result of the poll shall be deemed to be the resolution of the meeting of the question.

- 3 A poll that is demanded on the election of a Chairperson, or a question of adjournment shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chairperson directs.
- 4 The Chairperson at any of these meetings shall have a deliberative vote only and whether or not he exercises his deliberative vote he shall have no casting vote.
- 5 Questions arising, at any meeting referred to in this Rule, except in the case of a Special Resolution or where in accordance with the provisions of these Rules a particular majority is decreed, shall be decided in the form of resolutions passed by a simple majority and in the case of equality of votes the questions shall be decided in the negative.
- 6 If the Chairperson at any meeting referred to in this Rule is doubtful as to the counting of the votes, he may, provided always that the meeting has not proceeded to the next item of business, forthwith take another vote even though he has declared the result of the vote.

18. AFFAIRS OF THE SOCIETY TO BE MANAGED BY A COUNCIL.

- 1 The affairs of the Society shall be managed and conducted by a Council that shall comprise the Officers of the Society.
- 2 Council: -
 - (a) shall control and manage the business and affairs of the Society;
 - (b) may, subject to these Rules, exercise all such powers as may be exercised by the Society, other than those powers and functions that are required by these Rules to be exercised by the Annual General Meeting and Special General Meetings of the Society;
 - (c) subject to the Act and these Rules, has the power from time to time to make, alter and repeal any by-laws it may deem necessary, expedient or convenient for the proper conduct and management of the business and affairs of the Society;
 - (d) subject to the Act and these Rules, has power to perform all such things as appear to Council to be essential for the proper management of the business and affairs of the Society.
 - (e) shall appoint from among its Officers, Standing Committees and from time to time, Sub Committees

19. OFFICERS OF THE SOCIETY.

- 1 The Officers of the Society shall be: -
 - The President
 - The Immediate Past President

- The Vice President
- The Registrar
- The Treasurer
- The Editor
- Eight Councillors.

2 All of the said Officers shall be financial Members of the Society.

3 Should the Office of President become vacant for any reason whatsoever, the Immediate Past President shall assume that Office, and if in the event it were again to subsequently become vacant the Vice President shall assume that Office, whereupon Council shall appoint one of the Councillors as Vice President.

4 Each of the office bearers referred to in Rule 19.3 may continue in office until the conclusion of the Annual General Meeting next following those changes.

5 In the event of a casual vacancy in any other office mentioned in Rule 19.1 Council shall appoint any financial Member of the Society to the vacant office and the Member so appointed may continue in office until the conclusion of the Annual General Meeting next following that appointment.

6 The President, Vice President, Registrar, Treasurer and Editor shall retire every two years with the latter three (3) positions eligible for re-election at the Annual General Meeting at which they retire. *AGM 2008*

7 No Member of the Society shall be eligible for nomination as President unless he has served as a Member of Council for at least a period of two years.

8 No Member of the Society shall hold the Office of President or the Office of Vice President for more than two consecutive years.

9 The Immediate Past President shall mean the Member who last occupied the Office of President.

10 Four of the Councillors shall retire annually and shall be eligible for re-election at the Annual General Meeting at which they retire.

11 The four Councillors to retire annually are those who have served the longest period as Councillors

20. ELECTION OF THE OFFICERS OF THE SOCIETY.

1 Elections for the purpose of electing the Officers of the Society shall be held at the Annual General Meeting.

2 Nominations of candidates, who must be financial Members of the Society, for election as Officers of the Society shall be made in writing, signed by two financial Members of the Society, accompanied by the written consent of the candidate which shall be endorsed on the nomination form and delivered to the Public Officer of the Society at least twenty one days before the date fixed for the holding of the Annual General Meeting.

- 3 The Public Officer, as Returning Officer, shall check all nominations received to see that they comply with the provisions of this Rule and reject any that do not comply
- 4 If insufficient eligible nominations are received to fill all vacancies as office-bearers, the candidates nominated in writing shall be deemed to be elected to those Offices to which they nominated and further nominations shall be called for at the Annual General Meeting to fill the remaining vacancies.
- 5 If the number of nominations for any particular Office exceeds the number of vacancies to be filled a ballot shall be held.
- 6 The ballot, at which only financial Members of the Society shall be entitled to vote, shall be conducted at the Annual General Meeting by the Returning Officer assisted by a Member of the Society who is not a candidate and appointed by the Chairperson of the meeting to be a Scrutineer.
- 7 Votes shall be counted, where necessary, by the simple preferential system.
- 8 Should any two or more candidates for the one position receive an equal number of votes the Returning officer shall determine the successful candidate by lot.
- 9 The incoming office-bearers shall take up office at the conclusion of the Annual General Meeting.
- 10 Council shall, as soon as practicable after the ballot to elect the Officers of the Society, and from time to time as necessary, appoint from among its Officers, Standing Committees and Sub Committees.

21. VACATION OF OFFICE

- 1 For the purposes of these Rules, the Office of an Officer of the Society becomes vacant if the Officer: -
 - (a) Dies.
 - (b) Has a conviction recorded under the Criminal Code.
 - (c) Becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with his/her creditors, or makes any assignment of his/her estate for their benefit.
 - (d) Becomes of unsound mind.
 - (e) Resigns his/her Office by writing under his/her hand addressed to Council.
 - (f) Ceases to be resident in Tasmania.
 - (g) Ceases to be a Member of the Society.
 - (h) Ceases to be a Justice of the Peace.
 - (i) Fails to pay all arrears of subscription due by him/her within fourteen days after he/she has received a notice in writing from the Registrar stating that he/she has ceased to be a financial Member of the Society.

- (j) Fails, without apology tendered or leave granted by Council, to attend any three consecutive Council meetings, including Standing Committee meetings and Sub Committee meetings.
- 2 Any Officer of Council, other than the Immediate Past President who shall have failed to attend the three consecutive meetings in accordance with the provisions of Rule 21.1(j), without apology tendered to such meetings or leave granted by Council, shall be deemed to have forfeited his/her Office and Council shall fill the vacancy so created in accordance with the provisions of Rule 19.

22. MEETINGS OF COUNCIL

- 1 Council shall meet at least once in every two months for the purpose of conducting a General Meeting at such place and such time as Council may determine.
- 2 Notice by written or electronic means is to be communicated to each Officer of Council by the Registrar at least seven days before each General Meeting.
- 3 The President or any three of its Officers may convene Special General Meetings of Council.
- 4 Reasonable notice shall be given to each Officer of Council of any Special General Meeting, specifying the general nature of the business to be transacted, and no other business shall be transacted at such a meeting.
- 5 No item of business shall be transacted at a General Meeting of Council or a Special General Meeting of Council unless a quorum of eight Officers is present during the time when the meeting is considering that item.
- 6 If within thirty minutes after the time appointed for the commencement of a General Meeting of Council a quorum is not present, the meeting shall be adjourned to the same place and at the same hour of the same day in the following week. In the event a quorum is not present within fifteen minutes after the time appointed for the commencement of a Special General Meeting of Council it shall be dissolved
- 7 At meetings convened in accordance with the provisions of this Rule the President, or in his/her absence, the Immediate Past President or if both the President and Immediate Past President are absent the Vice President shall preside as Chairperson, except that, in the event the President, the Immediate Past President and the Vice President are absent the Officers present shall elect one of their number to preside.
- 8 Voting at General Meetings of Council or Special General Meetings of Council shall be conducted in accordance with the provisions of Rule 17.

23. DISCLOSURE OF INTERESTS IN CONTRACTS.

- 1 An Officer of Council who is interested in any contract or arrangement made or proposed with the Society shall disclose that interest at the first meeting of Council at which he/she is present at which the contract or arrangement is first taken into

consideration if his/her interest then exists, or, in any other case, at the first meeting of Council at which he/she is present after the acquisition of that interest.

- 2 If an Officer of Council becomes interested in a contract or arrangement after it is made or entered into he/she shall disclose his/her interest at the first meeting of Council at which he/she is present after he/she becomes so interested.
- 3 An Officer of Council shall not take part in any debate or vote at any meeting of Council as an Officer of Council in respect of any contract or arrangement in which he is interested.

24. STANDING COMMITTEES.

- 1 Council shall appoint from among its Officers the following Standing Committees: -
 - Executive Committee
 - Professional Development Committee
 - Social Committee
 - Membership Committee
 - Journal Committee
- 2 Each Standing Committee shall appoint its own Chairperson.
- 3 Meetings of Standing Committees are to be conducted at places and times convenient to the Officers of each respective Standing Committee.
- 4 Standing Committees shall submit reports detailing their activities to the General Meetings of Council.
- 5 Standing Committee Chairpersons shall submit reports to the Annual General Meeting detailing the business carried out by Standing Committees.

25. SUB COMMITTEES.

- 1 The financial Members at the Annual General Meeting and Council may at any time appoint Sub Committees as they or it may think fit, and prescribe the powers and functions thereof and may co-opt as Members of a Sub Committee such persons as it thinks fit, whether or not those persons are Members of the Society, but a person so co-opted who is not a Member of the Society shall not be entitled to vote
- 2 Written submissions by Sub Committees, dealing with the functions for which they were established shall be submitted regularly to Council on a needs basis for any action deemed necessary by Council and, in the case of a Sub Committee appointed at an Annual General Meeting, to a subsequent Annual General Meeting for the information of Members and for any action which may then be deemed appropriate.
- 3 The Registrar shall submit a report to the Annual General Meeting detailing the business, if any, carried out by Sub Committees during the previous financial year.
- 4 Each Sub Committee shall elect its own Chairperson.
- 5 The Chairperson shall convene meetings of Sub Committees.

- 6 The President and Registrar shall be ex-officio Members of all Sub Committees.
- 7 Sub Committees shall be restricted to the making of reports and recommendations to Council or the Annual General Meeting in accordance with the provisions of Rule 25.2.

26. PUBLIC OFFICER.

- 1 Council shall from time to time as necessary appoint from among the Society's financial Members a Public Officer.
- 2 The Public Officer shall fulfil that statutory role required by the Act and those further duties prescribed in these Rules.
- 3 Council by a two-thirds majority may at any time remove a Public Officer from office and appoint another financial Member in his/her stead.
- 4 The Public Officer may resign his office by writing under his hand addressed to Council,
- 5 The Executive Committee may issue instructions to the Public Officer in matters of urgency connected with the management of the affairs of the Society during intervals between General Meetings of Council and where instructions are issued shall report thereon to the next meeting of Council.
- 6 The Public officer shall maintain a comprehensive working knowledge of the Act and of these Rules.

27. PATRONAGE.

Whenever vacancies occur Council shall offer the Offices of Patron and Vice Patron, firstly to the Governor of Tasmania and Lord Mayor of Hobart respectively prior to other notable persons being invited to act.

28. DELEGATES.

- 1 Council shall from time to time as necessary elect an Officer to serve as the delegate to the Australian Council of Justices Associations
- 2 Council may also appoint Officers as delegates to other bodies as may be required. Such delegates shall represent the opinions of the Society.
- 3 Delegates referred to in Rules 28.1 and 28.2 shall submit reports to the Annual General Meeting of the Society for the information and consideration of Members.

29. ANNUAL SUBSCRIPTION.

- 1 Unless otherwise altered pursuant to Rule 29.2 the annual subscription payable by Members shall be the sum recommended by Council and approved at the Annual General Meeting.
- 2 The annual subscription may be altered from time to time by a Special Resolution passed by a majority of not less than three-quarters of the financial Members present

in person at a Special General Meeting of which notice specifying the intention to propose the Special Resolution was given

- 3 The annual subscription is due and payable on the first day of the financial year of the Society.

30. FINANCIAL YEAR.

The financial year of the Society is the period beginning on the 1st July in one year and ending on 30th June the next year.

31. NOTICES.

A notice or demand, written under the hand of the Public officer, shall be served by or on behalf of the Society on any Member by sending it through the post in a prepaid envelope addressed to the Member at his last known residential address recorded by the Registrar and it shall be deemed to have been received by the Member on the second postal delivery day after mailing.

32. EXPULSION OF MEMBERS.

- 1 Subject to the provisions of this Rule Council may expel a Member from the Society if, Council by a two-thirds majority, is of the opinion the Member has been guilty of conduct detrimental to the interests of the Society.
- 2 The expulsion of the Member pursuant to Rule 32.1 does not take effect: -
 - (a) until the expiration of fourteen days after the service on the Member of a notice pursuant to Rule 31 and Rule 32.3 or;
 - (b) if the Member exercises his right of appeal pursuant to this Rule, until the conclusion of the Special General Meeting convened to hear the appeal, whichever is the later date.
- 3 Where Council expels a Member from the Society, the Public Officer shall, forthwith, cause to be served on the Member a notice in writing: -
 - (a) stating that Council has expelled the Member;
 - (b) specifying the grounds for the expulsion;
 - (c) informing the Member that if he so desires he may, within fourteen days after the service of the notice on him, appeal against the expulsion as provided for in this Rule.
- 4 A Member to whom a notice under this Rule has been served may appeal against the expulsion to a Special General Meeting of the Society by delivering or sending by post to the Public Officer, within fourteen days after the service of that notice a requisition in writing demanding the convening of such a meeting for the purpose of hearing his/her appeal.
- 5 Upon receipt of a requisition pursuant to Rule 32.4 the Public Officer shall forthwith notify Council of its receipt and Council shall thereupon cause a Special General Meeting of the Society to be held within twenty-one days after the date on which the Public Officer received the requisition.

6 At a Special General Meeting convened for the purpose of this Rule: -

- (a) no business other than the question of the expulsion shall be transacted;
- (b) Council shall place before the meeting details of the grounds for the expulsion and Council's reasons for the expulsion;
- (c) the expelled Member shall be given an opportunity to be heard;
- (d) the financial Members present shall vote by secret ballot on the question whether the expulsion should be lifted or confirmed.
- (e) if a majority of the Members present vote in favour of the of the lifting of the expulsion, the expulsion shall be deemed to have been lifted and the expelled Member is entitled to continue his membership of the Society;
- (f) if a majority of the Members present vote in favour of the confirmation of the expulsion, the expulsion takes effect and the expelled Member ceases to be a Member of the Society.

33. VOTE OF NO CONFIDENCE.

- 1 Any financial Member may at an Annual General Meeting move a Motion of "No Confidence" in any Officer of the Society providing Notice of Motion in writing is given to the Public Officer at least ten days prior to the holding of the Annual General Meeting.
- 2 The Public Officer shall ensure that a copy of the said Notice of Motion is served on the Officer concerned at least seven days prior to the date of such a meeting.
- 3 Before the said Notice of Motion is put to the vote the Officer concerned shall have the right of stating his case in rebuttal.
- 4 Should a Motion of "No Confidence" pursuant to this Rule be passed by a two-thirds majority of those Members present and entitled to vote the Office of the Officer, the subject of the Motion, shall become vacant.
- 5 Council will proceed forthwith to fill the vacancy in accordance with the provisions of Rule 19.5.
- 6 Council may in accordance with the provisions of Rules 12.1, 13.2 and of this Rule convene a Special General Meeting of the Society for the purpose of moving a Motion of "No Confidence" in any Officer of the Society.

34. DISPUTES.

- 1 A dispute between a Member of the Society in the capacity as a Member and the Society and Council acting on behalf of the Society shall be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act 1986*.
- 2 Nothing in this Rule affects the operation of Rule 33.

35. AWARDS.

- 1 Council shall be empowered to confer Society Awards or Awards of Special Merit on Members and/or non-members on behalf of the society including Organizations, Service Organizations and Community and Government Bodies who have assisted or given sterling service to the Society.
- 2 In recognition to the community as a Justice of the Peace the Society shall issue Members with a certificate marking ten years service and then every five years thereafter.

36. AMENDMENTS TO THE CONSTITUTION.

The Rules of this Constitution may be amended, rescinded or added to from time to time by Special Resolution carried by a three-quarter majority of financial Members present and entitled to vote at the Annual General Meeting or Special General Meeting of the Society where a Notice of Motion specifying the intention to propose the resolution as a Special Resolution was given.

37. SEAL OF THE SOCIETY.

- 1 The Seal of the Society shall be in the form of a rubber stamp, inscribed with the name of the Society encircling the word "SEAL".
- 2 The Seal must only be used with the authority of Council and every instrument to which the Seal is affixed is to be signed by the Registrar and one Officer of Council.
- 3 Attestation under Rule 37.2 is sufficient authority for all purposes that Council affixed the Seal.
- 4 The Seal shall remain in the custody of the Public Officer.

38. WINDING UP AND DISSOLUTION OF THE SOCIETY.

- 1 In the event the Society is to be wound-up it shall be so done in accordance with the provisions of the Act.
- 2 Upon the winding up and dissolution of the Society any surplus assets on dissolution must not be distributed among the Members but must be assigned to another entity that shall have objects and purposes similar to those of the Society.
- 3 The entity referred to in Rule 38.2 shall have Rules that prohibit the distribution of that entity's income and assets to its Members.

39. LIABILITIES OF MEMBERS.

The liability of any Member to contribute to the payment of debts and liabilities of the Society or the costs, charges and expenses of winding up of the Society shall be limited to twenty dollars

40. RECORDS OF THE SOCIETY

- 1 With the exception of the documents to be maintained by the Treasurer in accordance with the provision of Rules 7.1 and 7.2, the Registrar shall be the custodian of and be responsible for the Records and documents of the Society.
- 2 The Records and documents of the Society shall include:
 - The Constitution
 - Register of Members
 - Record of Officers of the Council
 - Minute Book(s)
 - Correspondence Registers
 - Archival Financial Records
 - Archival Journal Records
- 3 Minutes of all General Meetings of the Society and Council including all resolutions and notices of motion shall be taken and recorded by the Registrar in the Minute Book(s).
- 4 The Registrar shall provide copies of the Minutes referred to in Rule 40.3 to all Officers of the Society within ten days of those Meetings.
- 5 The Registrar shall prepare all of the Society's outgoing correspondence for his or the President's signature.
- 6 The Registrar shall prepare the Annual Reports of Council and Sub Committees and consolidate the Annual Reports of the Standing Committees and of those delegates elected/appointed vide the provisions of Rule 28 for the Annual General Meeting of the Society.
- 7 The Registrar shall maintain a comprehensive working knowledge of these Rules and, shall advert to the Public Officer in all matters relevant to the Act.
- 8 The Registrar shall carry out such other duties that Council or the Executive direct.

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