

THE TASMANIAN ASSOCIATION
OF
OF JUSTICES OF THE PEACE
INCORPORATED
(ESTABLISHED 2024)
CONSTITUTION

(Based on the Model Rules of Schedule 1 of the Associations Incorporation (Model Rules) Regulations, 2017)

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1. The name of the Association is

The Tasmanian Association of Justices of the Peace Incorporated

2. Date of Effect

This Constitution comes into effect on the date on which the incorporated association is approved by the Commissioner for Corporate Affairs.

3. Transitional Arrangements

(1) From the date of approval of the Constitution of the Association until the date of its first Annual General Meeting at which office bearers are elected, the President, Secretary/Registrar and Treasurer of each of the regional associations will be authorised to administer the Association.

(2) During the transition period referred to in sub-rule (1), the officeholders referred to in that sub-rule may make such decisions and take such actions as are deemed necessary for the winding up of the former associations and the commencement of the Association in accordance with the provisions of the *Associations Incorporation Act 1964*.

(3) The first Annual General Meeting of the Association shall be held within 3 months of the date on which this Constitution is approved by the Commissioner for Corporate Affairs.

4. Interpretation

In these rules, unless the context otherwise requires:

“accounting records” has the same meaning as in the Act;

“Act” means the *Associations Incorporation Act 1964*;

“Annual General Meeting” means an annual general meeting of the Association held under rule 16;

“Association” means the association referred to in rule 1;

“association” has the same meaning as in the Act;

“auditor” means the person appointed as the auditor of the Association under rule 13;

“authorised deposit-taking institution” means a body corporate that is an authorised deposit-taking institution for the purposes of the *Banking Act 1959* of the Commonwealth;

“by-laws” means the policies and procedures put in place by the Committee to assist with the effective management of the Association;

“Committee” means the committee of management referred to in rule 25;

“financial year” has the same meaning as in the Act;

“general meeting” means –

(a) an annual general meeting; or

(b) a special general meeting;

“member” means a member of the Association as referred to in rule 7;

“Justice of the Peace” means a Justice of the Peace appointed under the *Justices of the Peace Act 2018*, as amended;

“objects of the Association” means the objects and purposes of the Association as defined by this Constitution under section 18 of the Act;

“officer(s) of the Association” means a person(s) elected as an officer of the Association at an annual general meeting or appointed as an officer of the Association under rule 27;

“ordinary business of an annual general meeting” means the business specified in rule 16(6);

“ordinary committee member” means a member of the Committee other than an officer of the Association;

“Public Officer” means the person who is, under section 14 of the Act, the public officer of the Association;

“regional associations” means the incorporated associations which are being amalgamated into the Association and which had memberships from the geographical regions of Tasmania as set out below:

- South – Tasmanian Society of Justices of the Peace Incorporated;
- North – Honorary Justices’ Association of Tasmania Incorporated;
- and
- North-West – Honorary Justices’ Association of Tasmania Incorporated – North West.

“regions” means the commonly recognised geographical areas of Tasmania;

“special committee meeting” means a meeting of the Committee that is convened under rule 30(2) by the President or any 4 of the members of the Committee;

“special general meeting” means a special general meeting of the Association convened under rule 30;

“special resolution” has the same meaning as in the Act; and

“subscription” is the annual fee paid by members of the Association as determined by the Committee in accordance with rule 34.

5. The Association's Registered Office

The registered office of the Association shall be at the business address of the Association's legal officer for the time being, or at any other place determined by the Committee.

6. Objects and purposes of the Association

The objects and purposes of the Association consist of the following special objects and purposes:

- (a) to promote and support the office and functions of Justices of the Peace in Tasmania;
- (b) to advocate for and encourage members of the Association continuing to perform judicial and other legislative duties;
- (c) to equally represent, to the greatest extent possible, Justices of the Peace from each of the three regions, having regard for the varying characteristics and demographics of those regions;
- (d) to enquire into matters affecting the interests of Justices of the Peace and, if necessary, to meet with the Attorney-General or Department of Justice, petition State Parliament or promote deputations in relation to measures and legislation or intended legislation affecting Justices of the Peace;
- (e) to promote reforms of the Law as may be considered expedient or desirable;
- (f) effect regular discussions with the Department of Justice or other government agency responsible for the administration of the Justices of the Peace Act 2019 in relation to all matters concerning Justices of the Peace in Tasmania and the capability of the Association to support the activities of Justices of the Peace in Tasmania;
- (g) to consider and advise members on matters of practice, usage and duty as they affect Justices of the Peace;
- (h) to acquire and disseminate material affecting Justices of the Peace and information on subjects of interest to Justices of the Peace;
- (i) to provide or facilitate professional development and training opportunities for Justices of the Peace;
- (h) to promote public lectures and conferences for Justices of the Peace;
- (j) to provide or promote social activities for Association members, and
- (k) to do all things incidental or conducive to the attainment of all or any of the objects of the Association as outlined in the by-laws.

7. Membership of Association

(1) The Association shall be composed of Members, Life Members and such other classes of member as may be determined by the Committee from time to time.

(2) A person who applies for membership in accordance with this rule is eligible to be a member of the Association on the payment of the annual subscription determined by the Committee.

(3) A Justice of the Peace in Tasmania, including a retired Justice of the Peace and any serving Magistrate in Tasmania, may be made a member of the Association.

(4) A member of the regional associations who is a member of that association at the time this Constitution comes into effect shall be deemed to be a member of the Association.

(5) A person who is not a member of the Association at the commencement of this Constitution shall not be admitted as a member of the Association unless:

- (a) the person applies for membership in accordance with this Constitution and the by-laws; and
- (b) the person is approved for membership by the committee.

(6) The procedure required for the application, consideration and decision for membership of the Association are to be included in the by-laws.

8. Life membership

(1) A member of a regional association who is a Life Member of that association at the time this Constitution comes into effect shall be deemed to be a Life Member of Association.

(2) The Committee may determine that Life Membership be conferred on a Justice of the Peace who has given outstanding service to the Association.

(3) A Life Member shall:

- (a) have the right to attend all meetings of the Association and have the right to vote; and
- (b) not be required to pay any subscription to the Association; and
- (c) in the event of the Association being wound up, not be liable to contribute under rule 9.

9. Liability of members

(1) Any right, privilege or obligation of a person as a member of the Association:

(a) is not capable of being transferred to another person; and

(b) terminates when the person ceases to be a member of the Association.

(2) If the Association is wound up, each person who was, immediately before the Association is wound up, a member of the Association, and each person who was a member of the Association within the period of 12 months immediately preceding the commencement of the winding-up, is liable to contribute:

(a) to the assets of the Association for payment of the liabilities of the Association; and

(b) for the costs, charges and expenses of the winding-up; and

(c) for the adjustment of the rights of the contributors among themselves.

(3) Any liability under sub-rule (2) is not to exceed the sum of the last annual subscription paid if required.

(4) Despite sub-rule (2), a former member of the Association is not liable to contribute under that sub-rule in respect of any liability of the Association incurred after he or she ceased to be a member.

(5) If upon the winding up or dissolution of the Association there remains, after satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the Members of the Association but shall be given or transferred to some other institution or institutions having objects similar to the objects of this Association and whose Constitution shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association under or by virtue of rule 10, such institution or institutions to be determined by Members of the Association at or before the time of the dissolution and, in default, to the University of Tasmania Law School for the provision of scholarships to students studying in that School.

10. Income and property of Association

(1) The income and property of the Association is to be applied solely towards the promotion of the objects and purposes of the Association.

(2) No portion of the income or property of the Association is to be paid or transferred to any member of the Association unless the payment or transfer is made in accordance with this rule.

(3) The Association may:

(a) pay a person or member of the Association:

(i) remuneration in return for services rendered to the Association, or for goods supplied to the Association, in the ordinary course of business of the person or member; or

(ii) remuneration that constitutes a reimbursement for out-of-pocket expenses incurred by the person or member for any of the objects or purposes of the Association; or

(iii).a reasonable amount by way of rent for premises, or a part of premises, let to the Association by the person or member; and

(b) pay a member of the Committee remuneration in return for carrying out the functions of a member of the Committee; and

(c) if requested by or on behalf of any other association, organisation or body, appoint or nominate a member of the Association to an office in that other association, organisation or body.

(4) Despite sub-rules (3)(a), (b) and (c), the Association is not to pay a person any amount under that sub-rule unless the Association or Committee has first approved that payment.

(5) Despite sub-rule (3)(c), the Association is not to appoint or nominate a member of the Association under that sub-rule to an office in respect of which remuneration is payable unless the Association or Committee has first approved:

(a) that appointment or nomination; and

(b) the receipt of that remuneration by that member.

11. Accounts of receipts and expenditure

(1) True accounts are to be kept of the following:

(a) each receipt or payment of money by the Association and the matter in respect of which the money was received or paid; and

(b) each asset or liability of the Association.

(2) The accounts are to be open to inspection by the members of the Association at any reasonable time, and in any reasonable manner, determined by the Committee.

(3) The Treasurer of the Association is to keep all accounting books and general records, and records of receipts and payments, connected with the Association in the form and manner the Committee determines.

(4) The accounts, books and records are to be kept at the Association's office or at any other place the Committee determines.

(5) A statement of the financial position of the Association shall be presented at every meeting of the Committee.

12. Banking and finance

(1) On behalf of the Association, the Treasurer of the Association is to:

(a) receive any money paid to the Association; and

(b) after receiving the money, issue an official receipt in respect of the money; and

(c) cause the money to be paid into the account opened under sub-rule (2) as soon as practicable after it is received.

(2) The Committee shall have an account or accounts in the name of the Association at an authorised deposit-taking institution.

(3) The Committee may:

(a) receive from an authorised deposit-taking institution a cheque drawn by the Association on any of the Association's accounts with the authorised deposit-taking institution; and

(b) release or indemnify the authorised deposit-taking institution from or against any claim, or action or other proceeding, arising directly or indirectly out of the drawing of that cheque.

(4) The Committee may make by-laws to define and explain the processes required for the administration of its finances.

13. Auditor

(1) At each Annual General Meeting, the members of the Association present at the meeting are to appoint a person as the Auditor of the Association.

(2) If an Auditor is not appointed at an annual general meeting under sub-rule (1), the Committee is to appoint a person as the Auditor of the Association as soon as practicable after that Annual General Meeting.

(3) The Auditor is to hold office until the next Annual General Meeting and is eligible for re-appointment.

(4) The Auditor may only be removed from office by special resolution.

(5) If a casual vacancy occurs in the office of Auditor, the Committee is to appoint a person to fill the vacancy until the end of the next Annual General Meeting.

14. Audit of accounts

(1) The Auditor is to audit the financial affairs of the Association at least once in each financial year of the Association.

(2) The Auditor, after auditing the financial affairs of the Association for a particular financial year of the Association, is to:

(a).certify the correctness of the accounts of the Association for that period; and

(b).at the next Annual General Meeting, provide a written report to the members of the Association who are present at that meeting.

(3) In the report and in certifying to the accounts, the Auditor is to:

(a) specify the information, if any, that he or she has required under sub-rule (5)(b) and obtained; and

(b) state whether, in his or her opinion, the accounts exhibit a true and correct view of the financial position of the Association according to the information at his or her disposal; and

(c).state whether the rules relating to the administration of the funds of the Association have been observed.

(4) The Treasurer is to deliver to the Auditor a list of all the accounting records, books and accounts of the Association.

(5) The Auditor may:

(a) have access to the accounting records, books and accounts of the Association; and

(b) require from any employee of, or person who has acted on behalf of, the Association any information the auditor considers necessary for the performance of his or her duties; and

(c) employ any person to assist in auditing the financial affairs of the Association; and

(d) examine any member of the Committee, or any employee of, or person who has acted on behalf of, the Association, in relation to the accounting records, books and accounts of the Association.

(6) The Association shall present audited financial statements and associated reports to each Annual General Meeting.

15 Public Officer

(1).At each annual general meeting, the members of the Society present at the meeting are to appoint a person as the Public Officer of the Society.

(2) If a Public Officer is not appointed at an annual general meeting under sub-rule (1), the committee is to appoint a person as the Public Officer of the Society as soon as practicable after the annual general meeting.

(3).The public officer is to hold office until the next annual general meeting and is eligible for re-appointment.

(4) The person appointed as public officer may also be an officer or committee member of the Association.

(5) The Public Officer, or some other person who is not seeking appointment as a member of the Committee, shall be appointed by the Committee to act as the independent returning officer for each election of and appointment to the positions on the Committee in accordance with rule 28.

16. Annual General Meeting

(1) The Association is to hold an Annual General Meeting each year

(2) At the first Annual General Meeting of the Association, those present and being entitled to vote shall elect, or appoint by consent, a member to chair the meeting until the first president is elected.

(3) An Annual General Meeting is to be held on any day, being not later than 3 months after the end of the financial year of the Association, that the Committee determines.

(4) An Annual General Meeting is to be in addition to any other general meeting that may be held in the same year.

(5) The notice convening an Annual General Meeting is to specify the purpose of the meeting.

(6) The ordinary business of an Annual General Meeting is to be as follows –

(a) to confirm the minutes of the last preceding Annual General Meeting and of any general meeting held since that meeting;

(b) to receive from the Committee, Auditor and other persons acting on behalf of the Association reports on the transactions of the Association during the last preceding financial year of the Association;

(c) to elect the officers of the Association and the ordinary committee members;

(d) to appoint the Auditor and determine his or her remuneration; and

(e) to determine the remuneration of other persons acting on behalf of the Association.

(7) An Annual General Meeting may transact business of which notice is given in accordance with rule 18.

(8) Minutes of proceedings of an Annual General Meeting are to be kept, in the minute book of the Association, which may be either written or electronic, by the Public Officer or, in the absence from the meeting of the Public Officer, by an officer of the Association who is nominated by the Chairperson of the meeting.

17. Special General Meetings

(1) The Committee may convene a Special General Meeting of the Association at any time.

(2) The Committee, on the requisition in writing of at least 10 members of the Association, is to convene a Special General Meeting of the Association.

(3) A requisition for a Special General Meeting –

(a) is to state the objects of the meeting; and

(b) is to be signed by each of the requisitionists; and

(c) is to be deposited at the office of the Association; and

(d) may consist of several documents, each signed by one or more of the requisitionists.

(4) If the Committee does not cause a Special General Meeting to be held within 21 days after the day on which a requisition is deposited at the office of the Association, any one or more of the requisitionists may convene the meeting within 3 months after the day on which the requisition is deposited at the office of the Association.

(5) A Special General Meeting convened by requisitionists is to be convened in the same manner, as nearly as practicable, as the manner in which a Special General Meeting would be convened by the Committee.

(7) All reasonable expenses incurred by requisitionists in convening a Special General Meeting are to be refunded by the Association.

18. Notice of General Meetings

(1) At least 14 days before the day on which a general meeting of the Association is to be held, the Public Officer, or delegate of the Public Officer, is to publish a notice specifying

(a) the place, day and time at which the meeting is to be held; and

(b) the nature of the business that is to be transacted at the meeting.

(2) For the purposes of sub-rule (1), a notice is published if the notice –

(a) is contained in an advertisement appearing in at least one newspaper circulating in Tasmania; or

(b) appears on a website, or at an electronic address, of the Association; or

(c) is sent to each member of the Association at –

(i) the member's postal or residential address or address of business or employment; or

(ii) an email address that the member has nominated as the email address to which notices from the Association may be sent; or

(iii) is given by another means, determined by the Public Officer, that is reasonably likely to ensure that the members of the Association will be notified of the notice.

(3) Subject to the Act and these rules, the Committee may regulate the calling of, and the conduct of business, at any of the Society's meetings as it considers appropriate and as outlined in the by-laws.

19. Business and quorum at General Meetings

(1) Any business transacted at a General Meeting, other than the ordinary business of an Annual General Meeting, is special business.

(2) Business is not to be transacted at a General Meeting unless a quorum of members of the Association entitled to vote is present at the time when the meeting considers that business.

(3) A quorum for the transaction of the business of a General Meeting is 10 members of the Association entitled to vote.

(4) If a quorum is not present within one hour after the time appointed for the commencement of a General Meeting, the meeting:

(a) if convened on the requisition of members of the Association, is dissolved; or

(b) if convened by the Committee, is to be adjourned to the same day in the next week at the same time and:

(i) at the same place; or

(ii) at any other place specified by the Chairperson at the time of the adjournment or by notice in a manner determined by the Chairperson.

(4) If at an adjourned General Meeting a quorum is not present within one hour after the time appointed for the commencement of the meeting, the meeting is dissolved.

20. Chairperson at General Meetings

Except as provided in rule 16(1), at each General Meeting of the Association, the Chairperson is to be –

(a) the President; or

(b) in the absence of the President, the Vice-President; or

(c) in the absence of the President and Vice-President, a member of the Association elected to preside as Chairperson by the members of the Association present and entitled to vote at the General Meeting.

21. Adjournment of General Meetings

(1) The Chairperson of a General Meeting at which a quorum is present may adjourn the meeting with the consent of the members of the Association who are present and entitled to vote at the meeting, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

(2) If a meeting is adjourned for 14 days or more, notice of the adjourned meeting is to be given in the same manner as the notice of the original meeting.

(3) If a meeting is adjourned for less than 14 days, it is not necessary to give any notice of the adjournment or of the business to be transacted at the adjourned meeting.

22. Determination of questions arising at General Meetings

(1) A question arising at a General Meeting of the Association is to be determined on a show of hands.

(2) A declaration by the Chairperson that a resolution has, on a show of hands, been lost or carried, or been carried unanimously or carried by a particular majority, together with an entry to that effect in the minute book of the Association, is evidence of that fact unless a poll is demanded on or before that declaration.

23. Votes

(1) On any question arising at a General Meeting of the Association, a member of the Association (including the Chairperson) has one vote.

(2) All votes are to be given personally.

(3) Despite sub-rule (1), in the case of an equality of votes, the question passes in the negative.

24. Taking of poll

(1) If at a General Meeting a poll on any question is demanded –

(a) the poll is to be taken at that meeting in the manner that the Chairperson determines; and

(b) the result of the poll is taken to be the resolution of the meeting on that question.

(2) A poll that is demanded on the election of a Chairperson, or on a question of adjournment, is to be taken immediately.

(3) A poll that is demanded on any other question is to be taken at any time before the close of the meeting as the Chairperson determines.

25. Affairs of Association to be managed by a Committee

(1) The affairs of the Association shall be managed by a Committee of Management constituted as provided in rule 27.

(2) The Committee:

(a) is to control and manage the business and affairs of the Association; and

(b) may exercise all the powers and perform all the functions of the Association, other than those powers and functions that are required by these rules to be exercised and performed by members of the Association at a General Meeting; and

(c) has power to do anything that appears to the Committee to be essential for the proper management of the business and affairs of the Association; and

(d) will authorise the Secretary/Registrar to carry out administrative duties including, but not limited to, the preparation of agendas and rosters, recording and maintaining minutes of Committee meetings, the conduct of routine correspondence for and on behalf of the Association, and any other matters the Committee may determine; and

(e) shall be responsible, together with the Public Officer, for the management of all records of the Association in accordance with the determinations of the committee from time to time.

26. Officers of the Association

(1) The officers of the Association are:

(a) the President;

(b) the Vice-President;

(c) the Treasurer; and

(d) the Secretary/Registrar.

(2) Subject to sub-rule (5), the officers of the Association are to be elected in accordance with rule 28.

(3) Each officer of the Association is to hold office until the end of the next Annual General Meeting after that at which he or she is elected and is eligible for re-election.

(4) A member elected as President may not hold the position for more than 3 successive years.

(5) The person appointed to the office of president shall, at least once every three years, reside in a region other than that of the person who held the office of president immediately prior to the person appointed.

(6) If a casual vacancy in an office referred to in sub-rule (1) occurs, the Committee may appoint one of its members to fill the vacancy until the end of the next annual general meeting after the appointment.

(7) If an office referred to in sub-rule (1) is not filled at an Annual General Meeting, there is taken to be a casual vacancy in the office.

27. Composition of the Committee

(1) The Committee consists of:

(a) the four officers of the Association; and

(b) no more than five other members elected at the Annual General Meeting or appointed in accordance with this rule.

(2) The Committee shall consist of a minimum of two and no more than three members from each of the regions.

(3) An ordinary committee member is to hold office until the end of the next Annual General Meeting after that at which he or she is elected and is eligible for re-election.

(4) The members of the Committee must be a financial member of the Association in accordance with rule 34, or a Life Member.

(5) If a casual vacancy occurs in the office of an ordinary committee member, the Committee may appoint a member of the Association to fill the vacancy until the end of the next annual general meeting after the appointment.

(6) If an office of an ordinary committee member is not filled at an Annual General Meeting, there is taken to be a casual vacancy in the office.

(7) The office of Public Officer may also be held concurrently by a member of the Committee.

28. Election of members of Committee

(1) A nomination of a candidate for election as an officer of the Association, or as an ordinary committee member, is to be:

(a) made in writing, signed by two members of the Association and accompanied by the written consent of the candidate (which may be endorsed on the nomination); and

(b) delivered to the Public Officer at least ten days before the day on which the Annual General Meeting is to be held.

(2) No member is eligible for nomination as President unless he or she has been a member of the Committee, or the Committee of one of the former regional associations, for at least one year.

(3) If insufficient nominations are received to fill all vacancies on the Committee:

(a) the candidates nominated are taken to be elected; and

(b) further nominations are to be received at the Annual General Meeting.

(4) If the number of nominations received is equal to the number of vacancies on the committee to be filled, the persons nominated are taken to be elected.

(5) If the number of nominations received exceeds the number of vacancies on the Committee to be filled, a ballot is to be held.

(6) If the number of further nominations received at the Annual General Meeting exceeds the number of remaining vacancies on the Committee to be filled, a ballot is to be held in relation to those further nominations.

(6) The ballot for the election of officers of the Association and ordinary committee members is to be conducted at the Annual General Meeting in the manner determined by the Committee.

(7) There shall be by-laws which must be read in conjunction with these rules.

29. Vacation of office

For the purpose of these Rules, the office of an officer of the Association, or of an ordinary committee member, becomes casually vacant if the officer or committee member:

(a) dies; or

(b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit; or

(c) becomes a represented person within the meaning of the Guardianship and Administration Act 1995; or

(d) becomes incapable of performing their duties or those of a Justice of the Peace; or

(e) resigns office in writing addressed to the Committee; or

(f) ceases to be ordinarily resident in Tasmania; or

(g) is absent from 3 consecutive meetings of the Committee without the permission of the other members of the Committee; or

(h) ceases to be a member of the Association; or

(i) fails to pay, within 14 days after receiving a notice in writing signed by the Public Officer stating that the officer or committee member has failed to pay one or more amounts of annual subscriptions, all such amounts due and payable by the officer or member.

30. Meetings of the Committee

- (1) The Committee is to meet at least once every two months at any place and time the Committee determines.
- (2) A special meeting of the Committee, other than a meeting referred to in sub-rule (1), may be convened by the President or any four of its members.
- (3) Written notice of any special committee meeting is to be served on members of the Committee and is to specify the general nature of the business to be transacted.
- (4) A special committee meeting may only transact business of which notice is given in accordance with sub-rule (3).
- (5) A quorum for the transaction of the business of a meeting of the Committee is 5 members of the Committee.
- (6) Business is not to be transacted at a meeting of the Committee unless a quorum is present.
- (7) If a quorum is not present within half an hour after the time appointed for the commencement of:
 - (a) a meeting of the committee (other than a special committee meeting), the meeting is to be adjourned to the same day in the next week at the same time and at the same place; or
 - (b) a special committee meeting, the meeting is dissolved.
- (8) At each meeting of the Committee, the Chairperson is to be:
 - (a) the President; or
 - (b) in the absence of the President, the Vice-President; or
 - (c) in the absence of the President and Vice-President, a member of the Committee elected to preside as chairperson by the members of the Committee present at the meeting.
- (9) Any question arising at a meeting of the Committee is to be determined –
 - (a) on a show of hands; or

(b) if demanded by a member, by a poll taken at that meeting in the manner the chairperson determines.

(10) On any question arising at a meeting of the Committee, a member of the Committee, including the Chairperson, has one vote only.

(11) Despite sub-rule (10), in the case of an equality of votes, the question passes in the negative.

(12) The Committee shall have by-laws which incorporate the methods by which notice of and procedures for a Committee meeting are given.

31. Executive Committee

(1) The President, the Vice-President, the Treasurer and the Secretary/Registrar constitute the Executive Committee.

(2) During the period between meetings of the Committee, the Executive Committee may issue instructions to a member of the Committee of the Association in matters of urgency connected with the management of the affairs of the Association.

(3) The Executive Committee is to report on any instructions issued under sub-rule (2) to the next meeting of the Committee.

32. Sub-committees

(1) The Committee may appoint sub-committees which assist it in achieving its objectives and purposes on a functional or regional basis of the Association's activities.

(2) The Committee shall prescribe the powers and functions of each subcommittee.

(3) A quorum for the transaction of any business of a meeting of a sub-committee is 2 appointed members.

(4) A sub-committee shall communicate with, and report to, the Secretary/Registrar on matters affecting its functions.

33. Disclosure of interests

(1) If a member of the Committee or a member of a subcommittee has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Committee or subcommittee at a meeting, the member is to, as soon as practicable after the relevant facts come to the member's knowledge, disclose the nature of the interest to the Committee or subcommittee.

(2) If at a meeting of the Committee or a subcommittee, a member of the Committee or subcommittee votes in respect of any matter in which the member has a direct or indirect pecuniary interest, that vote is not to be counted.

34. Annual subscription

(1) The annual subscription, for a financial year of the Association, that is payable by members of the Association is to be set by the Committee at the last meeting of the Committee before the commencement of the financial year to which it relates.

(2) The members of the Association may alter by special resolution the annual subscription for a financial year of the Association.

(3) The annual subscription, for a financial year of the Association, that is payable by members of the Association is due and payable on the first day of the financial year.

(4) If:

(a) a member of the Association has not paid his or her annual subscription for a financial year of the Association within 3 months after the first day of the financial year; and

(b) there has been sent to the member, after the expiration of the three months referred to in (a), a notice in writing, signed by the Public Officer, stating that the member's name may be removed from the Register of Members if the member has not, within 14 days after receiving the notice, paid all annual subscriptions due and payable by the member; and

(c) the member has not, within 30 days after receiving the notice, paid all annual subscriptions due and payable by the member –

the Public Officer may remove the name of the member from the Register of Members maintained under rule (7).

(5) A member whose name has been removed from the Register of Members by the application of sub-rule 34(4) shall not be entitled to attend, or vote at, the next annual general meeting of the Association.

36. Service of notices and requisitions

Except as may otherwise be provided by these rules, a document may be served under these rules on a person by :

(a) giving it to the person; or

(b) leaving it at, or sending it by post to, the person's postal or residential address or place or address of business or employment last known to the server of the document; or

(c) emailing it to the person's last known email address.

36. Expulsion of members

(1) The Committee may, by majority vote:

(a) remove a member from the Committee; or

(b) expel a member from the Association

if, in the opinion of the Committee, the conduct of a member is detrimental to the interests of the Association.

(2) If, in the opinion of the Committee, a member expelled from the Association has committed an act that contravenes the *Justice of the Peace Act 2018*, the Public Officer shall, within twenty-one days of the Committee vote to expel the member, inform the Secretary of the Department of Justice of the action taken.

(3) The removal or expulsion of a member under sub-rule (1) does not take effect until whichever of the following occurs later:

(a) the fourteenth day after the day on which a notice is served on the member under sub-rule (4);

(b) if the member exercises his or her right of appeal under this rule, the conclusion of the Special General Meeting convened to hear the appeal.

(4) If the Committee expels a member from the Association, the Public Officer, without undue delay, is to cause to be served on the member a notice in writing:

(a) stating that the Committee has expelled the member; and

(b) specifying the grounds for the expulsion; and

(c) informing the member of the right to appeal against the expulsion under rule 37.

37. Appeal against expulsion

(1) A member may appeal against an expulsion under rule 37 by serving on the Public Officer, within 14 days after the service of a notice under rule 37(3), a requisition in writing demanding the convening of a Special General Meeting for the purpose of hearing the appeal.

(2) On receipt of a requisition, the Public Officer is to immediately notify the Committee of the receipt.

(3) The Committee is to cause a Special General Meeting to be held within 21 days after the day on which the requisition is received.

(4) At a Special General Meeting convened for the purpose of hearing an appeal under this rule:

(a) no business other than the question of the expulsion is to be transacted; and

(b) the Committee may place before the meeting details of the grounds of the expulsion and the Committee's reasons for the expulsion; and

(c) the expelled member must be given an opportunity to be heard; and

(d) the members of the Association who are present are to vote by secret ballot on the question of whether the expulsion should be lifted or confirmed.

(5) If at the Special General Meeting a majority of the members present vote in favour of the lifting of the expulsion:

(a) the expulsion is lifted; and

(b) the expelled member is entitled to continue as a member of the Association.

(6) If at the Special General Meeting a majority of the members present vote in favour of the confirmation of the expulsion:

(a) the expulsion takes effect; and

(b) the expelled member ceases to be a member of the Association.

38. Disputes

(1) A dispute between a member of the Association, in their capacity as a member, and the Association is to be determined by arbitration in accordance with the provisions of the Commercial Arbitration Act 2011.

(2) This rule does not affect the operation of rule 37.

39. Patronage

The Committee may, at any time it deems appropriate, offer to the Governor of Tasmania or another notable person the Office of Patron and, upon receiving a reply indicating the willingness of the person to act, the Committee may appoint that person as Patron of the Association.

40. Seal of Association

- (1) The seal of the Association is to be in the form of a rubber stamp inscribed with the name of the Association encircling the word "Seal".
- (2) The seal is not to be affixed to any instrument except by the authority of the Committee.
- (3) The affixing of the seal is to be attested by the signatures of:
 - (a) two members of the Committee; or
 - (b) the Public Officer and one other member of the Committee appointed for that purpose.
- (4) If a sealed instrument has been attested under sub-rule (3), it is presumed, unless the contrary is shown, that the seal was affixed to that instrument by the authority of the Committee.
- (5) The seal is to remain in the custody of the Public Officer of the Association.

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TAJPI BY-LAWS (draft)

1. Vision, Mission and Values of the Association::

The Association will protect the rights and enhance the opportunities of its Members in their voluntary service to the public through:

(a) Vision - to be the leading JP association within Tasmania and to promote, support, protect the status and interests of our members so they may better assist the community with quality JP services.

(b) Mission - The Association will protect the rights and enhance the opportunities of its members to provide JP services to assist the community through:

(a) the provision of training and advocacy services to our members in their voluntary service to the community, and

(b) the provision of support, advocacy, fellowship and community involvement.

(c) Values - Justices of the Peace proudly serving our Tasmanian communities since 1922 with professionalism, commitment, fairness, respect and equality.

2. Objects and Purposes of the Association

Further to clause 6 of the Constitution, the objects and purposes of the Association are deemed to include the following basic objects and purposes:

(a) the purchase, taking on lease or in exchange, hire or other acquisition of any real or personal property necessary or convenient for any of the objects or purposes of the Association;

(b) the purchase, sale or supply of, or other dealing in, goods;

(c) the maintenance or alteration of any building or works necessary or convenient for any of the objects or purposes of the Association;

(d) the acceptance of a gift for any of the objects or purposes of the Association;

(e) the taking of any step the committee, or the members of the Association at a general meeting, determine to be expedient for the purpose of procuring contributions to the funds of the Association;

(f) the printing or publication of any newspaper, periodical, book, leaflet or other document the Committee determines to be desirable for the promotion of any of the objects or purposes of the Association, or for any other purpose relevant to the office of Justice of the Peace;

(g) the borrowing and raising of money in any manner and on terms the Committee thinks fit or approved or directed by resolution passed at a general meeting, subject to the provisions of the Trustee Act 1898;

(h) the investment, in any manner the Committee determines, of any money of the Association not immediately required for any of the objects or purposes of the Association;

(i) the making of a gift, subscription or donation to any of the funds, authorities or institutions to which section 78A of the Income Tax Assessment Act 1936 of the Commonwealth relates;

(j) the establishment and support, or aiding in the establishment or support, of any other association formed for any of the basic objects of the Association;

(k) the purchase, or acquisition, and the undertaking of all or part of the property, assets, liabilities or engagements of any association with which the Association is amalgamated in accordance with the provisions of the Act and the rules of the Association;

(l) a review of the Constitution at least every three years and in particular, within three years of the establishment of the Association, to ensure that it continues to support the objects and purposes, having regard for those issues which relate to regional matters, such as membership of the Committee and representation on sub-committees, the financial and administrative arrangements, and other activities of the Association; and

(m) the doing of any lawful thing incidental or conducive to the attainment of the objects or purposes of the Association.

3. Application for Membership

Further to clause 7 of the Constitution, the process for an application for membership of the Association shall include:

(a) An application by a person to be a member is to:

(i) Be made in writing and signed by the person; and

(ii) Lodged with the Public Officer; and

(iii) provide evidence that the applicant is a registered Justice of the Peace in Tasmania; and

(iv) be accompanied by an affirmation that the applicant will uphold the practices expected of a member of the Association;

(b) A person who nominates and is approved for membership in accordance with this rule is eligible to be a member of the Association upon payment of the annual subscription.

(c) As soon as practicable after the receipt of an application, the Public Officer is to refer the application to the Committee.

(d) If an application is approved by the Committee, the Registrar is to –

- (i) notify the applicant, in writing, that the application has been approved for membership of the Association; and*
- (ii) on receipt of the amount payable by the applicant as the first annual subscription enter the nominee's name in the Register of Members.*

(c) A person becomes a member of the Association when his or her name is entered in the Register of Members referred to in sub-rule (h);

(d) A person who is already member of the Association when they reach the mandatory retirement age of 85 for Justices of the Peace Justices as prescribed in the Justices of the Peace Act 2018 or who elects to retire as a Justice of the Peace before reaching the age of 85 may, at their discretion and by continuing to pay the annual subscription, remain a member of the Association.

(e) A member of the Association may resign by serving on the Registrar a written notice of resignation.

(f) On receipt of a notice from a member of the Association under sub-rule (e) the Registrar is to remove the name of the member from the Register of Members.

(g) A person ceases to be a member of the Association when his or her name is removed from the Register of Members under sub-rule (13) or rule 35 (4).

(h) The Registrar is to maintain a Register of Members, including Life Members, containing:

- (i) the name of each member of the Association and the date on which he or she became a member, together with their JP number and date on which he or she became a member; and*
- (ii) the member's postal or residential address or address of business or employment; and*
- (ii) an email address, if any, that the member has nominated as the email address to which notices from the Association may be sent; and*
- (iv) The member's contact telephone number; and*

(v) the name of each person, and their JP number, who has ceased to be a member of the Association and the date on which the person ceased to be a member of the Association.

4. Financial Management:

Further to clauses 10, 11 and 12 of the Constitution, the finances of the Association shall include the following processes:

(a) Except with the authority of the Committee, no payment of an amount exceeding \$100 is to be made from the funds of the Association other than –

(i) by cheque drawn on the Association's account; or

(ii) by the electronic transfer of funds from the Association's account to another account at an authorised deposit-taking institution.

(b) The Committee may provide the Secretary/ Registrar of the Association with an amount of money to meet urgent expenditure, subject to any conditions the Committee may impose in relation to the expenditure.

(c) A cheque is not to be drawn on the Association's account, and an amount is not to be electronically transferred from the Association's account to another account at an authorised deposit-taking institution, except for the purpose of making a payment authorised by the Committee.

(d) A cheque, draft, bill of exchange, promissory note or other negotiable instrument is to be –

(i) signed by the Treasurer of the Association or, in the Treasurer's absence, by any other member of the Committee the Committee nominates for that purpose; and

(ii) countersigned by the Public Officer or, in the Public Officer's absence, by any other member of the Committee the Committee nominates for that purpose.

(e) An electronic transfer of an amount from the Association's account to another account at an authorised deposit-taking institution –

(i) may only be authorised by the Treasurer of the Association or, in the Treasurer's absence, by any other member, or members, of the Committee that the Committee nominates for that purpose; and

(ii) may only be authorised by persons referred to in paragraph (i) if the authorisation has been approved by the Public Officer; and

(ii) evidence of authorisation is kept in the Association's records which may take the form of an electronic communication between at least 2 of the officers of the Association.

5. Committee Meetings

Further to clause 30 of the Constitution, the meetings of the Committee shall take into account the following rules.

(a) A notice of meeting shall be deemed to have been given if:

(i) it is sent to each member of the Association at-

1. the member's postal or residential address or address of business or employment; or
2. an email address that the member has nominated as the email address to which notices from the Association may be sent; or

(ii) [It is given by other means, determined by the Public Officer; that is reasonably likely to ensure that the members of the Association will be notified of the notice.

(b) The Committee may permit members to participate in a particular meeting or all meetings by –

- (i) in person;
- (ii) telephone;
- (iii) video conference; or
- (iv) any other means of communication approved by the Committee.

(c) A member who participates in a meeting under a permission granted under sub-rule (b) is taken to be present at the meeting.

(d) Without limiting sub-rule (c), the Committee may allow a person to attend a meeting for the purpose of advising or informing it on any matter on conditions specified by the Committee.

6. Regional Representation

(a) Until a review of the Constitution in accordance with by-law 2 has been undertaken and changes which may be made to those issues related to regional matters, the Committee is to comprise at least two and no more than three members from each region, being a total of at least six and no more than nine members.

(b) In ensuring that this requirement is achieved at each Annual General Meeting, the Public Officer shall ensure that there are nominations for the committee positions which at least meet this requirement.

(c) If this is not possible to be achieved prior to the holding of the Annual General Meeting, the appointment to any vacant officer and/or member position must have regard for the requirement for regional representation.

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