CONSTITUTION
OF
ASSOCIATION OF
AUSTRALIAN
MAGISTRATES
INCORPORATED
ASSOCIATION OF AUSTRALIAN MAGISTRATES

1. INTERPRETATION
2. OBJECTS
3. MEMBERSHIP QUALIFICATIONS
4. LIFE MEMBERSHIP
5. NOMINATION FOR MEMBERSHIP
6. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE
7. CESSATION OF MEMBERSHIP
8. RESIGNATION OF MEMBERSHIP
9. FEE, SUBSCRIPTIONS ETC.
10. MEMBERS’ LIABILITIES
11. DISCIPLINING OF MEMBERS
12. RIGHT OF APPEAL OF DISCIPLINED MEMBER
13. POWERS OF THE EXECUTIVE
14. CONSTITUTION AND MEMBERSHIP
15. ELECTION OF EXECUTIVE MEMBERS
16. SECRETARY
17. TREASURER
18. VACANCIES
19. REMOVAL OF EXECUTIVE MEMBERS
20. EXECUTIVE MEETINGS AND QUORUM
21. DELEGATION BY EXECUTIVE TO SUB-COMMITTEE
22. VOTING AND DECISIONS
23. ANNUAL GENERAL MEETINGS – HOLDING OF
24. ANNUAL GENERAL MEETINGS – CALL OF AND BUSINESS AT
25. GENERAL MEETINGS – CALLING OF

4
5
6
6
7
7
7
8
8
8
8
10
10
11
11
12
13
13
14
14
15
15
16
16
17
26. NOTICE
27. GENERAL MEETINGS – PROCEDURE AND QUORUM
28. PRESIDING MEMBER
29. ADJOURNMENT
30. MAKING OF DECISIONS
31. VOTING
32. APPOINTMENT OF PROXIES
33. FUNDS – SOURCE
34. FUNDS – MANAGEMENT
35. ALTERATION OF OBJECTS AND RULES
36. COMMON SEAL
37. CUSTODY OF BOOKS
38. INSPECTION OF BOOKS
39. SERVICE OF NOTICE
40. SURPLUS PROPERTY
41. PRESIDENT
42. AUDITOR
43. PUBLIC OFFICER
44. WINDING UP
45. DISPOSITION OF PROPERTY
46. HONORARY MEMBERS
PART I – PRELIMINARY

1. INTERPRETATION

1.1 In these rules, unless a contrary intention appears –

“Act” means the *Associations Incorporation Act 1991* (ACT);

“Associate Member” means an associate member admitted under rule 3.2;

“Auditor” means the auditor appointed under rule 42;

“Association” means the Association of Australian Magistrates;

“Constitution” means the Constitution of the Association

“Executive” means the executive committee of the Association;

“Executive Member” means a member of the Executive as referred to in rule 14;

“Financial Year” means the year ending on 30 April;

“General Meeting” means a general meeting of the Association pursuant to this Constitution;

“Honorary Member” means a person nominated under rule Error! Reference source not found.;

“Life Member” means a life member admitted under rule 4;

“Member” means a Member, however described, of the Association and if used without qualification includes Full Members and Life Members but does not include Associate Members and Honorary Members;

“Past President” means the person who was President of the Association immediately preceding the current President;

“Public Officer” has the same meaning given to it in the Act;

“Regulations” means the *Associations Incorporation Regulations 1991* (ACT);

“Secretary” means the person holding office under this Constitution as the Honorary Secretary of the Association or, where no such person holds that office, the Public Officer of the Association;

“Territory” means the Australian Capital Territory; and

“Treasurer” means the person holding office under this Constitution as the Honorary Treasurer of the Association.

1.2 In this Constitution
(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty; and

(c) a reference to a rule is to a rule in this Constitution.

1.3 The provisions of the Interpretation Act 1967 (ACT) apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

2. OBJECTS

The objects of the Association shall be to:

2.1 be the representative body of Australian Magistrates nationally and internationally;

2.2 confer and liaise with, and if appropriate, to act in conjunction with all Chief Magistrates, Judicial Conference of Australia, the Australian Institute of Judicial Administration or any other body with objects consistent with any of these;

2.3 ensure the maintenance of a strong and independent judiciary as the third arm of government in Australia;

2.4 promote and improve the quality of the judicial system in Australia;

2.5 promote a better public understanding and appreciation of the role of the judiciary in the administration of justice;

2.6 promote, foster and develop within the executive and legislative arms of government and within the general community, an understanding of the importance of a strong and independent judiciary in Australia;

2.7 promote and encourage continuing legal, social and cross cultural study and learning by all members;

2.8 promote legal research in collaboration with any university or educational institution of similar standing including comparative jurisdictional analysis of courts exercising summary jurisdiction throughout Australia; and

2.9 promote and exchange legal, educational, practical or professional information between members and other persons or bodies, nationally and internally.
PART II - MEMBERSHIP

3. MEMBERSHIP QUALIFICATIONS

3.1 A person is qualified to be a Member of the Association if:

(a) that person holds the judicial office now as Magistrate or Stipendiary Magistrate or equivalent judicial office of any State, Territory or within the Commonwealth of Australia and all such persons who have held such office;

(b) the person is a person referred to in section 21(2)(a) or (b) of the Act and has not ceased to be a Member of the Association at any time after incorporation of the Association under the Act; or

(c) the person:

(i) has been nominated for membership in accordance with sub-rule 5.1; and

(ii) has been approved for membership of the Association by the Executive.

3.2 The Executive may admit as an Associate Member, the spouse of any present, former or deceased member of the Association, with the voting restrictions referred to in clause 31.6.

3.3 Notwithstanding sub-rule 3.1 a block application may be submitted to the Secretary by the secretary of an association, society or other body of Magistrates’ of any State, Territory or the Commonwealth of Australia, accompanied by the applicable annual fee to cover such membership or pro-rata membership and such block application shall be treated as if each person referred to in such block had applied directly for membership in accordance with sub-rule 5.1.

4. LIFE MEMBERSHIP

4.1 Any person who has rendered long and meritorious service to the Association may on account of that service or for any other commendable reason be elected a Life Member of the Association.

4.2 A nomination for the election of a Life Member of the Association may be made in writing to the Executive by any two or more Members.

4.3 If the Executive recommends the election of a Life Member the recommendation must be submitted to the next General Meeting of the Association and if adopted by two-thirds of the Members present at such meeting such person shall be a Life Member of the Association.

4.4 The Executive must not recommend more than two people for life memberships at any one General Meeting of the Association.
5. NOMINATION FOR MEMBERSHIP

5.1 A nomination of a person for membership of the Association:

(a) shall be made in writing in the form set out in Appendix 1 to this Constitution; and

(b) shall be lodged with the Secretary of the Association.

5.2 As soon as is practicable after receiving a nomination for membership, the Secretary shall refer the nomination to the Executive which shall determine whether to approve or to reject the nomination.

5.3 Where the Executive determines to approve a nomination for membership, the Secretary shall as soon as practicable after that determination notify the nominee of that approval and request the nominee to pay within 28 days after receipt of the notification the sum payable under these rules by a Member as the entrance fee and the first year’s annual subscription.

5.4 The Secretary shall, on payment by the nominee of the amounts referred to in sub-rule 5.3 within the period referred to in that sub-rule, enter the nominee’s name in the register of Members and, upon the name being so entered, the nominee shall become a Member of the Association.

6. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

6.1 A right, privilege or obligation which a person has by reason of being a Member of the Association:

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

(b) terminates in the circumstances set out in rule 7.

7. CESSATION OF MEMBERSHIP

7.1 A person ceases to be a Member of the Association if the person:

(a) dies

(b) resigns from membership of the Association under rule 8;

(c) is expelled from the Association under rules 11 and 12;

(d) fails to renew membership of the Association within 3 months of the due date;

(e) has been convicted of an indictable offence; or

(f) has been removed, rather than retired or resigned from office as a Magistrate or a Stipendiary Magistrate.
8. RESIGNATION OF MEMBERSHIP

8.1 A Member is not entitled to resign from membership of the Association except in accordance with this rule.

8.2 A Member who has paid all amounts payable by the Member to the Association may resign from membership of the Association by first giving notice (being not less than 1 month or, if the Executive has determined a shorter period, that shorter period) in writing to the Secretary of the Member’s intention to resign and, upon the expiration of the period of notice, the Member ceases to be a Member.

8.3 Where a person ceases to be a Member, the Secretary shall make an appropriate entry in the register of Members recording the date on which the Member ceased to be a Member.

9. FEE, SUBSCRIPTIONS ETC.

9.1 The entrance fee to the Association is $1, or if any other amount has been determined by resolution of the Executive, such other amount.

9.2 The annual membership fee of the Association is $2, or if any other amount has been determined by resolution of the Executive, that other amount.

9.3 The annual membership fee is payable by the due date as determined from time to time by the Executive.

9.4 Where a person becomes a member during the course of a Financial Year, that person shall pay the fee fixed under sub-rules 9.1 and 9.2 unless the Executive determines a different sum.

9.5 In respect of Life Members, the Executive shall fix such fee as may, in its opinion, be appropriate.

10. MEMBERS’ LIABILITIES

10.1 The liability of a Member to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses on the winding up of the Association is limited to the amount, if any, unpaid by the Member in respect of membership of the Association as required by rule 9.

11. DISCIPLINING OF MEMBERS

11.1 Where the Executive is of the opinion that a Member:

   (a) has refused or neglected to comply with a provision of this Constitution; or

   (b) has acted in a manner prejudicial to the interests of the Association,

   the Executive may, by resolution:

   (c) expel the Member from the Association; or
(d) suspend the Member from such rights and privileges of membership of the Association as the Executive may determine for a specified period.

11.2 A resolution of the Executive under sub-rule 11.1 is of no effect unless the Executive, at a meeting of the Executive held not earlier than 14 days and not later than 28 days after service on the Member of a notice under sub-rule 11.3, confirms the resolution in accordance with this rule.

11.3 Where the Executive passes a resolution under sub-rule 11.1, the Secretary shall, as soon as practicable, cause a notice in writing to be served on the Member –

(a) setting out the resolution of the Executive and the grounds on which it is based;
(b) stating that the Member may address the Executive at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
(c) stating the date, place and time of that meeting; and
(d) informing the Member that the Member may do either or both of the following:
   (i) attend and speak at that meeting; and
   (ii) submit to the Executive at or prior to the date of that meeting written representations relating to the resolution.

11.4 Subject to section 50 of the Act, at a meeting of the Executive mentioned in sub-rule 11.2, the Executive shall:

(a) give to the Member subject to discrepancy action in accordance with sub-rule 11.1 an opportunity to make oral representations;
(b) give due consideration to any written representations submitted to the Executive by that Member at or prior to the meeting; and
(c) by resolution determine whether to confirm or to revoke the resolution of the Executive made under sub-rule 11.1.

11.5 Where the Executive confirms a resolution under sub-rule 11.4, the Secretary shall, within seven days after that confirmation, by notice in writing inform the Member of that confirmation and of the Member’s right of appeal under rule 12.

11.6 A resolution confirmed by the Executive under sub-rule 11.4 does not take effect

(a) until the expiration of the period within which the Member is entitled to appeal against the resolution and where the Member does not exercise the right of appeal within that period; or
(b) where within that period within which the Member is entitled to appeal against the resolution and the Member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with sub-rule 12.4.
12. **RIGHT OF APPEAL OF DISCIPLINED MEMBER**

12.1 A Member may appeal to the Association in General Meeting against a resolution of the Executive which is confirmed under sub-rule 11.4, within seven days after notice of the resolution is served on the Member, by lodging with the Secretary a notice to that effect.

12.2 Upon receipt of a notice under sub-rule 12.1, the Secretary shall notify the Executive which shall convene a General Meeting of the Association to be held within 21 days after the date on which the Secretary received the notice or as soon as possible after that date.

12.3 Subject to section 50 of the Act, at a General Meeting of the Association convened under sub-rule 12.2:

(a) no business other than the question of the appeal shall be transacted;

(b) the Executive and the Member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and

(c) the Members present shall vote by secret ballot on the question of whether the resolution made under sub-rule 11.4 should be confirmed or revoked.

12.4 If the meeting passes a special resolution in favour of the confirmation of the resolution made under sub-rule 11.4, that resolution is confirmed.

**PART III – THE EXECUTIVE**

13. **POWERS OF THE EXECUTIVE**

13.1 The Executive, subject to the Act, the Regulations, these rules, and to any resolution passed by the Association in General Meeting:

(a) shall control and manage the affairs of the Association;

(b) may exercise all such functions as may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in General Meeting; and

(c) has power to perform all such acts and do all such things as appear to the Executive to be necessary or desirable for the proper management of the affairs of the Association.

13.2 The Executive may make by-laws consistent with this Constitution and may prescribe by resolution the procedure to be adopted for the proper management of the functions of the Association and Executive.
13.3 The Executive may make determinations of an urgent nature which cannot conveniently await a determination by General Meeting, provided that the subject matter of that determination has not been disallowed or defeated by vote taken at the last General Meeting of the Association irrespective of how termed.

14. CONSTITUTION AND MEMBERSHIP

14.1 The Executive shall consist of:

(a) the President;

(b) the Senior Vice President;

(c) six Vice Presidents;

(d) Honorary Secretary;

(e) Honorary Treasurer; and

(f) the Past President (who shall be an ex officio member of the Executive),

each of who shall be elected pursuant to rule 15 or appointed in accordance with sub-rule 14.4.

14.2 Each State and Territory shall be represented on the Executive by either the President or a Vice President.

14.3 Each Member of the Executive shall, subject to these rules, hold office until the conclusion of the Annual General Meeting following the date of the election to the Executive, but subject only to sub-rule 15.8, is eligible for re-election.

14.4 In the event of a casual vacancy in the membership of the Executive, the Executive may, subject to rule 14.2, appoint a Member of the Association to fill the vacancy and the Member so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of the appointment.

15. ELECTION OF EXECUTIVE MEMBERS

15.1 Nominations of candidates for election as members of the Executive shall:

(a) be 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 form); and

(b) be delivered to the Secretary not less than seven days before the date fixed for the Annual General Meeting at which the election is to take place.
15.2 Subject to rule 14.2, if insufficient nominations are received to fill all vacancies on the Executive, the candidates nominated shall be deemed to be elected and further nominations to fill the remaining vacancies shall be received at the Annual General Meeting.

15.3 If insufficient further nominations are received, any vacant positions remaining on the Executive shall be deemed to be casual vacancies.

15.4 If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.

15.5 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.

15.6 The ballot for the election of the Executive shall be conducted at the Annual General Meeting in such manner as the Executive may direct.

15.7 Subject only to sub-rule 15.9 a person is not eligible to simultaneously hold more than 1 position on the Executive.

15.8 The retiring President will be eligible for re-election for a further term but no person shall hold the office of President for more than four successive terms.

15.9 Notwithstanding sub-rule 15.7 the offices of Secretary and Treasurer may be held by the same person.

15.10 Any Member of the Association who is eligible to vote shall be eligible for election to the Executive.

15.11 Voting for election of the Executive shall be by simple majority of those present at the Annual General Meeting or who shall elect to vote by proxy.

16. SECRETARY

16.1 The Secretary of the Association shall, as soon as practicable after being appointed as Secretary, notify the Association of his or her address.

16.2 The Secretary shall keep minutes of:

(a) all elections and appointments of the Executive;

(b) the names of Members of the Executive present at a Executive meeting and at a General Meeting; and

(c) all proceedings at meetings of the Executive and General Meetings.

16.3 The Secretary shall:

(a) conduct and record all correspondence dispatched or received on behalf of the Association;

(b) keep a register of all financial Members of the Association;
(c) carry out the resolutions passed at meetings of the Executive and the Association; and

(d) discharge all other duties connected with such office including the discharge of all duties that may be assigned to the Secretary by the Executive.

16.4 Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting.

17. TREASURER

17.1 The Treasurer of the Association shall –

(a) collect and receive all moneys due to the Association and make all payments authorised by the Association;

(b) keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association; and

(c) prepare and submit up to date financial statements to each meeting of the Executive and as otherwise required by the Act.

18. VACANCIES

18.1 For the purposes of these rules, a casual vacancy in the office of a Executive occurs if the member of the Executive:

(a) dies;

(b) ceases to be a Member of the Association;

(c) resigns the office;

(d) is removed from office pursuant to rule 19;

(e) becomes an insolvent under administration within the meaning of the Corporations Act 2001 (Cth);

(f) suffers from mental or physical incapacity;

(g) is disqualified from office under subsection 63(1) of the Act; or

(h) is absent without the consent of the Executive from all meetings of the Executive held during a period of 12 months.
19. REMOVAL OF EXECUTIVE MEMBERS

19.1 The Association in General Meeting may by resolution, subject to section 50 of the Act, remove any member of the Executive before the expiration of the member’s term of office.

20. EXECUTIVE MEETINGS AND QUORUM

20.1 The Executive shall meet at least two times in each calendar year at such place and time as the Executive may determine.

20.2 Additional meetings of the Executive may be convened by any Executive Member.

20.3 Oral or written notice of a meeting of the Executive shall be given by the Secretary to Executive Member at least 48 hours (or such other period as may be unanimously agreed upon by the Executive) before the time appointed for the holding of the meeting.

20.4 Notice of a meeting given under sub-rule 20.3 shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Executive Members present at the meeting unanimously agree to treat as urgent business.

20.5 Any three Executive Members constitute a quorum for the transaction of the business of a meeting of the Executive.

20.6 No business shall be transacted by the Executive unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and the same hour of the same day in the following week.

20.7 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved.

20.8 At meeting of the Executive:

(a) the President or in the absence of the President, the Senior Vice President shall preside; or

(b) if the President and the Senior Vice President are absent, one of the remaining Members of the Executive may be chosen by the Members present to preside.

20.9 In addition to meeting in person, the Executive may meet by telephone, by audio-visual link-up or by any other communications medium for conferring and the Executive Member shall be regarded for all purposes as present at such meeting where the Executive Member is able to hear and be heard by, all others attending the meeting. Such meeting shall be deemed to be held at the place agreed by the Executive provided that at least one of the Executive Members present at the meeting was at the place for the duration of the meeting.
21. DELEGATION BY EXECUTIVE TO SUB-COMMITTEE

21.1 The Executive may, by instrument in writing, delegate to one or more sub-committees (consisting of such Member or Members of the Association as the Executive thinks fit) the exercise of such of the functions of the Executive as are specified in the instrument, other than:

(a) this power of delegation; and

(b) a function which is a function imposed on the Executive by the Act, by any other law of the Territory, or by resolution of the Association in General Meeting.

21.2 A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoiced, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.

21.3 A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

21.4 Notwithstanding any delegation under this rule, the Executive may continue to exercise any function delegated.

21.5 Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Executive.

21.6 The Executive may, by instrument in writing, revoke wholly or in part any delegation under this rule.

21.7 A sub-committee may meet and adjourn as it thinks proper.

21.8 Nothing in the Constitution shall be read to prevent non-Members of the Association being appointed to any sub-committee of the Association.

21.9 The President shall be an ex officio member of all sub-committees.

22. VOTING AND DECISIONS

22.1 Questions arising at a meeting of the Executive or of any sub-committee appointed by the Executive shall be determined by a majority of the votes of the Executive Members or members of the sub-committee who may cast a vote either in person or by proxy, phone, post, facsimile or email, provided that in any case of a vote being cast by a member then absent from the meeting the Chairman and Scrutineer appointed from those present at the meeting shall satisfy themselves as to the identity of the person voting and the fact that a particular vote is directed to the subject or motion in question. The object of this rule shall be interpreted to enable the largest possible scope for decision making.
22.2 Each Executive Member present at a meeting of the Executive or each member of any sub-committee appointed by the Executive (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

22.3 Subject to sub-rule 20.5, the Executive may act notwithstanding any vacancy on the Executive.

22.4 Any act or thing done or suffered, or purporting to have been done or suffered, by the Executive or by a sub-committee appointed by the Executive, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any Executive member or sub-committee.

PART IV – GENERAL MEETINGS

23. ANNUAL GENERAL MEETINGS – HOLDING OF

23.1 With the exception of the first Annual General Meeting of the Association, the Association shall, at least once in each calendar year and within the period of five months after the expiration of each Financial Year, convene an Annual General Meeting of its Members.

23.2 The Association shall hold its first Annual General Meeting:

(a) within the period of eighteen months after its incorporation under the Act; and

(b) within the period of five months after the expiration of the first Financial Year of the Association.

23.3 Sub-rules 23.1 and 23.2 have effect subject to the powers of the Registrar-General under section 120 of the Act in relation to extensions of time.

24. ANNUAL GENERAL MEETINGS – CALL OF AND BUSINESS AT

24.1 The Annual General Meeting of the Association shall, subject to the Act, be convened on such date and at such place and time as the Executive thinks fit.

24.2 In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:

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

(b) the Presidents report which will incorporate any reports of activities conducted by the Executive since the previous meeting;
(c) to receive from the Executive reports on the activities of the Association during the last preceding Financial Year;

(d) to receive and consider the statement of accounts and the reports that are required to be submitted to Members pursuant to subsection 73(1) of the Act;

(e) to elect Members of the Executive;

(f) appointment of an Auditor;

(g) election of the Public Officer;

(h) Motions on Notice;

(i) Business on Notice; and

(j) General Business.

24.3 An Annual General Meeting shall be specified as such in the notice convening it in accordance with rule 26.

24.4 An Annual General Meeting shall be conducted in accordance with the provisions of this Part.

24.5 Notwithstanding anything else to the contrary contained in these rules the chair of the meeting may with the consent of the meeting vary the order of business.

25. GENERAL MEETINGS – CALLING OF

25.1 The President or the Executive may convene a General Meeting of the Association.

25.2 The Secretary shall, on the requisition in writing of not less than twenty Members, convene a General Meeting of the Association.

25.3 A requisition of Members for a General Meeting:

(a) shall state the purpose or purposes of the meeting;

(b) shall be signed by the Members making the requisition;

(c) shall be lodged with the Secretary; and

(d) may consist of several documents in a similar form, each signed by one or more of the Members making the requisition.

25.4 If the Executive fails to convene a General Meeting within one month after the date on which a requisition of Members for the meeting is lodged with the Secretary, any one or more of the Members who made the requisition may convene a General Meeting to be held not later than three months after that date.
25.5 A General Meeting convened by a Member or Members referred to in sub-rule 25.4 shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Executive and any Member who thereby incurs expense is entitled to be reimbursed by the Association for any reasonable expense so incurred.

26. **NOTICE**

26.1 Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary shall, at least 14 days before the date fixed for the holding of the General Meeting, cause to be sent to each Member at the Member’s address pursuant to rule 39 appearing in the register of Members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

26.2 Where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Secretary shall, at least 21 days before the date fixed for the holding of the General Meeting, cause notice to be sent to each Member in the manner provided in sub-rule 26.1 specifying, in addition to the nature of business required under that sub-rule, the intention to propose the resolution as a special resolution.

26.3 No business other than that specified in the notice convening a General Meeting shall be transacted at the meeting except, in the case of an Annual General Meeting, business which may be transacted pursuant to sub-rule 24.2.

26.4 A Member desiring to bring any business before a General Meeting must give notice in writing of that business to the Secretary who shall include that business in the next notice calling a General Meeting given after receipt of the notice from the Member.

26.5 .

27. **GENERAL MEETINGS – PROCEDURE AND QUORUM**

27.1 No item of business shall be transacted at a General Meeting unless a quorum of Members entitled under these rules to vote is present during the time the meeting is considering that item.

27.2 Twenty Members present in person (being Members entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.

27.3 If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting if convened upon the requisition of Members shall be dissolved and in any other case shall stand adjourned to a time and place not being later than three months from the date fixed for the original meeting and subject to the time limits contained in the Act.

27.4 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members present shall constitute a quorum for the purposes of .2.
28. **PRESIDING MEMBER**

28.1 The President, or in the absence of the President, the Senior Vice President, shall preside at each General Meeting of the Association.

28.2 If the President or the Senior Vice President are absent from a General Meeting, the Members present shall elect one of the Vice Presidents present to preside at the meeting.

29. **ADJOURNMENT**

29.1 The person presiding at a General Meeting at which a quorum is present may, with the consent of the majority of Members present at the meeting, adjourn the meeting to a different time and 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.

29.2 Where a General Meeting is adjourned for fourteen days or more, the Secretary shall give written notice of the adjourned meeting to each Member of the Association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

29.3 Except as provided in sub-rules 29.1 and 29.2, notice of an adjournment of a General Meeting or of the business to be transacted at any adjourned meeting is not required to be given to Members.

30. **MAKING OF DECISIONS**

30.1 A question arising at a General Meeting of the Association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been:

   (a) carried;

   (b) carried unanimously;

   (c) carried by a particular majority; or

   (d) lost

or an entry to that effect has been made in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

30.2 At a General Meeting of the Association, a poll may be demanded by the person presiding or by not less than three Members present in person or by proxy at the meeting.

30.3 Where the poll is demanded at a General Meeting, the poll shall be taken –
(a) immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or

(b) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

31. **VOTING**

31.1 Subject to sub-rules 31.3 and 31.6, upon any question arising at a General Meeting of the Association a Member has one vote only.

31.2 All votes shall be given personally or by proxy.

31.3 In the case of an equality of votes on a question at a General Meeting, the person presiding is entitled to exercise a second or casting vote.

31.4 A Member or proxy is not entitled to vote at any General Meeting of the Association unless all money due and payable by the Member or proxy to the Association has been paid.

31.5 Where the Chair of a General Meeting rules or where 25% of those present at such General Meeting are of opinion, that an issue concerning the rights and privileges inter vires of members from different States or Territories is or are in issue then such issue shall be decided by majority of votes eligible to be cast together with the majority of the States present or casting votes at such meeting.

31.6 Associate Members shall not be entitled to exercise a vote at General Meetings of the association.

32. **APPOINTMENT OF PROXIES**

32.1 Each Member shall be entitled to appoint another Member as proxy by notice given to the Secretary before the time of the meeting in respect of which the proxy is appointed.

32.2 The notice appointing the proxy shall be in the form set out in Appendix 2 to these rules or as varied by the Executive from time to time.

32.3 A proxy may vote on behalf of the absent Member, in addition to the proxy’s ordinary vote notwithstanding that the matter in respect to which the proxy so votes has not been within the knowledge of the Member at the time that person appointed such proxy.

32.4 No proxy vote shall be eligible to be cast at any General Meeting unless the document being authority under which it purports to have been made has been verified by the Secretary and presented to the person presiding at the meeting.

32.5 Whenever practical, the Secretary shall announce before a meeting details of all verified proxies, the name of the Member granting the proxy and the name of the person entitled to vote by authority of proxy.
32.6 All proxy documents shall be retained by the Secretary for two years and made available as required for scrutiny.

32.7 For the avoidance of doubt, an unfinancial member shall not be entitled to vote in person or by proxy at any meeting.

PART V – MISCELLANEOUS

33. FUNDS – SOURCE

33.1 The funds of the Association shall be derived from annual subscriptions of Members, donations and, subject to any resolution passed by the Association in General Meeting and subject to section 114 of the Act, such other sources as the Executive determines.

33.2 All money received by the Association shall be deposited as soon as practicable and without deduction to the credit of the Association’s bank account.

33.3 The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

33.4 The Association may borrow or take investment of money from Members and may pay interest on moneys so invested or borrowed.

34. FUNDS – MANAGEMENT

34.1 Subject to any resolution passed by the Association in General Meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Executive determines.

34.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two Executive Members or employees of the Association, authorised to do so by the Executive.

35. ALTERATION OF OBJECTS AND RULES

35.1 Neither the objects of the Association referred to in section 29 of the Act nor these rules shall be altered except in accordance with the Act.

36. COMMON SEAL

36.1 The common seal of the Association shall be kept in the custody of the Secretary.

36.2 The common seal shall not be affixed to any instrument except by the authority of the Executive and the affixing of the common seal shall be attested by the signatures of two Executive Members or as otherwise determined by the Executive from time to time.
37. CUSTODY OF BOOKS

37.1 Subject to the Act, the Regulations and these rules, the Secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the Association.

38. INSPECTION OF BOOKS

38.1 The records, books and other documents of the Association shall be open to inspection at a place in the Territory, free of charge, by a Member at during business hours.

39. SERVICE OF NOTICE

39.1 For purpose of this Constitution, a notice may be served by or on behalf of the Association upon any Member either personally or by sending it by post or electronic means of communication to the Member at the Member’s address shown in the register of Members.

39.2 Where a document is sent to a Member by properly addressing, prepaying and posting to the Member a letter containing a document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the Member at the time at which the letter would have been delivered in the ordinary course of post.

39.3 Where a document is sent to a Member by properly addressing and sending to the Member a notice by email, facsimile or other electronic method, the document shall, unless the contrary is proved, be deemed to for the purposes of these rules to have been served on the Member upon notification of successful transmission to the correct address, or, if after business hours, at 9.00 am the next business day.

40. SURPLUS PROPERTY

40.1 At the first General Meeting of the Association, the Association shall pass a special resolution nominating –

(a) another Association for the purpose of paragraph 92(1)(a) of the Act; or

(b) a fund, authority or institution for the purpose of paragraph 92(1)(b) of the Act,

in which it is to vest its surplus property in the event of the dissolution or winding up of the Association.

41. PRESIDENT

41.1 The President shall attend to the carrying out of all decisions of the Association whether made during General Meetings or meetings of the Executive and generally promote the furtherance of the objects of the Association.

41.2 The President shall make a formal report at each Annual General Meeting of the Association dealing with the position of the Association generally and the proceedings of the Executive since the preceding Annual General Meeting and General Meeting of the Association.
41.3 The President may, in an emergency situation, having obtained the approval in writing of at least three Vice Presidents, authorise expenditure not exceeding $5000.00 in any one instance.

42. **AUDITOR**

42.1 The Auditor must be a person, other than an Executive Member, and in all respects such appointment will comply with the Act.

43. **PUBLIC OFFICER**

43.1 The Public Officer shall be appointed by the General Meeting as specified in the Act.

43.2 Upon appointment or retirement to or from such office that person shall comply with all statutory requirements in accordance with the Act and the Regulations.

43.3 The Executive shall appoint a Public Officer to fill a casual vacancy until the next General Meeting should such casual vacancy arise.

44. **WINDING UP**

44.1 If, upon the winding up or dissolution of the Association, there remains, after the satisfaction of all the debts and liabilities, any property whatsoever, the property shall be given or transferred to the association nominated in accordance with rule 40.1, or in the absence of such nomination an association or society having objects similar to the objects of the Association and which shall prohibit the distribution of its income and property amongst its or their members to an extent at least as great as is imposed on the Association by virtue of rule 45, such association or associations or society or societies to be determined by the Members of the Association.

44.2 At or before the time of dissolution, and if rule 44.1 cannot be validly implemented, the property then remaining to be distributed in accordance with rule 44.1 shall be paid in accordance with the Act to a similar or like Association.

45. **DISPOSITION OF PROPERTY**

45.1 The income and property of the Association once derived shall be applied solely towards the promotion of the objects of the Association. No portion shall be paid or transferred directly or indirectly by way of dividends, bonus or otherwise, by way of profits to Members, provided that nothing shall prevent the payment in good faith of remuneration to any officers or servants of the Association or to any Member in return for any services actually rendered to the Association or for any goods supplied in the ordinary and usual way of business, nor prevent the payment to any Member of reasonable travelling and sustenance expenses incurred by such Member when engaged with the affairs or business of the Association.

46. **HONORARY MEMBERS**

46.1 The following persons may be nominated as Honorary Members by the Executive:

   (a) the Head of State of Australia;
(b) the Chief Justice of the High Court of Australia;
(c) the Chief Justice of the Federal Court of Australia;
(d) the Chief Justice of the Supreme Court of any State or Territory of Australia;
(e) the Attorney General of the Commonwealth of Australia;
(f) the Attorney General of any State or Territory of Australia; and
(g) such other persons determined by the Members at General Meeting.
APPENDIX 1

APPLICATION FOR MEMBERSHIP OF ASSOCIATION OF AUSTRALIAN MAGISTRATES INCORPORATED

I, ..............................................................................................................................................................................
(full name of applicant)

of ........................................ being, ........................................ hereby apply to become
(address) (Qualification (rule 3)

a Member/Associate Member of the abovenamed incorporated Association. In the event of
my admission as a Member/Associate Member, I agree to be bound by the rules of the
Association for the time being in force.

........................................
(Signature of Applicant)

Date........................................
APPENDIX 2

FORM OF APPOINTMENT OF PROXY

I, ..................................................................................................................
(full name)

of .............................................................................................................
(address)

being a Member of ASSOCIATION OF AUSTRALIAN MAGISTRATES
INCORPORATED (“the Association”)

hereby appoint ..................................................................................................
(full name of proxy)

of .............................................................................................................
(address)

being a financial Member of the Association, as my proxy to vote for me on my behalf at the
General Meeting of the Association (Annual General Meeting or other General Meeting, as
the case may be) to be held on the .....................day of .................................200....
and at any adjournment of that meeting.

• *My proxy is authorised to vote in favour of/against (delete as appropriate) the
resolution (insert details).

..........................................................................
(signature of Member appointing proxy)

..........................................................................
(date)

• (*To be inserted if desired)

Note: A proxy vote may not be given to a person who is not a voting Member of the
Association.