



10055191359

Incorporated Society Alteration of Rules - Certificate

Name of Society

CANTERBURY JUSTICES OF THE PEACE ASSOCIATION
INC

Society Number

219280

I certify that the alteration has been approved in accordance with the society's rules.

☐

Please tick if the rule alteration includes a name change for the society

Name

Peter Clarence BERRY JP

Position

Registrar

Signature

Date

10 December 2007

Note: This certificate must be completed by an officer of or solicitor for the society.

Checklist before filing:

☒

Has this certificate been completed by an officer of or solicitor for the society?

☒

Has the copy of the alteration to rules been signed by 3 members of the society?

☒

Is a copy of the rule alteration(s) attached? This can either be a complete copy of the updated rules with the alterations underlined or in bold type, or a copy of the particular rule(s) that were altered.

☐

If the name of the society is being changed, have you checked the name is available by conducting a Register Search at www.societies.govt.nz and www.companies.govt.nz?

Note: Section 6 of the Incorporated Societies Act 1908 requires a society's rules to include the following:

- The name of the society (ending with the word Incorporated)
- The objects for which the society is established
- How people become members of the society and cease being members of the society
- How meetings of the society will be called and held and how voting will take place
- How officers of the society will be appointed
- The control and use of the common seal.
- How the society's funds will be controlled and invested
- The powers (if any) that the society has to borrow money
- How any property of the society will be distributed in the event of the society being wound up
- How the rules of the society can be altered.

Your Contact Details

Name and Postal Address:

PC Berry JP
38 Liverton Crescent
Bishopdale
Christchurch

Other Details

Telephone: (03) 359 5205

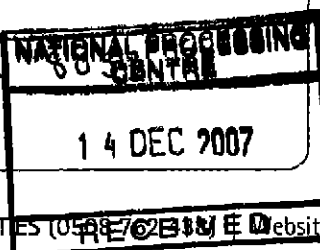
Email:

Post To

Incorporated Societies Register
Companies Office
Private Bag 92061
Auckland Mail Centre 1142

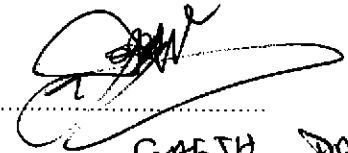
NPC# 27

14 DEC 2007



CANTERBURY JUSTICES OF THE PEACE INC. CONSTITUTION

This is the document marked "A" referred to in the Annexed declaration of PETER CLARENCE BERRY made at CHRISTCHURCH this day of November 2007 before me:


GARTH DALE
JUSTICE OF THE PEACE

Clauses 3, Interpretation; 11, Officers; 12, Council

Add the words "Immediate Past President" to clauses 11.1 and 12.2

The effect is to have the Immediate Past President as a member of the Council.

Clause 2, Registered Office.

Alter to read "The office of the Association shall be such address as the Council shall notify to the Registrar of Incorporated Societies."

Clause 5.2, Oath.

Alter to read "Iswear(affirm) that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her heirs and successors, according to law, in the office of Justice of the Peace; and I will do right to all manner of people, after the Laws and Usages of New Zealand, without fear or favour, affection or ill will. So help me God".

Minor punctuation changes to conform with legislation.

Clause 6, Interpretation of Rules

Amend Clause 6.1 to read "Any question, other than pertaining to elections, relating to the interpretation of the Rules or matters not provided for in the Rules may be referred to the Honorary Solicitor for advice either on written request or by the Council's own determination, and shall be decided by a simple majority of the Council taking into account the Honorary Solicitor's advice".

The intent of this change enables the Council to obtain advice before the Council considers the question. Adoption of this clause means Clause 6.3 is to be deleted. The change to Clause 6.1 removes the requirement for ratification of the Council's decision of the matter because there may be issues determined which do not need ratification. If the matter necessitates a change in the Rules the Council will have to follow the usual procedure for such change.

Clause 9, Resignation, Termination of Membership, Expulsion

Amend the words "Disciplinary Committee" in clause 9.2, third bullet point, to "Disciplinary Sub Committee".

Clause 10, Subscriptions, Joining Fee, Levies

Add new clause 10.2, Joining Fee "A financial member transferring from another Association is not required to pay a joining fee".

Clause 10, Subscriptions, Joining Fee, Levies

Add new clause. A Justice making reapplication for membership is required to pay a Joining Fee.

Clause 11, Officers

Add the words "up to" four Councillors.

This change can be made provided clause 15 is amended to make it clear that the Council is free to leave the position vacant until the next Annual meeting.

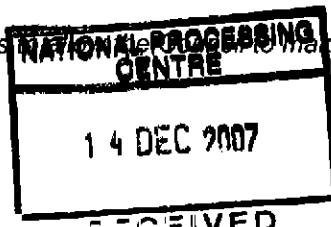
Clause 12, Council

Amend clause 12.2 by amending "six (6)" to "up to four (4)".

Clause 13, Elections

Delete the words "Registrar, Treasurer (or Registrar/Treasurer)".

The intent of this amendment is to make the appointment of the Registrar/Treasurer (or Registrar/Treasurer).



Clause 13, Elections

Amend clause 13.1, 2nd paragraph to read "Any financial member who has served on the Council for two consecutive years prior to nomination, may be nominated for Vice President and Councillor. The member elected to both positions will be required to take the higher position of Vice President".

The intent of this amendment is to allow a member to be nominated as Vice President or Councillor at one election.

Clause 13, Elections

Delete 13.4, second bullet point "Recorded in the minutes of the meeting as the number of votes in favour of each nominee or option, together with the voting strength of the meeting".

Clause 14, Term of Office and Removal from Office

Amend clause 14.1, 2nd Paragraph to read "The offices of President or Vice President may each only be filled by the same person for a maximum of two consecutive one year periods unless decided at an Annual meeting.

The words "unless decided at an Annual Meeting" have been added.

~~Clause 14.1, Term of Office and Removal from Office~~

Add new Clause 14.4 "The office of Registrar, Treasurer and/or Registrar/Treasurer may be filled by the same person for a term exceeding one year provided the person is removed pursuant to clause 14.3 or replaced at an Annual Meeting".

Clause 14' Term of Office and Removal from Office

Delete 2nd bullet point, 2nd paragraph "makes an arrangement or composition with his creditors".

Term is antiquated and is more usually applied to creditors.

Clause 15, Extraordinary Vacancies

Amend clause 15.1 by replacing "shall" with "at the discretion of the Council, by the Council".

This change means that a vacancy does not need to be filled where the Council considers it unnecessary.

Clause 15, Extraordinary Vacancies

Delete all wording for appointment of Councillor and replace with "by the Council who may leave the position vacant until the next Annual meeting".

Clause 16, Resignation of President and Presidential Chain

Replace clause 16.1 with "The chain of office shall bear the name of the President elected at the Annual General Meeting after the elected President has served a minimum of six months in office. If the position of the President becomes vacant before the expiry of the six month term due to the death of the incumbent, then the chain of office shall bear the name of the deceased President".

Simplification of clause

Clause 18, Honorary Auditor and Honorary Solicitor

Amend Clause 18.1 by replacing "They" with "Honorary Auditor and the Honorary Solicitor",

Minor amendment.

Clause 19, Annual Meeting

Amend clause 19.2, 1st bullet point by deleting "Roll Call" with "Declaration that Quorum Present".

Clause 27, Offences

Replace heading with "Conduct Derogatory to the Interests of the Association

Appendix A, Categories Of Membership

Replace Retired Member to read "A member who through age, health or other like cause, can no longer fulfil an active role as a Justice may apply to the Secretary of Justice for designation of JP (retired) in terms of Section 3 (C) of the JP Amendment Act 2007. A member so designated ceases to act as a Justice but

Canterbury Justices of the Peace Association Incorporated

wishes to remain a member of the Association and receive all publications (including the Justices Quarterly) and/or participate in the Association's social activities.

Details relating to this matter are included in the Registrar's Report (page 14)

Appendix B, The Registrar

Last bullet to read "To receive all correspondence sent to the Registered Office of the Association".

Minor alteration. The words "intended to be" sent have been deleted.

Appendix D, Standing Orders

Amend heading No "Confidence Vote" to read "No Confidence Vote in the Council"

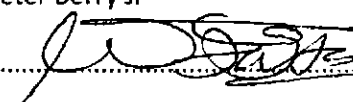
Amendment is one of clarification.

PRESIDENT.....

Dennis Rich JP

REGISTRAR.....

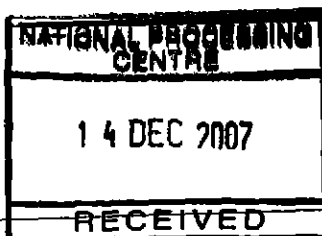
Peter Berry JP

VICE PRESIDENT.....

John Wong JP

CANTERBURY
JUSTICES OF THE PEACE
ASSOCIATION
INCORPORATED

RULES



**RULES
OF THE
CANTERBURY JUSTICES OF THE PEACE ASSOCIATION INCORPORATED
REGISTERED NUMBER CHS 219280**

1. NAME

- 1.1 The name of the Association shall be the "Canterbury Justices of the Peace Association Incorporated".

2. REGISTERED OFFICE

- 2.1 ~~The office of the Association shall be such address as the Council shall notify.~~ (Amended 27 October 2007)

3. DEFINITIONS

- 3.1 The following words, used throughout these Rules, shall have the meanings set out hereunder:

<i>Act</i>	the Incorporated Societies Act 1908 and any amendment or re-enactment of that Act.
<i>Appendix</i>	attached hereto and forming part of these Rules.
<i>Association</i>	Canterbury Justices of the Peace Association Incorporated.
<i>Chairperson</i>	the person elected or appointed to Chair a meeting.
<i>Council</i>	the group of members elected to administer the Association.
<i>District</i>	the area of New Zealand specified by the Federation as being the Association's boundaries. (Refer Rule 4)
<i>Executive</i>	the President, Vice President, Registrar and Treasurer
<i>Federation</i>	Royal Federation of New Zealand Justices' Associations Incorporated.
<i>Gender</i>	words alluding to the masculine gender mean both feminine and masculine gender and vice versa.
<i>Justice</i>	Justice of the Peace.
<i>Member</i>	a member as defined in Rule 7.
<i>Month</i>	calendar month
<i>Office</i>	the Registered Office of the Association.
<i>Officer</i>	President, Vice President, Registrar, Treasurer (or Registrar / Treasurer) and elected Councillors
<i>Rules</i>	These Rules, including appendices and all subsequent registered amendments.
<i>Seal</i>	the Association's Common Seal.
<i>Special Meeting</i>	a meeting called in accordance with Rule 20 to discuss a specific matter(s).

4. DISTRICT BOUNDARIES

- 4.1 These are:
- | | |
|-------|----------------------------------|
| North | - south bank of the Conway River |
| South | - north bank of the Rakaia River |
| East | - Chatham Islands |
| West | - Southern Alps Main Divide |

5. OBJECTS

- 5.1 The main objects of the Association shall be to:
- a) Encourage the spirit of fraternity among the members and to support and protect the

status and interests of Justices generally, having regard to the Oath of Allegiance and the Judicial Oath sworn by a Justice upon appointment.

- b) Promote efficiency of service by means of training programmes, addresses, lectures, Courts of instruction and newsletters.
- c) Educate and instruct Justices in all facets of their duties so that they may carry out those duties effectively, skilfully and in a judicial manner for the benefit of the community which they are appointed to serve.
- d) Promote honourable practices, to decide all questions of usage and courtesy between Justices and to uphold the dignity of the Office of a Justice in accordance with the Rules of Conduct and Code of Ethics promulgated by the Royal Federation of New Zealand Justices Associations Incorporated.
- e) Establish and maintain any necessary protocols with Crown Agencies, such as the Courts, Police and other appropriate agencies.
- f) Maintain affiliation to the Royal Federation of New Zealand Justices of the Peace Associations Inc.

- 5.2 The Association shall be non-political and non-sectarian having in view the Oath of Fealty as sworn or affirmed by every Justice.

"I..... swear (affirm) that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her heirs and successors, according to law, in the office of Justice of the Peace; and I will do right to all manner of people, after the Laws and Usages of New Zealand, without fear or favour, affection or ill will. So help me God".(Amended 27 October 2007)

6. **INTERPRETATION OF RULES**

- 6.1 Any question, other than those pertaining to elections, relating to the interpretation of the Rules or matters not provided for in the Rules may be referred to the Association's Honorary Solicitor for advice either on written request or by the Council's own determination, and shall be decided by a simple majority of the Council taking into account the Honorary Solicitor's advice. *(Amended 27 October 2007)*
- 6.2 Matters pertaining to elections shall be referred to the Association's Honorary Solicitor.
- 6.3 Any other matter not provided for in the Rules, shall be decided by the Council and ratified at the first subsequent Association General Meeting.

7. **CATEGORIES OF MEMBERSHIP**

- 7.1 Categories of Association membership are:
- Full
 - Life
 - Senior
 - Retired
- 7.2 The criteria for each category is defined in Appendix A.

8. **MEMBERSHIP**

- 8.1 ***Eligibility***
Membership shall be open to all Justices appointed in accordance with the Justices of the Peace Act 1957 or any amendment or re-enactment of that Act and to all members of the New Zealand Judiciary.

8.2 *Application for Membership*

Shall be made to the Registrar on the prescribed Association form(s), completed in full and accompanied by the prescribed fee(s).

8.3 *Reapplication for Membership*

A former member may reapply for membership subject to:

- approval of a two-thirds majority of the Council.
- payment in full of any outstanding subscriptions or debts owed to the Association.
- the application being made in accordance with Rule 8.2.

8.4 *Transfer of Membership*

A Justice who is a financial member of another Association and wishes to become a member of this Association shall complete the prescribed Association form(s) in full and will be deemed to have paid the appropriate subscription until the end of the financial year in which the transfer takes place.

9. **RESIGNATION, TERMINATION OF MEMBERSHIP, EXPULSION**

9.1 *Cessation of Membership*

Membership shall cease only if:

- Written resignation is received by the Registrar and the resigning member has paid all outstanding subscriptions and other debts owed to the Association.
- The Governor-General revokes the Warrant of the Justice.
- A member otherwise ceases to hold the Warrant of a Justice.
- A member is expelled from the Association.
- A member completes a transfer of membership to another Association.

9.2 *Expulsion*

- The Treasurer shall submit to the Council the name of any member who has failed to pay his subscription by 31 May, or who fails to pay any indebtedness due to the Association within three (3) calendar months after sending written notice thereof, save that the Council shall have the power at its sole discretion to waive the subscription of any member, as it may see fit.
- The Council shall, except as provided for in the preceding paragraph, remove from the membership list, the name of any member so reported and record same in the minutes of the meeting.
- A member may be expelled from the Association by a two-thirds majority vote of the Council, for just cause following a full hearing by the Disciplinary Sub Committee and the receipt by Council of the Committee's report and recommendation. *(Amended 27 October 2007)*

10. **SUBSCRIPTIONS, JOINING FEE, LEVIES**

10.1 *Subscriptions*

Shall be:

- for the subscription year 1 November to 31 October
- as recommended by the Council subject to approval at the Annual Meeting for the ensuing year.
- paid by current members by 31 May each year. (refer Rule 9.2)
- paid by new members with application to join.
- paid by all Association members other than Life Members.

The subscription rate for Justices joining during a year, shall be pro rata on the basis of 1/12 of the annual rate for each month remaining in the subscription year.

10.2 Joining Fee

Shall be:

- a one off payment by all joining members.
- paid in the financial year in which a member joins the Association.
- as recommended by the Council subject to approval at the Annual Meeting.
- paid by new members with the annual subscription and application for membership.

A Justice making reapplication for membership is required to pay a Joining Fee. *(Amended 27 October 2007)*

A financial member transferring from another Association is not required to pay a joining fee. *(New clause 27 October 2007)*

10.3 Levies

The Council may recommend to an Annual or Special Meeting that a levy be struck on all members of the Association for a particular purpose or purposes.

Upon approval by the meeting, the levy shall become due and payable during the financial year in which the approval was given

11. OFFICERS

11.1 The Officers shall be Patron, Vice Patron, President, Immediate Past President, Vice President, Registrar, Treasurer (or Registrar /Treasurer) and up to four Councillors, who, other than the Patron and Vice-Patron, shall be Full or Senior financial members or Life Members. *(Number of Councillors amended from six to four, 18 October 2004)(Immediate Past President added 27 October 2007)*

11.2 The Registrar shall have the duties and functions listed in Appendix B.

11.3 The Treasurer shall have the functions and duties listed in Appendix C.

12. COUNCIL

12.1 Management of the Association shall be the responsibility of the Council which shall be deemed to be fully and properly constituted, notwithstanding any extraordinary vacancies which may occur in it, or any defect in the number of members returned at any election, provided that the requirements of Rule 23 (Quorum) are met.

12.2 The Council shall consist of the President, Vice President, Immediate Past President, Registrar, Treasurer (or Registrar /Treasurer) and up to four (4) elected Councillors. *(Immediate Past President added 27 October 2007)*

12.3 The Council shall:

- Administer the affairs of the Association.
- Consider all new business and determine all new policies.
- Set up such sub-committees as it deems necessary.
- Have authority to co-opt to such sub-committees.
- Have authority to order a member before a Disciplinary Sub-Committee. (Refer Rule 28).
- Have authority to suspend or expel a member (Refer Rules 9.2, 27.1 and 28.3).

- Have authority to modify, override or rescind the decision or action of any Officer.
- Have authority to authorise and / or ratify all expenditure.
- Not create any indebtedness beyond its cash reserves.
- Not authorise disbursement of funds for purposes inconsistent with the objects of the Association.
- Name and appoint up to the allowed number of delegates to attend the Federation Annual Conference and may authorise payment from Association funds of all or some of those delegates' expenses, or portion thereof.
- Fill Council vacancies in accordance with Rule 15.
- Set the date, time and place of the Annual Meeting (Refer Rule 19)
- Have authority to seek and make nominations of suitable candidates for election or appointment to Federation positions.
- Generally have the authority to do all things necessary for the benefit of the Association and its members.

13. ELECTIONS

13.1 *Eligibility*

Any financial member may be nominated for Councillor. *(Amended 27 October 2007)*

Any financial member who has served on the Council for two consecutive years prior to nomination, may be nominated for the position of President or Vice President.

Any financial member who has served on the Council for two consecutive years prior to nomination may be nominated for Vice President and Councillor. The member elected to both positions will be required to take the higher position of Vice President. *(Amended 27 October 2007)*

The qualification period shall be determined as at the date of nomination.

13.2 *Nominations*

Shall be:

- made in writing, on the Association's prescribed Nomination Form.
- signed by the nominee, the proposer, the seconder and dated.
- received by the Registrar no later than 5.00 p.m. on 1 September in each year prior to the Annual Meeting, together with a C.V. of the nominee, of no more than 150 words.
- listed and forwarded to all financial members, together with the Annual Meeting papers.
- not accepted from the floor.

If insufficient nominations are received, the Council may make appropriate appointments pending the next Annual Meeting.

13.3 *Nomination Forms*

Shall be

- posted to all financial members prior to 30 June in each year.
- posted to all new members joining between the June posting date and 1 August.

13.4 *Voting*

Shall be

- by secret ballot for all positions, at the Annual Meeting, *except* that when there is only one nomination for a position, the nominee may be elected on the voices or by a show of hands, as the Chairperson may direct.

- on Association issued Voting Papers.
- *(Deleted 27 October 2007)*

Voting papers will be issued to financial members when registering their attendance.

The principle of voting for elective positions is the “preferential system” as described in Appendix D – “*Standing Orders*”.

- 13.5 ***Proxies and Proxy Votes***
Are unacceptable.

- 13.6 ***Scrutineers***
The Annual Meeting shall appoint at least two scrutineers.

14. **TERM OF AND REMOVAL FROM OFFICE**

- 14.1 ***Term of Appointment to Office***
Appointments shall be from the conclusion of the Annual Meeting at which the election is made, until the conclusion of the following Annual Meeting.

The offices of President or Vice President may each only be filled by the same person for a maximum of two consecutive one year periods unless decided at an Annual Meeting. *(Amended 27 October 2007)*

- 14.2 ***Council Member Absent without Leave***
Any Officer who is absent without leave from three consecutive Council meetings shall cease to hold office, thereby creating a vacancy..

- 14.3 ***Removal from Office***
Any elected Officer may be removed from office, for good cause, by the affirmative vote of seventy-five per cent (75%) of the members attending a Special Meeting.

Any Officer may be removed from office by a majority affirmative vote of the Council, if he:

- becomes bankrupt
- *(Deleted 27 October 2007)*
- becomes of unsound mind or becomes a protected person under the Protection of Personal Property Rights Act 1988.
- ceases to be a member of the Association.

- 14.4 The office of Registrar, Treasurer and/or Registrar/Treasurer may be filled by the same person for a term exceeding one year provided the person is not removed pursuant to clause 14.3 or replaced at an Annual Meeting. *(New clause 27 October 2007)*

15. **EXTRAORDINARY VACANCIES**

- 15.1 Should any vacancy occur on Council at, or subsequent to the Annual Meeting, it, at the discretion of the Council, by the Council, be filled as follows until the end of the appointment period. *(Amended 27 October 2007)*

President	by the Vice-President
Vice President	by the Council electing a Councillor
Registrar	by the Council (a suitable Association Member)
Treasurer	by the Council “ “ “ “
Registrar / Treasurer	by the Council “ “ “ “

Councillor

by the Council who may leave the position vacant until the next Annual Meeting *(Amended 27 October 2007)*

16. RESIGNATION OF PRESIDENT AND PRESIDENTIAL CHAIN

16.1 If the President resigns or otherwise vacates the office of President before the expiry of the term of office, then the:

- chain of office shall bear the name of the President elected at the Annual Meeting.

17. PATRON AND VICE PATRON

17.1 A Patron and Vice-Patron shall be elected at the Annual Meeting.

18. HONORARY AUDITOR AND HONORARY SOLICITOR

18.1 An Honorary Auditor and an Honorary Solicitor shall be elected at the Annual Meeting.

18.2 The Honorary Auditor and Honorary Solicitor shall be entitled to attend all Annual and Special Meetings and have speaking, but not voting rights. *(Amended 27 October 2007)*

19. ANNUAL MEETING

19.1 Shall be held no later than 31 October each year.

19.2 The order of business to be transacted at the Annual Meeting shall be:

- Declaration that Quorum Present *(Amended 27 October 2007)*
- Apologies
- Mark of Respect
- Confirmation of Minutes of previous Annual Meeting
- Matters Arising
- Confirmation of Minutes of any Special Meeting
- Matters Arising
- Receive and adopt the Annual Report
- Receive and adopt the Financial Statements and Auditor's Report
- Set subscriptions and joining fee.
- Consider Notices of Motion received in accordance with Rule 32.
- Remits
- Elect and induct Officers
- Election of Life Members
- General Business of which written notice has been received by the Registrar at least four (4) days prior to the Annual Meeting.
- Destruction of Voting Papers

20. SPECIAL MEETINGS

20.1 Special Meetings of the Association may be called by the Registrar on the written request of:

- the President
- a majority of the Council.
- No less than ten (10) financial members.

20.2 The written request shall set out the business to be discussed at the meeting, No other business will be discussed.

20.3 The Registrar shall convene such Special Meeting within thirty (30) days from the date of

receipt of the requisition.

- 20.4 The Council may reject any requisition which
- is groundless, frivolous or is unclear, equivocal or ambiguous as to its purpose or intent, or
 - relates to an issue or issues which can be adequately and suitably dealt with or resolved by means other than calling a Special Meeting.
- 20.5 If the Council rejects a requisition it shall, within fourteen (14) days of receipt of the requisition, inform the requisitioners of the reason(s) for the rejection of the requisition.
- 20.6 If the requisitioners do not accept the Council's ruling for the rejection and the issue remains in dispute, the requisition shall be submitted to an Adjudicating Sub-Committee for final determination.
- 20.7 An Adjudicating Sub-committee for the purposes of this Article shall consist of a Chairperson, agreed upon by the two parties, and two adjudicators, one nominated by the Council and one by the requisitioners.

21. NOTICE OF MEETINGS

- 21.1 Notice setting out the purpose, the date, time and place of the Annual and any Special Meeting together with other appropriate papers, shall be forwarded by post to all financial members at least fourteen (14) days prior to the date of the meeting.
- 21.2 The non or late receipt of such notice by any member(s) shall not invalidate the meeting concerned.

22. COUNCIL MEETINGS

- 22.1 Regular meetings of the Council shall be held at such times as may be deemed necessary to effectively and efficiently dispatch the Association's business.
- 22.2 Written notification is not required except that for any unscheduled meeting of Council, a minimum of 24 hours written or verbal notice, as circumstances dictate, shall be given.

23. QUORUM

- 23.1 *Association Meetings*
Fifteen (15) financial members who must be present within thirty (30) minutes of the appointed time, otherwise the meeting shall be adjourned.
- 23.2 If adjourned, the Registrar shall give a minimum of four (4) days notice by advertisement of the time, date and place of the adjourned meeting.
- 23.3 *Council Meetings*
A majority of its current members.
- 23.4 If a quorum is not present within fifteen (15) minutes of the appointed time, the meeting shall be adjourned to a date and place as determined by the President of the meeting.
- 23.5 The Registrar shall give at least four (4) days written notice to each Council member of the time, date and place of the adjourned meeting.
- 23.6 If a quorum is not present at the adjourned meeting within the prescribed time, the meeting shall

proceed with those present constituting a quorum.

24. CHAIRPERSON

- 24.1 All meetings of the Association, except as specified hereunder , shall be chaired by the President.
- 24.2 In the absence of the President, by the Vice-President.
- 24.3 In the absence of the President and Vice-President, by a member of the Council appointed by the meeting.

25. VOTING

- 25.1 ~~All financial members present at a meeting are entitled to one vote.~~
- 25.2 The Chairperson of any meeting may exercise a casting vote which must be used to retain the status quo.

26. FINANCIAL

- 26.1 ***Financial Year***
Shall be from 1st September to 31st August.
- 26.2 ***Use of Funds***
Funds shall be used for no purpose other than the furtherance of the Objects of the Association as defined under Rule 5.
- 26.3 ***Bank***
An account(s) shall be maintained with such bank(s) as determined by the Council, into which the funds of the Association shall be paid or invested and upon which all cheques for payment of Association accounts shall be drawn.
- 26.4 ***Cheques***
All cheques shall be signed by any two of the appointed signatories who shall be the Treasurer, Registrar, President and Vice President.
- 26.5 ***Honoraria***
The Council shall at its first scheduled meeting each year, fix sums to be paid to the Registrar and the Treasurer (or the Registrar/Treasurer) as honoraria.

The intended recipient(s) of the honoraria shall not participate in determining either the payment or the amount of such honoraria.
- 26.6 ***Expenses***
The Council may reimburse in part or in full, any bone fide expenses incurred by members on behalf of the Association.

27. CONDUCT DEROGATORY TO THE INTERESTS OF THE ASSOCIATION *(Amended 27 October 2007)*

- 27.1 ***Unseemly Conduct***
If any member of the Association shall, in the opinion of the Council, be guilty of unseemly conduct derogatory to the interests of the Association, the Council may suspend

or expel such member from the Association and may petition or otherwise to have such person's name removed from the Commission of Justice of the Peace. Provided always that such person shall, within three (3) calendar months have the right, upon written application, to require the Council to call a Special Meeting of members for the purpose of reviewing the case. Upon receipt of such written application, the Registrar shall convene such meeting in accordance with Rule 21.

27.2 *Review by Vote at Special Meeting*

After according the member concerned an opportunity of stating his case and hearing the views of members of the Council, the matter shall be determined by secret ballot. If two thirds (2/3) of the financial members present uphold the decision of Council, the action of the Council shall be deemed to be confirmed.

28. DISCIPLINE

28.1 *Appointment of Disciplinary Sub-Committee or Referral to Mediation*

The Council may appoint or direct:

- a sub-committee to deal with matters of discipline, or
- mediation and require the parties involved to submit to the mediation of the mediators.

28.2 *Council's Power to Require a Member to Appear Before the Disciplinary Sub- Committee*

The Council may on receipt of a written complaint that a member has conducted himself in a manner not in keeping with the standards of a Justice or contrary to the best interests of the Crown or the Association, require such member to appear before the Disciplinary Sub-Committee to give an account of his conduct.

28.3 *Disciplinary Sub-Committee's Powers*

The Disciplinary Sub-Committee may:

- dismiss the complaint
- censure the member and warn him that such conduct is unacceptable
- require the member to undertake a course or courses of training prescribed by the Council
- recommend to the Council that the member be suspended or expelled from membership of the Association
- recommend to the Council that the findings and recommendations be referred to the Secretary of Justice.
- require the parties involved to submit to mediation, with a mutually agreed mediator, any dispute between them, which the Disciplinary Sub-Committee considers to be in the best interests of the Association.

29. COMMON SEAL

29.1 The Common Seal shall be in the custody of the Registrar

29.2 It shall be affixed only:

- with authorisation of the Council
- in the presence of the Registrar and a member of the Council or any two members of the Council

29.3 The members present shall append their signatures to the document sealed.

30. MEDALLIONS

- 30.1 The approved medallion of the Federation shall be issued to members upon payment of the appropriate fee.
- 30.2 May only be worn by the person to whom it was issued and whose name is engraved on the reverse side.

31. CERTIFICATES

- 31.1 Each member when appointed shall receive a Federation Certificate of Appointment and a Ministerial Training Certificate, at his Swearing-In ceremony.

32. ALTERATIONS TO RULES

- 32.1 A Rule may, other than as specified in clause 32.2, be altered, revoked or added at an Annual or Special Meeting of members, and then only on a two-thirds (2/3) majority vote.

- 32.2 Any Rule changes or additions shall not affect the non profit aims, personal benefit or winding up clauses of this Rules, viz.
- | | | |
|-------|----|-----------------------------------|
| Rules | 5 | Objects |
| | 26 | Financial – clauses 26.5 and 26.6 |
| | 33 | Dissolution of the Association |

- 32.3 Notice of any intended alteration, revocation or addition of any Rule(s) must be received in writing by the Registrar not less than twenty-one (21) days prior to the date of the Annual or Special Meeting at which it is to be considered.

33. DISSOLUTION OF THE ASSOCIATION

- 33.1 If at any time the Association in General or Special meeting decides to wind up its operations, and a resolution is passed by a simple majority at a Special Meeting of the Association called not less than thirty (30) days later, for that purpose, then any accumulated funds shall be distributed as follows:
- in paying the costs of winding up
 - pro rata between the creditors of the Association
 - the balance to be handed over to the Federation to be held in trust for a period of three (3) years should the Association be reformed, thereafter absorbed into the Federation's Accumulated Funds.
- 33.2 No member of the Association may participate in or benefit from any distribution of the assets of the Association.

34. STANDING ORDERS

- 34.1 The procedure of all meetings of the Association shall be subject to and governed by the Standing Orders contained in Appendix D.

35. BY-LAWS

- 35.1 The Council shall have authority to make, revoke or amend the Association By-Laws, provided that no By-Law shall be inconsistent with the Rules of the Federation, the Rules of the Association, and the Incorporated Societies Act, 1908.
- 35.2 The making and / or revoking of any By-Law by the Council shall not be effective until published and notified to all members via the Association's Newsletter.
- 35.3 The By-Laws of the Association shall include those specified in Appendix E..

THESE RULES SUPERSEDE ALL PREVIOUS REGISTERED RULES AND AMENDMENTS THERETO, OF THE CANTERBURY JUSTICES OF THE PEACE ASSOCIATION INCORPORATED.

These Rules were approved by a Special Meeting of the Canterbury Justices of the Peace Association held on Saturday 7 September 2002.

These Rules have been approved and registered in accordance with the Incorporated Societies Act 1908.

REGISTERED 16 SEPTEMBER 2002.

**RULES OF
THE CANTERBURY JUSTICES OF THE PEACE ASSOCIATION INC**

APPENDICES

APPENDIX A CATEGORIES OF MEMBERSHIP

Full Member

A person who holds an appointment as a Justice who resides within the District Boundaries specified under Rule 4 and who has paid the appropriate subscription for annual membership set by the Association.

Life Member

A member who has had Life Membership conferred by the Association in accordance with the criteria listed below.

The total number of Life Members shall not exceed seven (7) at any time.

A Life Member shall not be liable for any fees but shall pay any levies that may be imposed in accordance with Rule 10.3.

Criteria for Conferral of Life Membership

Life Membership may, on the recommendation of the Council to an Annual or Special Meeting, be conferred on a member who has rendered conspicuous service to or on behalf of the Association, subject to the following:

- any financial member may submit a written nomination to the Council for its consideration.
- the nominee, if a member of the Council, shall not be present during any deliberation or voting by the Council on the nomination.
- the affirmative vote by secret ballot, of three fourths of the Council members present and eligible to vote at the Council Meeting on the nomination.
- the Council shall, if the required affirmative vote is obtained, then submit the nomination to the Annual Meeting to be voted on.
- the affirmative secret vote by ballot, of three-fourths of the financial members present and eligible to vote on the nomination, shall confirm conferral of Life Membership.

Notice of the nomination and the C.V. of the nominee shall be forwarded to members with the Annual Meeting papers.

Senior Member

A full member shall be a Senior member, whose subscription shall be at a reduced rate, provided he has held membership of the Association for at least ten (10) years and attained the age of seventy-five (75) years.

Retired Member

A member who, through age, health or other like cause, can no longer fulfil an active role as a Justice may apply to the Secretary of Justice for designation of JP (retired) in terms of Section 3 (C) of the Justices of the Peace Amendment Act 2007. A member so designated ceases to act as a Justice but wishes to remain a member of the Association and receive all publications (including the Justices Quarterly) and/or participate in the Association's social activities. *(Amended 27 October 2007)*

RULES OF THE CANTERBURY JUSTICES OF THE PEACE ASSOCIATION INC

APPENDIX B THE REGISTRAR AND DUTIES

The duties of the Registrar are summarised as follows:

- To keep true minutes of the proceedings of all Association Annual and Special meetings and of all Council meetings.
- To present to the next meeting the minutes for confirmation.
- To keep a record and present to each Council meeting, all Inward and Outward correspondence.
- To convene all meetings as prescribed by these Rules and as required by Council.
- To keep a register of members.
- To forward such reports and statements of membership as necessary and required by the Federation.
- To take custody of the Common Seal and to ensure it is affixed only in accordance with Rule 29.
- To generally conduct all administration affairs of the Association.
- To prepare and collate the Annual Report and Financial Statements.
- To file annually, the Annual Report and Financial Statements, with the Registrar of Incorporated Societies.
- To register any Rule changes with the Registrar of Incorporated Societies and to keep the Rule Book up to date.
- To prepare and forward all correspondence, notices, etc.
- To carry out all necessary duties to ensure the smooth and effective administration of the Association
- To receive all correspondence sent to the Registered Office of the Association.

**RULES OF
THE CANTERBURY JUSTICES OF THE PEACE ASSOCIATION INC**

APPENDIX C THE TREASURER AND DUTIES

The Duties of the Treasurer shall be:

- To receive all monies due to the Association and deposit same regularly in the bank or banks which may be authorised by the Council from time to time.
- To pay all Association accounts by cheque.
- To prepare and submit to each Council meeting financial reports showing:
 - Receipts and payments since the last meeting
 - Bank and investment balances
 - Payments for ratification and / or authorisation.
- To send out subscription notices and accounts rendered
- To maintain proper and adequate records of the Association's accounts
- To prepare the annual financial accounts for audit and subsequent presentation at the Annual Meeting.

**RULES OF
THE CANTERBURY JUSTICES OF THE PEACE ASSOCIATION INC**

APPENDIX D STANDING ORDERS

A Member

- Desiring to speak may rise, and speak when called on by the Chairperson.
- Shall not speak more than once to a motion or for more than three (3) minutes on a matter, without the consent of the meeting, except that the mover of a motion may be granted an extra three (3) minutes for the right of reply.
- May rise at any time to a point of order.

Notices of Motion and Motions

- Shall be taken in the order given.
- Shall lapse if the mover or member acting on behalf of the mover is not present the motion is called.
- After being moved and seconded, may only be withdrawn with the consent of the meeting.
- Shall be put to the vote, without further discussion, as soon as the mover has exercised his right of reply..
- Shall not be put to the vote if the issue can be determined under the Rules.

Amendments

- Shall read :
 - a) to strike out words in a motion, and / or
 - b) to add words to a motion.
- Shall not be accepted if a direct negative.
- If carried shall become the motion, and may be further amended.
- Shall be taken one at a time and it may not be further amended, although notice of further amendment may be given.

Members may move or second only one amendment to each motion.

THE CANTERBURY JUSTICES OF THE PEACE ASSOCIATION INC

APPENDIX E BY-LAWS

- Change of Address and Telephone Number

Members shall promptly notify the Registrar of any change of address and / or telephone number.

The Registrar will advise the Royal Federation, Ministry of Justice and Telecom Yellow Pages of all changes.

2. Inappropriate Use of JP Status

No member shall use his appointment as a Justice of the Peace as a means of furthering any personal, political or other aspiration.

- Invitations to Functions

The following Honorary members shall receive invitations to Association functions:

- Patron
- Vice Patron
- Honorary Solicitor
- Honorary Auditor

- Association Plaques

Presentation Association plaques shall be presented to

- Past President on retiring from office in accordance with the Rules.
- Life Members on election.
- Members who have rendered "special service" to the Association (Council's discretion)
- Special Guest speakers (Council's discretion)

- Judicial Studies Course

Any member may undertake the Judicial Studies Course at The Open Polytechnic (TOPS), at their own cost and may be reimbursed for same when and if appointed to the Court Panel.

The Mover and Seconder of a motion may not move or second any amendment thereof, but may speak thereto.

Right of Reply

- The Right of Reply must be claimed before the main motion has been amended.
- If the Mover of the motion speaks on an amendment he shall be taken as having exercised his right of reply..
- If no amendment has been accepted the right of reply should be claimed at the end of the debate.
- The mover of an amendment has no right of reply.

Points of Order

- Shall be decided by the Chairperson, except that a member may move at any time that, "The Chairperson's ruling be disagreed with", in which case.
 - a) The Chairperson shall leave the Chair.
 - b) The meeting shall appoint a temporary Chairperson.
 - c) Only the mover of the motion and the challenged Chairperson may speak./
 - d) The temporary Chairperson shall then put the motion and declare it carried or lost as the case may be.
 - e) The challenged Chairperson shall resume the Chair and the matter under discussion shall proceed in accordance with the ruling of the meeting.
- Notwithstanding anything contained to the contrary in this or any other Rule, a member may rise at any time and raise a point of order, and with the permission of the meeting, make a personal explanation if that member considers the point of order has been misinterpreted.
-

No Confidence Vote in the Council (amended 27 October 2007)

- If passed by two-thirds (2/3) of the members present at an Annual Meeting or Special Meeting, the members of the Council shall submit their written resignations to the meeting.
- The meeting shall appoint a Committee of three (3) who shall exclude any member of the previous Council.
- If this vote is taken at an Annual Meeting, the scheduled elections shall be cancelled.
- The appointed Committee will conduct the Association's affairs and immediately call for nominations for a new Council and set a date, time and place for the elections.
- The Rules governing elections shall apply.
- Successful candidates will assume office immediately following declaration of the outcome of the elections.
- The work of the appointed Committee shall conclude on the assumption of office by the elected Council and the appointed Committee shall dissolve.

Preferential Voting

In the preferential voting system, a candidate requires 50% of the votes cast, to be elected.

- 6 candidates (viz. A,B, C, D, E) for three (3) positions. 100 voters

1 st ballot	A	90 votes	Elected	
	B	80 votes	Elected	
	C	48	Not Elected	
	D	42	Not Elected	
	E	40	Drops off	
2 nd ballot	C	48	Not Elected	
	D	52	Elected	ELECTED
				A, B and D

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9 August 2007

Canterbury Justices of the Peace
38 Liverton Crescent
Christchurch 8053

Attention: President

Dear President, Council and Members

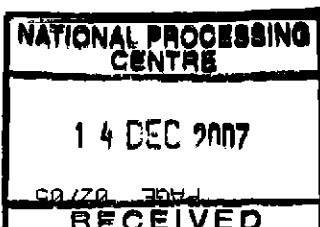
Constitution and Rules of the Canterbury Justices of the Peace

1. We apologise for the delay in responding to your request, but have now reviewed the proposed changes to the Rules of the Canterbury Justices of the Peace Association Incorporated and comment as follows:
2. **Clause 2 – Registered Office:** The change can be made if the Council notifies such change, but the Rules do not specify who the notification shall be sent to, and how. In any event, pursuant to section 18(2) of the Incorporated Societies Act 1908 the Registrar of Incorporated Societies must be notified otherwise the change is not valid.
3. **Clause 5.2 – Objects:** Any alterations made to this clause must be done in accordance with clause 32. We confirm that the change to the oath does not change the substantial aim of the Association and can be made.
4. **Clause 6 - Interpretation of Rules:** This clause as it stands provides for possible referral for advice by the Honorary Solicitor after a Council decision on interpretation (other than pertaining to elections). To change this to obtain advice from the Honorary Solicitor before the Council considers the question, the clause could be worded as follows

"Any question, other than pertaining to elections, relating to the interpretation of the Rules or matters not provided for in the Rules may be referred to the Honorary Solicitor for advice either on written request or by the Council's own determination, and shall be decided by a simple majority of the Council taking into account the Honorary Solicitor's advice."

Thus, clause 6.3 can be deleted. This change removes the requirement for ratification of the Council's decision of the matter because there may be issues determined which do not need ratification. If the matter necessitates a change in the Rules the Council will have to follow the usual procedure for such change.

5. **Clause 9.2 – Expulsion:** This minor change can be made.
6. **Clause 10.2 – Joining Fee:** It has been proposed here that where Justice transfers from another district they shall not have to pay a joining fee. There is no problem with the addition of this clause.
7. **Clause 11.1 – Officers:** The change of "up to" four Council members can be made provided clause 15 is also amended to make it clear that the Council is free to leave the position vacant until the next Annual Meeting.



8. **Clause 12.2 – Council:** There has been no suggested change of this clause indicated but we note that the clause refers to six elected Councillors. In order to align this with changes made in clause 11, the clause should be partially amended to read “...and up to four (4) elected Councillors”.
9. **Clause 13.1 – Matters relating to the position of the Registrar**
 - (a) In response to your enquiry regarding the term of the Registrar and/or Treasurer, it is a requirement of the Incorporated Societies Act 1908 that the method of appointment of officers of society is provided for in the rules and the actual terms and details can be determined by the Association itself. There is no objection to the term of Registrar being altered provided that a mode of appointment is provided for by the Rules. If you wish these Officers to serve a different term to other Council members, clause 14.1 should be amended. A suggestion is offered below.
 - (b) The payment of an honorarium to the Registrar does not create an employer employee relationship to be governed by the Employment Contracts Act 1991. This is largely due to the Act applying to all employment contracts and as confirmed by Peter Berry on 2 August 2007 by telephone, there is no employment contract between the Association and the Registrar, nor can an employment relationship be inferred from behaviour. Employment issues such as unfair dismissal and poor performance do not arise.
 - (c) In response to the conflict of interest issue raised due to the Registrar continuing as a voting member of the Association. The issue was framed in light of whether the Registrar is to be considered an employee of the Association. The conflict of interest being that as an employee, the Registrar would benefit from the decisions of the Association. As the Registrar is not an employee, the same conflict of interest issue does not currently arise. However, the Association may wish to consider including conflict of interest rules in relation to all Council members similar to “interested directors” provisions for limited liability companies under the Companies Act 1993. In order to do so, the Association would have to define actions or conduct would constitute a conflict of interest as viewed by the Association.
10. **Clause 13.2 – Nominations:** This suggested addition to this clause can be made.
11. **Clause 13.4 – Voting:** Although it seems only a practical issue, there is a question as to whether a single nominee should be automatically declared elected. In practice there is often no resistance to the elation but it is important that the members have the right to object to any nominee at the Annual Meeting. The clause as it is currently drafted provides for simple opportunity to express objection and we caution against the suggested draft for this reason.
12. **Clause 13.6 – Scrutineers:** The suggested amendment can be made but is unnecessary as the current clause describes “at least” two Scrutineers. The present clause provides for the situation where it may be more efficient to have additional Scrutineers.
13. **Clause 14.1 – Term of Office:** The suggested addition can be made. As suggested above, we have drafted a possible clause for the term of the Registrar Treasurer office:

“The office of Registrar, Treasurer and/or Registrar/Treasurer may be filled by the same person for a term exceeding one year provided the person is removed pursuant to clause 14.3 or replaced at an Annual Meeting.”
14. **Clause 14.3 – Removal from Office:** The portion of this clause which states an officer will be removed where he “makes an arrangement or compositions with his creditors” appears to be an antiquated term and is in any event more usually applied to corporations. Prior to 1981, Incorporated Societies did not have an express power to make an arrangement or composition with its creditors and possibly the rules were written so as to ensure that its Officers were held to the same standard as the Association was bound by. This portion of the clause can be deleted.

15. **Clause 15.1 – Extraordinary Vacancies:** The current position indicates extraordinary vacancies *"shall"* be filled which is mandatory wording. To allow the Council flexibility we suggest changing the provision to *"At the discretion of the Council, by the Council"*. This means that a vacancy does not necessarily need to be filled where the Council considers it unnecessary.

16. **Clause 16 – Registration:** To simplify this clause we suggest the following:

"16. Presidential Chain – The chain of office shall bear the name of the President elected at the Annual General Meeting after the elected President has served a minimum of six months in office. If the position of the President becomes vacant before the expiry of the six month term due to the death of the incumbent, then the chain of office shall bear the name of the deceased President."

We note that this change, in addition to the draft you suggested, has the effect of the chain of office bears the name of the previous President until six months into the term of the new elected President. If there is no objection to this situation, the change can be made accordingly.

- ~~17. **Clause 18.2 – Honorary Auditor and Honorary Solicitor:** The addition suggested here can be made as if purely clarifies the clause.~~

18. **Clause 19 – Annual Meeting:** Although a Roll Call appears rather formal, the Council is required to do so in order to determine a Quorum is present so as to continue with the Annual Meeting. For this reason, it is suggested that the term *"Roll Call"* can be replaced with *"Declaration that Quorum Present"*. The addition to the fifteenth bullet point does make practical sense, but we note that it provides the Registrar with the power to decide whether the matter is of a *"minor"* nature. This could present a problem where there is conflict over the issue at hand. However, the change can be made where no conflict of General Business is foreseeable.

19. **Proposed Clause 22.3 - Council Meetings:** The addition of the clause 22.3 relating to Council Meetings of urgency presents no inconsistency with the law of incorporated societies but we suggest that it is a requirement that all Council members must sign such resolutions deemed urgent. This is in line with the requirement of urgent resolutions for Boards of Directors of companies.

20. **Clause 23 – Quorum:** This change is unnecessary and confusing. The present clause should remain as a *"simple majority"*. The change to clause 23.6 can be made without any problem.

21. **Clause 25 – Voting:** The deletion of this part of the provision is appropriate and can be made.

- (a) **Clause 27.1 – Unseemly Conduct:** The term itself is intentionally broad so as to allow many different forms of conduct, particularly over time, to be considered as *"unseemly"*. On the other hand, there could be behaviour which may in itself not be unseemly if engaged by persons who are not Justices, but which the Association considers derogatory to the affairs of the Association nonetheless. Furthermore, in trying to define *"unseemly conduct"* the Association runs the risk of narrowing down the scope of the behaviour. The suggestion made here is to delete the heading of *"unseemly conduct"* with the replacement being *"Conduct Derogatory to the Interests of the Association"*. The Association could give appropriate examples of behaviour considered to fall under this heading with the further proviso given that such conduct will not be defined to the listed examples.

22. **Appendix B –** The deletion is appropriate and can be made.

23. **Appendix D –** We did not receive this Appendix and therefore cannot comment on the suggested change.

24. If you have any queries, please do not hesitate to contact the writer.

Yours faithfully
Lane Neave



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Partner/Law Clerk

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