

**RULES OF THE FAMILY COURTS ASSOCIATION OF
NEW ZEALAND (AUCKLAND) INCORPORATED
"RULES"**

1. NAME OF SOCIETY AND DEFINED TERMS

- 1.1** The name of the Society is the Family Courts Association of New Zealand (Auckland) Incorporated (in these Rules "the Society").
- 1.2** Capitalised terms in these Rules have special meanings which are set out in Rule 14 of these Rules.

2. OBJECTS AND AIMS

2.1 The objects for which the Society is established are to:

- (a) Promote relationships among professionals involved in Family Court work and to provide a forum for the exchange of ideas, publications and news in respect of the common concerns of people who are professionally involved in family law in New Zealand;
- (b) Identify relevant areas and develop policies for reform of family law and practice including making submissions concerning legislation and the practice of the Family Court;
- (c) Facilitate professional development and networking among members;
- (d) Develop relationships with individuals and groups in the wider community relevant to family law;
- (e) Promote awareness of the Family Court and issues affecting it within the wider community;
- (f) Support the work of individuals, groups and charitable organisations in furthering the objects of the Society;
- (g) Liaise with other bodies within New Zealand and internationally to promote the objects of the Society; and
- (h) To undertake any other activities that will promote the above objects.

3. MEMBERSHIP

3.1 Persons Eligible to be Members

Any person shall be eligible to become a member of the Society who is actively involved in the Family Court and/or contributing to Family Law and is a:

- (a) Barrister and/or Solicitor of the New Zealand High Court;

- (b) Family Court Counsellor;
- (c) Family Court co-ordinator;
- (d) Family Court employee;
- (e) Warranted Judge or Justice of the New Zealand Courts;
- (f) Family Court Mediator;
- (g) Registered Medical Practitioner;
- (i) Registered Psychologist;
- (j) Social Worker;
- (k) Court approved programme provider and/or contact supervisor;
- (l) Any other person with a relevant involvement in Family Court issues who is approved by the Committee in accordance with these Rules.

3.2 How Eligible Persons Become Members

Persons eligible to become a Member of the Society in accordance with Rule 3.1 of these Rules shall become a Member upon:

- (a) Fully completing the application form required by the Committee in writing and providing that application form to the Committee; and
- (b) Paying the subscription fee for the current year; and
- (c) Being approved by the majority of the Committee who shall be entitled to accept or reject a person as a Member at the Committee's discretion.

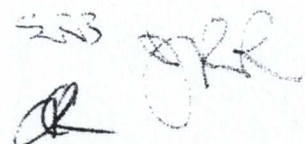
3.3 Acting Members of Judiciary May Not Vote

Current members of the judiciary shall not be entitled to vote on any matter before the Society in recognition of the fact that members of the judiciary are required to remain impartial and independent.

3.4 Power to Terminate Membership

The Committee shall have the power, entirely at its discretion, to terminate the membership of any Member and without limiting the foregoing, may do so if:

- (a) The Committee considers that any Member is engaged in conduct that may bring the Society or its objects into disrepute;
- (b) Any Member has not paid the annual subscription within six months of such subscription being levied.

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3.5 Resignation of Members

Any Member of the Society may resign from membership by giving written notice to the Committee.

4. ALTERATION/ADDITION/RESCISSION OF RULES

- 4.1 These Rules may be altered, added to or rescinded by a Special Resolution passed at any General Meeting of the Society.

5. OFFICERS AND COMMITTEE

5.1 Officers

- (a) The Officers of the Society shall be:
- (i) The Chairperson and the Treasurer who shall be elected in accordance with these Rules and shall be members of the Committee; and
 - (ii) The Secretary who shall be appointed by a majority of the Committee from among the Committee members.
- (b) If there is any vacancy in the office of Chairperson, Secretary or Treasurer prior to the next Annual General Meeting, the Committee shall appoint, by majority vote, a replacement Chairperson, Secretary or Treasurer, as the case may be, from among the remaining Committee members to temporarily fill that position until that Officer can be replaced in accordance with Rule 9.8; and
- (c) The Committee may elect a Deputy Chairperson from among the elected members of the Committee and who shall act and have the powers of the Chairperson where the Chairperson is absent from a Committee meeting or any General Meeting.

5.2 Committee

- (a) The affairs of the Society shall be administered by the Committee that is in existence at the date of adoption of these Rules until the next Annual General Meeting of the Society.
- (b) From the date of the first Annual General Meeting date of the Society following the adoption of these Rules, the affairs of the Society shall be administered by a Committee consisting of nine Members elected at an Election Meeting in accordance with these Rules. The Committee shall appoint from its members the Secretary, who may not be the same person as the Chairperson or Treasurer.
- (c) All voting Members shall be eligible to vote on the appointment of the Committee, including voting on who shall fill the roles of Chairperson, Treasurer and each specialist position and all voting Members shall be eligible to be appointed to the Committee.

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- (d) Subject to Rule 5.2(e) the Committee shall consist of:
- (i) One Member who is a Barrister and/or Solicitor of the High Court of New Zealand;
 - (ii) One Member who is a Family Court Counsellor;
 - (iii) One Member who is a Registered Psychologist;
 - (iv) One Member who is a Social Worker; and
 - (v) Five persons from other Members that are eligible to be appointed in Rule 5.2(c).
- (e) In the event that no nominations are received at an Election Meeting for a person that fulfils the requirements of all or any of Rule 5.2(d)(i) to (iv) then that position on the Committee shall be filled by a person who is eligible for election in accordance with Rule 5.2(d) (v).

5.3 Term of office

- (a) The term of office of a member of the Committee shall be two years following the first Annual General Meeting following the adoption of these Rules. Members shall be eligible for re-election for a maximum of two further two-year terms of office.
- (b) Any member of the Committee who has served three consecutive two year terms on the Committee is not eligible for re-election until the expiry of one year from the conclusion of that Member's last term of office.
- (c) Unless he or she sooner vacates office, every elected member of the Committee shall continue in office until his or her successor comes into office, notwithstanding that his or her term of office may have expired.

5.4 Vacancies

- (a) If any member of the Committee is absent without valid apology for two consecutive meetings of the Committee he or she shall cease to be a member thereof.
- (b) If any member of the Committee:
 - (i) Dies; or
 - (ii) Resigns in writing addressed to the Chairperson of the Society; or
 - (iii) Ceases to be a Member of the Society;
 then his or her office shall become vacant and the vacancy shall be deemed to be a casual vacancy.
- (c) The Committee shall have the power to fill any casual vacancy in its elected membership until the position is filled by vote of Members in accordance with Rule 9.8. The person that fills that position on a casual basis shall be eligible for nomination and appointment in any election held under Rule 9.8.

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6. MEETINGS OF THE COMMITTEE

6.1 First Meeting After Election Meeting

Within 1 calendar month after each Election Meeting, the person who held the position of Secretary immediately prior to that Election Meeting shall call a meeting of the newly elected Committee. The Chairperson shall take the chair at that meeting and the Committee shall appoint the Secretary.

6.2 How Committee Meetings Are to be Called and Held

- (a) The Committee shall meet at such times and places (or by telephone or video conference) as may be determined by the Chairperson or upon the request in writing of any three members of the Committee who shall give notice to the Secretary to call a meeting and the main items that are to be on the agenda of that meeting.
- (b) Reasonable notice of every such meeting shall be given by the Secretary to every member of the Committee together with the agenda of that meeting.
- (c) Five members of the Committee present at any meeting shall constitute a quorum, including the Chairperson or any Deputy Chairperson.
- (d) Subject to these Rules, the Committee shall otherwise determine its own practices and procedure in respect of its meetings.

6.3 Decision Making and Exercise of Management Powers

- (a) The Committee shall make all decisions and pass all resolutions in respect of the Society by a majority. In the event there is a tie in voting on a particular resolution, the Chairperson shall, in addition to having a deliberative vote, also be entitled to exercise a casting vote.
- (b) A resolution in writing, including electronic mail, sent to all members of the Committee and agreed by a majority of the Committee, shall be as valid as if it had been passed at a meeting of the Committee.

7. MANAGEMENT OF SOCIETY BY THE COMMITTEE

7.1 General Duty of Committee

It shall be the duty of the Committee generally, to conduct the affairs of and actively advance the objects of the Society. The Committee shall also report all of the Society's activities to its Members and call such General Meetings as the Committee is required to call in terms of these Rules or considers desirable in order to perform its duties.

7.2 General Powers and Obligations of the Committee

The Committee shall have the power and obligation to:

- (a) Consider opportunities to advance the objects of the Society and actively undertake activities that further those objects,

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- (b) Determine expenditure of the Society's funds to advance the objects of the Society;
- (c) Oversee and arrange the entry and verification of minutes and other records of the business of the Society;
- (d) Arrange the preparation and submission to the Society and its Members all reports as may be required to be given to Members at any General Meeting including, where relevant, an annual report, balance sheet and statements of account in respect of the operations of the Society;
- (e) Provide the Members with regular financial reports and updates;
- (f) Call General Meetings and Committee Meetings and prepare the agenda for those meetings.

7.3 Additional Powers of the Committee

The Committee may:

- (a) Recommend to the Members the adoption of by-laws that are not inconsistent with these Rules for the conduct of the affairs of the Society; and
- (b) Establish committees and engage any other persons as may be necessary for the conduct of the affairs of the Society including appointing conveners and members to sub-committees on such terms and for such purposes otherwise as it may from time to time determine;

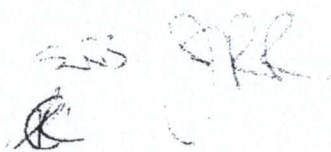
7.4 Chairperson

- (a) It shall be the duty of the Chairperson to:
 - (i) Whenever practicable, preside at all meetings of the Committee and at all General Meetings and other meetings of the Society and to control and set the format and agenda at those meetings;
 - (ii) Prepare an annual report to the Society on the work of the Society;
 - (iii) Co-ordinate the Committee and keep Committee members informed of the programmes and activities of the Society; and
 - (iv) Make all public statements on behalf of the Society with the prior approval of the Committee.
- (b) The Chairperson may not delegate any of his or her powers and functions to any other member of the Committee although a Deputy Chairperson appointed in terms of Rule 5.1(c) shall have the Chairperson's powers in the absence of the Chairperson.

7.5 Treasurer

It shall be the duty of the Treasurer to:

- (a) See to the proper collection and disbursement of the funds of the Society;

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- (b) Arrange the keeping of all usual and proper books of account;
- (c) Oversee the bank accounts of the Society and that all related expenditure and investment of Society funds;
- (d) Report to the Committee in respect of financial matters;
- (e) Prepare an annual balance sheet and statements of account in respect of the operations of the Society and arrange for all appropriate statutory compliance in respect of the accounts and finances of the Society and related reporting requirements; and
- (f) Prepare regular financial reports to the Committee and the Society.

7.6 Secretary

It shall be the duty of the Secretary to:

- (a) Keep all books, documents and other property (except financial records kept by the Treasurer and money) of the Society;
- (b) Call all meetings as required by and in accordance with these Rules;
- (c) Take minutes of all meetings of the Committee and all meetings of the Society; and
- (d) As authorised by the Committee or the Chairperson, attend generally to the business of the Society.

8. CONTROL AND INVESTMENT OF FUNDS IN THE SOCIETY

- (a) The Society's funds shall consist of subscriptions, any interest earned on those subscriptions in accordance with Rule 8.4(f) and any donations or bequests made to the Society.
- (b) The Treasurer shall manage the Society's financial affairs as set out in Rule 7.5 under the supervision of the Committee.
- (c) The Committee shall not open any bank or other account without prior notification in writing to the Society's Treasurer. The Committee shall appoint at least two signatories from the Committee members to each such account, one of which shall be the Treasurer.
- (d) No Officer or Member of the Society other than a person authorised by a written resolution of the Committee may incur any liability in the name of the Society.
- (e) The Committee shall control funds of the Society and expend those funds in fulfilment of the objects of the Society.
- (f) The Committee shall be entitled to invest and reinvest funds in such interest bearing deposits with registered banks on terms and conditions as the

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Committee shall think fit taking into account the immediate financial requirements of the Society.

8.2 Maximum Permitted expenditure by Committee

In addition to the funding provided for in clause 8.3(b), in any financial year of the Society the Committee may only undertake or commit to an amount which solely, or in aggregate, totals the greater sum of \$15,000.00 or 75% of the previous financial years income ("Spending Limit"). Should the Committee wish to undertake any expenditure that is greater than the Spending Limit it shall only be able to do so upon obtaining a Special Resolution.

8.3 The Lynn Bevan Trust

- (a) The Lynn Bevan Trust is a trust established or to be established to further objects substantially the same as the objects of the Society.
- (b) The Committee is authorised to provide funding for the establishment and ongoing promotion of the Trust and its objects provided that:
 - (i) The trustees of the Lynn Bevan Trust make written application for such funds to the Society and sets out fully the basis on which the funds will be utilised;
 - (ii) The Committee is satisfied that the funds applied for are required by the Lynn Bevan Trust for purposes that further the Society's objects;
 - (iii) At least one of the trustees of the Lynn Bevan Trust is a Member of the Society; and
 - (iv) The Committee is satisfied that there are appropriate reporting procedures in place to demonstrate that the funds granted by the Society to the Lynn Bevan Trust have been applied to or utilised for the purposes for which those funds have been granted.

8.4 No powers to borrow

The Society shall have no powers to borrow money.

9. ELECTION OF THE COMMITTEE

9.1 Election Meetings

Elections in respect of the Committee shall be conducted at the first Annual General Meeting following the adoption of these Rules and then at an Annual General Meeting every two years thereafter.



9.2 Date of Election Meeting and Nominations

Not later than 30 April in each year in which an Election Meeting is to be held the Secretary shall call for nominations by notice in writing to the full members of the Society (and may do so at the same time as calling an Annual General Meeting) which shall:

- (a) Specify the form which the nomination shall take and this form shall allow and encourage self nomination as it is acknowledged that Committee members are volunteers utilising their valuable time to benefit the Society;
- (b) request specific nominations for the role of Chairperson, Treasurer and Specialist Positions on the Committee and whether that person is also nominated for the other positions on the Committee should they not be confirmed as an Officer or in a Specialist Position by vote of the Members;
- (c) Advise of the date by which nominations must be received by the Secretary;
- (d) Advise the address to which nominations must be sent;
- (e) Advise that the nominees shall be put forward for positions on the Committee and voted upon by the Members entitled to vote at the next Annual General Meeting.

9.3 Notices not Invalidated by Any Defect in Notice or Process

Notwithstanding Rule 9.2, no notification of the election of members of the Committee or any subsequent voting on the Committee shall be invalidated as a result of any Member not receiving either a notice calling for nominations or the non-receipt or loss of any nomination by the Committee.

9.4 Election Meeting

At the Election Meeting in which a Committee is to be voted upon:

- (a) The nominees for the position of Chairperson shall be declared by the person chairing the Election Meeting and the voting Members shall vote, by show of hands for the Chairperson from among those nominees;
- (b) The nominees for the position of Treasurer shall be declared by the Person chairing the Election Meeting and the voting Members shall vote, by show of hands for the Treasurer from among those nominees;
- (c) Should the person elected as Chairperson or Treasurer in accordance with Rule 9.4(a) or (b) be a person that qualifies for a Specialist Position, that relevant Specialist Position on the Committee shall be deemed to be filled;
- (d) The nominees for any remaining Specialist positions on the Committee shall be declared by the person chairing the meeting and the voting Members present at the meeting shall vote, by show of hands for a person to fill each such Specialist Position. Should there only be one nominee for one or more of the Specialist Positions on the Committee, then that nominee shall automatically be appointed to fill that position without the need for a vote.

- (e) Should there be no nominees for Chairperson, Treasurer or for Specialist Positions on the Committee, the person chairing the Annual General Meeting shall, at the time nominees for that position are to take place in accordance with the preceding Rules, take nominations from the floor, including self nominations in respect of any such position and any such nominees shall be voted on and/or appointed to the Committee in terms of Rule 9.4(d).
- (f) Once the roles of Chairperson, Treasurer and Specialist Positions have been voted upon, any remaining positions on the Committee the remaining positions following the same process as set out in Rule 9.4(e and those positions shall be filled as follows:
- (i) In the event that there are insufficient nominees to fill those positions the currently available nominees shall fill the available positions and the chairperson of the Election Meeting shall call for further nominations from the floor to fill the remaining positions; and
- (ii) In any case where there are more nominees than available positions on the Committee, the nominees shall be upon by way of show of hands with the highest polling nominees being elected to the available positions;

9.5 Voting determined by Majority

In respect of all voting at an Election Meeting, the person with the highest number of votes shall fill each available position. In the event of any tie between candidates a further vote shall be held to determine which candidate shall take the available position.

9.6 Announcement of Election Results

The results of an election shall be declared at the Election Meeting or as soon as reasonably practicable following the Election Meeting in the year in which the election is held.

9.7 No Election Invalidated by Defect in Process

No election of Committee Members shall be invalidated by reason of any non-compliance or failure to strictly accord with these Rules.

9.8 Vacancies on the Committee

Should any vacancy or vacancies arise on the Committee, the Committee shall at the next Annual General Meeting (whether an Election Meeting or otherwise) or at such earlier Special General Meeting as the Committee may decide call for nominations for a replacement Committee member or members. Nominations shall take place in such manner as the Committee may decide and shall be voted upon at the General Meeting specified by the Committee and in accordance with the relevant voting provisions in Rule 9.4 in respect of the related position.

10. ANNUAL AND SPECIAL GENERAL MEETINGS

- 10.1 An Annual General Meeting shall be called by the Secretary no later than 30 June in any year. The purpose of each Annual General Meeting shall be to:

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- (a) Report, review and discuss the activities of the Society in the prior year and the annual report of the Society;
- (b) Report, review and discuss the financial accounts of the Society;
- (c) Consider and discuss proposals for activities that the Society may take in the following year; and
- (d) If an Election Meeting, to consider nominations and elect a Committee in accordance with these Rules.

10.2 Special General Meetings

A Special General Meeting, being a meeting of the Society other than the Annual General Meeting shall be called by the Secretary upon the Committee passing a resolution to hold such a meeting and with an agenda to be determined by the Committee.

10.3 Provisions Applying to all General Meetings

- (a) At least five Working Days notice of a General Meeting shall be given to all members of the Society, specifying the place, day and time of the meeting, the general nature of the business and terms of any motion to be put to the meeting. However, the accidental omission to give notice of a meeting to, or non-receipt of such notice by, a Member or any defect in any such notice itself shall not invalidate the proceedings of any General Meeting.
- (b) All General Meetings will be open to all Members of the Society.
- (c) At all General Meetings the Chairperson or (if the Chairperson is absent) any Deputy Chairperson, or if there is no Deputy Chairperson, any such other member of the Committee the Committee elects shall take the chair.
- (d) At all General Meetings 25 voting Members present in person shall constitute a quorum. If within 30 minutes after the time appointed a quorum is not present, the chairperson may adjourn any such meeting for five Working Days to resume at the same time and place and if at the adjourned meeting a quorum is not present at the time appointed the General Meeting shall be dissolved.
- (e) Every Member present and entitled to vote at a General Meeting shall be entitled on every motion to one vote and in the case of an equality of votes the chairperson shall have a casting as well as a deliberative vote. The mode of voting on all questions at all general meetings shall be on voices or by show of hands as determined by the chairperson and all issues shall be determined by Majority Vote.
- (f) To the extent that procedural matters in respect of meetings are not detailed in these Rules, the chairperson of the meeting shall otherwise set the agenda and determine the procedure, conduct and control the meeting.

11. SUBSCRIPTIONS

- 11.1 Every member shall pay to the Society an annual subscription as fixed by the Committee.
- 11.2 In fixing from time to time the annual subscription referred to in Rule 11.1, the Committee shall not be bound to prescribe a uniform amount applicable to all members and may prescribe differential subscriptions in such manner as may be deemed appropriate, with power (inter alia) to fix life subscriptions and to waive payment in respect of the first year of membership.

12. COMMON SEAL AND CONTRACTS OF THE SOCIETY

- 12.1 The common seal of the Society shall be held by the Chairperson. Whenever it is required to be affixed to any deed or document it shall be affixed pursuant to a resolution of the majority of the Committee and in the presence of two Committee members at least one of who shall be an Officer.
- 12.2 The Society shall enter all other contracts in accordance with Rule 13.1, notwithstanding that the Act only requires that a deed be signed in writing under the common seal of the Society.

13. DISSOLUTION/LIQUIDATION OF SOCIETY

- 13.1 The Members may agree by Special Resolution to dissolve the Society.
- 13.2 If the Society is placed into liquidation or otherwise dissolved by its Members in accordance with Rule 13.1, the surplus assets (after payment of the expenses of winding up and the liabilities of the Society) shall be paid to such charitable organisation or organisations (including incorporated societies) as may be determined by a Special Resolution of Members.

14. DEFINITIONS

- 14.1 The following terms in these Rules bear the following special meanings:
- (a) "Annual General Meeting" means a meeting to be held by the Society annually in accordance with these Rules;
 - (b) "Chairperson" means the person appointed as chairperson in accordance with Rule 9.4(a) and with the duties, powers and obligations set out in these Rules, in particular Rule 7.4;
 - (c) "Committee" means the committee that exists at the date of adoption of these Rules as set out in Rule 5.2(a) and any replacement committee elected in accordance with Rule 5.2(b) and Rules 9.1 to 9.7;
 - (d) "Deputy Chairperson" means any Committee member appointed to that position in accordance with Rule 5.1(c);
 - (e) "Election Meeting" means an Annual General meeting held in the years specified in Rule 9.1;

- (f) "General Meeting" means a meeting of the Society and includes Annual General Meetings, Election Meetings and Special General Meetings;
- (g) "Judiciary" means warranted Judge or Justice of New Zealand Courts;
- (h) "Member" means a member of the Society;
- (i) "Rules" means these rules of the Society and "Rule" means any one of them;
- (j) "Secretary" means the Officer of the Society appointed in accordance with Rule 6.1;
- (k) "Society" means the Family Court Association of New Zealand (Auckland) Incorporated;
- (l) "Special General Meeting" is a meeting of the Society other than the Annual General Meeting and called in accordance with Rule 10.2;
- (m) "Special Resolution" means a resolution passed by 75% of the Members present and entitled to vote at an a General Meeting at which 25 or more Members are present;
- (n) "Specialist Position" means each position on the Committee described in Rules 5.2(d)(i) to (iv);
- (o) "Treasurer" means the Officer of the Society appointed in accordance with Rule 7.5; and
- (p) "Working Day" means a day other than a Saturday, Sunday or public holiday in Auckland, New Zealand.

I hereby certify that a copy of the altered Rules of the Society was adopted by special resolution at a meeting of the society on 14 October 2004.

Catherine Readhead
 Secretary
Stuart Bailey
 COMMITTEE MEMBER