CONSTITUTION OF THE CANADIAN ASSOCIATION OF PROVINCIAL COURT JUDGES
CONSTITUTION
OF THE CANADIAN
ASSOCIATION OF PROVINCIAL
COURT JUDGES

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PREAMBLE
WHEREAS the independence of the judiciary is the cornerstone of a free and democratic society;
WHEREAS The Canadian Association of Provincial Court Judges affirms that it has a primary responsibility to protect and maintain the principle of judicial independence for the benefit of all Canadians;
WHEREAS The Association is committed to maintaining and improving the Canadian system of justice;
WHEREAS The Association recognizes that every person in Canada has the right to access the justice system in both official languages and that The Association has a responsibility to reflect the bilingual nature of Canada in conducting its affairs;
WHEREAS The Association has a responsibility to promote the professionalism of the Judiciary and closer liaison between the members of the Judiciary of all Courts;
WHEREAS The Association recognizes that it has a responsibility, for the benefit of the people of Canada, to promote the education of and communication with all members of the legal profession and the public;
THEREFORE, the Canadian Association of Provincial Court Judges shall govern its deliberations and actions in accordance with the goals generally affirmed in this preamble and in the Aims and Purposes described in this Constitution and shall conduct itself according to the highest requirements of the public trust vested in the Canadian Judiciary.

DEFINITIONS
In the present Constitution:

1.1 “The Association” means The Canadian Association of Provincial Court Judges, constituted under this constitution as a federation of Judges’ Associations.

1.2 “Judges’ Association” means:
   (i) in any Province or Territory where there exists a duly constituted association of Judges, that association;
   (ii) in any Province or Territory where there is no duly constituted association of judges, the collective of Judges in that jurisdiction who are members of The Association.

1.3 “Judge” means:
a full or part-time judge, a retired, supernumerary or equivalent judge, or a per diem judge of one of the following Courts:
   (i) Provincial Court of Alberta;
   (ii) Provincial Court of British Columbia;
   (iii) Court of Québec;
   (iv) Provincial Court of Manitoba;
   (v) Provincial Court of New Brunswick;
(vi) Provincial Court of Newfoundland and Labrador;
(vii) Provincial Court of Nova Scotia and the Family Court of Nova Scotia;
(viii) Provincial Court of Saskatchewan;
(ix) Provincial Court of Prince Edward Island;
(x) Ontario Court of Justice;
(xi) Territorial Court of the Northwest Territories;
(xii) Territorial Court of Yukon;
B) Municipal judges permanently appointed in the cities of Montréal, Laval and Québec City.

and their successor courts, if any;

1.4 “Board” means the Board of Directors of The Association.

1.5 “Director” means a judge duly elected or designated by a Judges’ Association to be a member of the Board;

AIMS AND PURPOSES

The aims and purposes of The Association shall be:

2.1 To act as a federation of judges’ associations for the common benefit of all their members;

2.2 To promote and facilitate communication among all Canadian Judges and with the judiciaries of foreign countries;

2.3 To promote, defend and safeguard the dignity of, respect for and the authority of Courts and Judges and their individual and institutional judicial independence in Canada and elsewhere;

2.4 To play a leading role in determining and implementing policy with respect to the continuing education of Judges and the work of the National Judicial Institute;

2.5 To consider matters relating to judicial responsibility and ethics and to promote and implement equality and diversity within The Association and in all activities of The Association;

2.6 To promote the use of both official languages in all activities of The Association and to ensure that all members of The Association understand its workings in the official language of their choice; to ensure that all communications (written, audiovisual and electronic) intended for the general membership are in both official languages; and to work to increase the bilingual capability of Judges and their courts;
2.7 To address the needs and concerns of supernumerary, per diem and retired Judges;

2.8 To achieve a better public understanding of the role of the Judiciary in the administration of justice and, in so doing, to initiate or support public education and public relations programs;

2.9 To discuss and study existing law and recommend to the appropriate authorities such amendments thereto as may be considered proper, provided, however, that nothing in this Constitution shall be construed as preventing any Judge or Provincial, Territorial or Municipal Judges from making any recommendation directly to such authorities without reference to The Association;

2.10 To liaise with Canadian organizations such as the National Judicial Institute, the Canadian Bar Association, the Canadian Superior Court Judges Association, the Canadian Council of Chief Judges, the Canadian Institute for the Administration of Justice and Law Schools;

2.11 To liaise where practicable with judges’ associations in other countries and with international organizations engaged in judicial education and improvements to the administration of justice.

MEMBERSHIP

3.1.1 All Judges and Judges’ Associations having paid the annual membership fee, as set by the Board, are eligible to be members of The Association.

3.1.2 The Judges’ Associations that collectively constitute The Association are “Association Members” and are represented on the Board by their duly elected or appointed Directors, as set out in section 19.

3.2 Membership in The Association shall cease:

(i) Upon the Judge ceasing to be a Judge for any reason except retirement;

(ii) Upon default of payment of fees, unless an exemption is granted by the Board.

3.3.1 The Association may, by unanimous vote at any Annual General Assembly, elect any person to Honourary Life Membership in The Association.

3.3.2 Honourary Life Members are absolved from payment of annual membership fees.

3.3.3 Honourary Life Members may not hold office or vote.
GOVERNANCE

Board of Directors

4.1 The Association shall be governed by the Board consisting of the Directors and the Executive Council.

4.2 The Editor(s) of the Provincial Judges’ Journal and Chairpersons of Committees may, upon invitation, participate in meetings of the Board.

4.3.1 The Boards shall manage the affairs of The Association in accordance with the Constitution.

4.3.2 The Board shall have the power to authorize expenditures on behalf of The Association from time to time and to make expenditures for the purpose of furthering the objects of The Association.

4.3.3 The Board may appoint one or more Executive Officers, who need not be members of The Association, and shall set the applicable salary and determine the applicable duties and term of office.

4.3.4 The Board may establish an honorarium for the Secretary, the Treasurer or any other person who serves The Association.

4.3.5 When a Director is unable to be present at a meeting of the Board, that Director’s vote may be cast by proxy by a member of the Judges’ Association designated in writing by that Association and such designation shall continue in force until superseded.

4.5.1 The Board shall meet at least twice annually, or more frequently as may be required or deemed necessary by the Board, at a place and time designated by the Board.

4.5.2 The Board shall also meet upon notice of the Executive Council or upon the written request of a majority of the Directors, as and where determined by the Executive Council.

4.6 A majority of members of the Board shall constitute a quorum for the transaction of business.

4.7.1 At least fourteen days’ prior notice of a meeting shall be given.

4.7.2 No notice shall be necessary if all members of the Board are present at the meeting or waive notice thereof in writing.

4.8 Meetings of the Board may be held by conference call or using other means of communication such as video conferencing or the Internet.

4.9.1 Each Director shall keep his or her own Association fully informed about the activities, concerns and policies of The Association and shall keep The Association fully informed about The activities, concerns and policies of his or her own Judges’ Association, as shall the municipal judge designated by his or her colleagues.

4.9.2 Each Director shall file a written report in both official languages at each meeting of the Board.
### Executive Council

5.1 The Association’s Executive Council shall consist of the Past President, President, First Vice-President, Second Vice-President, Third Vice-President and Secretary-Treasurer or Secretary and Treasurer.

5.2 The term of office of the Executive Council shall take effect upon the adjournment of the Annual General Assembly and shall last until the adjournment of the following Annual General Assembly.

5.3 The Executive Council shall conduct, manage and arrange the business and affairs of The Association between Annual General Assemblies.

5.4 The Executive Council may, on behalf of The Association, do anything that is to be done at the Annual General Assembly and is not specifically provided for herein.

5.5 The Executive Council may, from time to time, solicit the opinion of the Directors’ Forum.

5.6.1 The meetings of the Executive Council may be held at any time and place upon fourteen (14) clear days’ written notice given by the President or any other officer.

5.6.2 A notice of any meeting shall be given by prepaid registered mail or by courier, fax or e-mail to all members of the Executive Council; however, any or all members of the Executive Council may waive such notice in writing before, at or after any such meeting.

5.7 A quorum at any meeting of the Executive Council shall be at least one-half of its members.

5.8 Questions arising at any meeting of the Executive Council shall be decided by a majority of votes of those present, and, in the event of a tie vote, the President shall cast the deciding ballot.

6.1 The members of the Executive Council shall be members of The Association.

6.2 The members of the Executive Council shall be elected at each Annual General Assembly and their election shall be the last item on the agenda of said Annual General Assembly.

6.3 Their terms of office shall take effect upon the adjournment of said Annual General Assembly and shall last until the election of their successors.

6.4 A vacancy in any office shall be filled by the Board.

6.5 Any of the powers and duties of an officer to whom an assistant has been appointed may be exercised and performed by said assistant, unless the Board otherwise directs.
**Presidency**

7.1 Notwithstanding anything to the contrary, the First Vice-President is, as of the first day of April of each year, designated President-elect.

7.2 The President-elect becomes the President of The Association without further vote or election upon the preceding President ceasing to be the President by reason of the expiry of his or her term of office or for any other reason.

7.3 If, at any time, the First Vice-President is unable or unwilling to act as President-elect or to assume the office of President, the position shall be filled by the Director delegated to do so by the Judges’ Association of which the first Vice-President is a member if, before the Annual General Assembly, the Board accepts said candidacy; otherwise, the position shall be filled by the next available Vice-President in numerical order.

7.4 If, for any reason, the last preceding President of The Association does not hold the office of Past President, the Executive Council shall appoint another former President to fill the vacancy.

8.1.1 The President shall preside at all General Assemblies and meetings of the Executive Council and Board.

8.1.2 The President shall be the chief executive officer of The Association.

8.1.3 The President is charged with the general and active supervision of the business and affairs of The Association, subject to the authority of the Board.

8.1.4 The President shall ensure that all orders and resolutions of the Board and of the Executive Council are carried out.

8.1.5 The President, or in the absence of the President, the President-elect or other designate shall, at the Annual General Assembly, make a report of The Association’s activities during the President’s term of office.

8.1.6 The President shall not be entitled to vote at a General Assembly or at any meeting of the Board except in the event of a tie vote.

8.2 In the event of the President’s absence, disability or refusal, the Vice-President with numerical precedence shall act as President of The Association, shall have the powers and authority invested in this office and shall perform all of the President’s duties and assume any other responsibilities that may fall upon him or her by decision of the Board.

8.3 In the absence of the President and all of the Vice-Presidents, the Board shall elect a temporary presiding officer who shall have all the powers of the President.

8.4 The President is an *ex officio* member of all the committees of The Association and, as such, may vote at the meetings of the committees.
Secretary

9.1 The Secretary is the custodian of all minutes, records and archives of The Association.

9.2 The Secretary shall take minutes of the General Assemblies and provide copies thereof to the Board, the Executive Council and the members of said Assemblies.

9.3 The Secretary shall take minutes of all meetings of the Board of Directors and the Executive Council and send copies to all members of the Board, the Executive Council and the General Assemblies.

9.4 The secretary shall submit a report to the Annual General Assembly.

9.5 The Secretary shall give or cause to be given all notices required to be given for all meetings of the Board, the Executive Council and members of The Association.

9.6 The Secretary shall perform such other duties as may be prescribed by the Board of Directors or by the President.

Treasurer

10.1 The Treasurer is responsible for collecting all membership fees, grants and subscriptions.

10.2 The Treasurer is the custodian of all Association funds and securities, which shall be disbursed only on the authority of the General Assembly, the Board or the Executive Council.

10.3 The Treasurer shall keep full and accurate books of account in which shall be recorded all receipts and disbursements of The Association and, under the direction of the Board, shall control the deposit of money, the safe-keeping of securities and the disbursement of The Association’s funds.

10.4 The Treasurer shall render an account to the Board and Executive Council, at the meetings thereof or whenever required, of all transactions as Treasurer and of the financial position of The Association.

10.5 The Treasurer shall submit a report to the Annual General Assembly.

10.6 The funds of The Association shall be kept by the Treasurer in a chartered bank, a provincial savings bank, or a trust company, the choice of which, including the local branch, shall be approved by the Executive Council.

10.7 The Treasurer shall perform such other duties as may from time to time be prescribed by the Board or by the Executive Council.

11. One person may exercise the roles of Secretary and Treasurer and, as such, may be elected as Secretary-Treasurer.
12. The Executive Officer may exercise the role and responsibilities conferred on the Secretary and on the Treasurer and may do all things that a Secretary or a Treasurer can do.

13. The Board may assign to any or all members of the Executive Council such other and additional duties as it shall see fit.

**Directors’ Forum**

14.1 The Directors’ Forum consists of the judges duly designated by each Judges’ Association as a Director, as well as one municipal judge appointed by his or her colleagues.

14.2 The Forum may propose resolutions to the Board, to the Executive Council and to the General Assembly on all matters affecting The Association and the conduct of its affairs.

14.3 Unless otherwise decided by the Directors, the Forum Chairperson is the Director from the place where the Annual Meeting is to be held in that calendar year.

14.4 The Forum may meet and may report to the Board during the days set aside for the meetings of the Board.

14.5 A quorum at any meeting of the Forum shall be at least one-half of its members.

**Review of books of account**

15.1 The books of account of The Association shall be reviewed annually by the Board in conjunction with a review by a certified public accountant or a chartered accountant or recognized equivalent, provided further that:

(i) A resolution has been passed by a majority of the Directors’ Forum at the mid-year meeting, or

(ii) Upon demand by any funding agency providing grants to The Association, said books of account shall be submitted to the certified public accountant or chartered accountant or recognized equivalent for an audit in accordance with generally accepted accounting principles.

15.2 All reviews, audits and financial reports resulting from the financial review or from the audit, as the case may be, shall be completed in time for the subsequent Annual General Assembly of The Association and shall be made available to all members of The Association at said Annual General Assembly or at any reasonable time thereafter.

**Signing of documents**

16.1 To be valid, all cheques of The Association shall be signed by the Treasurer or the Executive Director or by any two officers.
16.2 To be valid, any document to be signed on behalf of The Association, excluding cheques, shall be signed by the President, First Vice-President, Secretary-Treasurer or Executive Director.

**Determination of Directors**

17.1 In the case of a province or territory which has a duly constituted Judges’ Association, the Director shall be the member designated in writing by that Association signed by the President or Secretary of that Association and filed with the Secretary at the Annual General Assembly and such designation shall continue in force until superseded.

17.2 In the case of a province or territory that has more than one Judges’ Association, each of which is a member of The Association,

(i) Said sole Director shall be designated by agreement to represent all said Judges’ Associations. His or her designation shall have been signed by either the President or Secretary of each association;

(ii) In the absence of an agreement, The Association with the greatest number of members shall designate the Director.

17.3 If there is no duly constituted Judges’ Association, the Director shall be the Judge who has been designated in writing by a majority of the Judges of that province or territory who are members of The Association.

17.4 In the case of a province or territory in which there is only one Judge, the Director shall be that Judge if that Judge is a member of The Association.

17.5 In the case where a Director is unable to be present at the Annual General Assembly, the vote for that Judges’ Association may be cast by proxy by a member of that Association designated in writing signed by the President or Secretary of that Association and filed with the Secretary at the Annual General Assembly and such designation shall continue in force until superseded.

**ANNUAL GENERAL ASSEMBLY AND SPECIAL GENERAL ASSEMBLY**

18.1 An Annual General Assembly of all members of The Association shall be held at least once in each calendar year at such time and place as shall be decided by the Board.

18.2.1 The Secretary shall cause notice in writing of the Annual General Assembly or of any Special General Assembly to be given to all members of The Association.

18.2.2 The notice of General Assembly shall be given by prepaid post, by courier, by fax or e-mail to the address of such members as shown in the records of The Association or by a written notice through the Provincial Judges’ Journal distributed to the members.

18.3 At the Annual General Assembly, all members are entitled to participate fully in discussions but only the Directors or their proxies are entitled to vote.
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18.4 A quorum at meetings of a General Assembly shall be a majority of Directors.

19. The Annual General Assembly shall manage and govern the affairs of The Association and, in particular, it shall at each meeting:

(i) Receive the report of the Secretary on the presence of a quorum;

(ii) Receive the report of the President, such report to include a report of the activities of the Executive Council, of the Directors and of each active Committee;

(iii) Receive the report of the Secretary;

(iv) Receive the report of the Treasurer and the statement of the accountant;

(v) Receive the report of the Nominating Committee;

(vi) Elect officers and appoint an accountant;

(vii) Consider any new business properly brought before the Annual General Assembly.

20.1 A Special General Assembly of the members may be convened by order of the President or of the Executive Council, said Assembly to be held at such place and time in Canada as may be determined.

20.2 The rules governing an Annual General Assembly shall apply to a Special General Assembly.

Nominating Committee

21.1 Prior to the Annual General Assembly, the President shall appoint a Nominating Committee to nominate all members of the Executive Council excepting for the office of President.

21.2 The Nominating Committee shall make its report on the morning of the Annual General Assembly.

21.3 The President, prior to any vote for office being taken, shall appoint as scrutineers three members present, none of whom shall be a candidate for the office for which the ballot is called, to collect the ballots, tabulate the votes cast, and report the result to the President.

21.4 After the Nominating Committee has made its report, the President shall call for other nominations for each office of The Association, excepting for the office of President.

21.5 If no further nominations, save for those made by the Nominating Committee, are made, those candidates proposed by the Nominating Committee shall be declared elected by acclamation.

21.6 If there are two or more candidates for any office, each Director shall cast a secret ballot and the candidate receiving a majority of votes shall be elected.

21.7 If no candidate has a majority, the candidate having the smallest number of votes shall be eliminated from the ballot and voting shall proceed in the same fashion until a candidate has a majority and that candidate shall then be declared elected.
21.8 If several candidates are tied for the smallest number of votes, no candidate shall be eliminated, but another ballot shall be taken, voting on the same candidates.

COMMITTEES

22.1 There shall be such Standing Committees as the Board deems advisable from time to time.

22.2 The following shall be the permanent Standing Committees of The Association:
- Judicial Independence
- Judicial Ethics
- National Education
- Equality and Diversity
- Committee on the Law

22.3 A Special Committee may be appointed at any time by the President for the purposes assigned to such a Special Committee.

22.4.1 The President shall annually or more often appoint such judges to chair Committees.

22.4.2 The President or, alternatively, the Chairperson, designates the judges to serve on Standing and Special Committees.

22.5 The President may, at any time, with or without cause, remove any chairperson or member from a Committee.

23.1 The Committees may meet for the transaction of business, and adjourn and otherwise regulate their meetings as they see fit.

23.2 Questions arising at any meeting of a committee shall be decided by a majority of votes and in the event of a tie vote, the Chairperson shall cast a deciding ballot.

23.3 The Chairperson of each Committee is responsible for conducting the meetings of the Committee in an orderly manner, maintaining properly recorded minutes and submitting the required minutes, reports or recommendations in person or in writing to the Board, to the Executive Council or the General Assembly, if required by the President.

23.4.1 Meetings of Committees shall be at the call of the Chairperson with fourteen (14) clear days’ notice, which may be waived.

23.4.2 A quorum at any meeting of the Committees shall be at least one-third of its members.
FISCAL YEAR
24. The fiscal year of The Association shall terminate on the last day of March in each year.

AMENDMENT
25.1 A proposal to amend the Constitution shall be by way of notice of motion signed by at least three members in good standing of The Association and shall be filed with the Secretary of The Association.
25.2 Notice of such motion shall be given to all members not less than thirty (30) days prior to any General Assembly and shall be presented to that General Assembly.
25.3 The motion shall not be voted upon prior to the election of officers at such Assembly.
25.4 A motion to amend the Constitution requires adoption by a majority of two-thirds of the votes cast by the Directors and members of the Executive Council present.
25.5 The requirement of notice may be waived by unanimous vote of all Directors present.

HEAD OFFICE
26. The head office of The Association shall be located at such address within such place as the Executive Council may from time to time determine.

GENERAL
27. Where the context so requires, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine gender and vice versa.
28. In calculating the period within which notice must be given under any provision of this Constitution, the date of giving the notice and the date of the Assembly or other event shall be excluded.
29. The accidental omission to give a notice to any member, Director or member of the Executive Council, or any error in any notice not affecting the substance thereof shall not invalidate any action taken at any meeting held pursuant to such notice or otherwise founded thereon.
30. The invalidity or unenforceability of any provision of this Constitution shall not affect the validity or enforceability of the remaining provisions.