

**CONSTITUTION
OF THE
PACIFIC PROSECUTORS' ASSOCIATION**

1. NAME

The name of the Association shall be:-

“The Pacific Prosecutors’ Association”

2. INDEPENDENT STATUS

The Association is a non-political and non-governmental organisation.

3. OBJECTS

The objects of the Association are:

- (i) To establish a network of legal practitioners in the public sector who are engaged as advocates in the prosecution of criminal trials or appeals on behalf of the governments of each member country of the Association.
- (ii) To improve the prosecutorial services of legal practitioners in the public sector who are engaged as advocates in the prosecution of criminal trials or appeals on behalf of the governments of each member country of the Association.
- (iii) To provide a collective voice for legal practitioners in the public sector who are engaged as advocates in the prosecution of criminal trials or appeals on behalf of the governments of each member country of the Association.
- (iv) To provide a forum where issues or challenges faced by legal practitioners in the public sector who are engaged as advocates in the prosecution of criminal trials or appeals on behalf of the governments of each member country of the Association.
- (v) To identify training and educational programmes that can be developed regionally which specifically targets issues and challenges faced by legal practitioners in the public sector who are engaged as advocates in the prosecution of criminal trials or appeals on behalf of the governments of each member country of the Association.
- (vi) To emphasise and highlight the important role that prosecutors play in upholding the rule of law
- (vii) To assist and improve management and organisational processes within prosecution offices of each member country of the Association
- (viii) To provide moral support to all legal practitioners in the public sector who are engaged as advocates in the prosecution of criminal trials or appeals on behalf of the governments of each member country of the Association.

- (ix) To promote and protect the professional, educational, vocational and industrial interests of legal practitioners in the public sector who are engaged as advocates in the prosecution of criminal trials or appeals on behalf of the governments of each member country of the Association.
- (x) To encourage and promote the education of legal practitioners in the public sector who are engaged as advocates in the prosecution of criminal trials or appeals on behalf of the governments of each member country of the Association through the exchange and sharing of knowledge, experience and information relevant to the advancement of the skills of prosecutors and the profession of prosecuting.
- (xi) To foster connections with Prosecutors, Prosecution Authorities and Prosecutors' Associations world wide with a view to mutual assistance in advancing the interests of justice and encouraging and promoting professional interests and education of Prosecutors.
- (xii) To promote high standards of proficiency in the prosecution of criminal trials and appeals and in the administration of criminal justice, including procedures to guard against or address miscarriages of justice, in support of the rule of law.
- (xiii) To promote and protect the independence of prosecutors from improper influences from whatever source including but not limited to political interference.
- (xiv) To promote and advance standards of advocacy in the presentation of criminal trials and appeals.
- (xv) To advance views on matters of reform in the fields of criminal law, criminal procedure and the administration of justice.
- (xvi) To promote good relations between the prosecutors of different jurisdictions within the Pacific and prosecutors in other regions.
- (xvii) To promote an examination of comparative criminal law and procedure and to assist prosecutors engaged in justice reform projects in the Pacific and other regions.

4. MEMBERSHIP

(i) Ordinary Membership

This shall be open to any person appointed or employed in the public sector who is qualified as a legal practitioner in any member country of the Association and who is regularly engaged as an advocate in the prosecution of criminal trials or appeals therefrom on behalf of a member country of the Association's prosecuting authority who is authorised to prosecute for the member country of the Association.

(ii) Heads of Prosecution Offices

Ordinary Membership shall be open to Heads of Prosecution Offices for the member country of the Association.

(iii) **Honorary Membership**

This shall be open to any person who is elected to Honorary Membership by a vote of 75% of those present at any General Meeting of the Association.

(iii) **Fees**

Ordinary Members shall pay an annual membership fee for each calendar year as determined from time to time by the Executive, which fee shall be payable by 30th June of the relevant year of membership.

A member whose annual fee remains unpaid for a period in excess of 6 months from the date it falls due shall be liable to loss of membership upon resolution by Executive.

(iv.) **Group Membership**

This shall be open to the body of persons in each member country of the Association who are eligible for ordinary membership. The annual fee for group membership (which can be varied from jurisdiction) shall be determined from time to time by the Executive, which fee shall be payable by 30th June of the relevant year of membership. A group member shall be entitled at a general meeting to the number of votes equivalent to one half of the number of persons who are included in that group of membership and whose names are included in that group membership's application form as amended from time to time by notice in writing to the Secretary. Such votes shall be cast by a person nominated therefore by the group member and present at the general meeting.

(v) **Member Country**

A member country of the Association shall be open to all member countries of the Pacific Islands Forum Secretariat except for Australia and New Zealand.

(vi) **Observer Member**

The founding observer members of the Association are the Commonwealth Secretariat, the PILON Secretariat, the New Zealand Crown Law, the New South Wales Director of Public Prosecutions, the Australian Association of Crown Prosecutors, United Nations Office of Drugs and Crime, New Zealand Ministry of Foreign Affairs, and AusAID.

Observer membership shall be open to the Australian Commonwealth Director of Public Prosecutions and to all the Directors of Public Prosecutions for each state and territory of Australia.

A new observer member may only be admitted to the Association by the unanimous agreement of ordinary members at an annual conference.

5. THE EXECUTIVE

(i) There shall be an Executive which shall be comprised of the following officers who must be members of the Association (whether as an ordinary member or included in a group membership):

(a) Executive Officers as follows:

A Chairperson

A Vice Chairperson

Three Executive Members

The Chairperson shall be an ordinary member of the hosting country of the conference. The Vice Chairperson shall be an ordinary member of the hosting country of the previous conference. The three executive members shall be ordinary members of the Pacific Prosecutor Association.

Provided that each of the executive officers shall all be from different jurisdictions and each of the three executive members shall all be from different sub-regions of the Pacific Region.

(ii) The Executive Officers (in consultation where practicable with the Representative Officers) shall be responsible for the day to day business and management of the Association in accordance with this Constitution and to do such things as are reasonably necessary and incidental to carrying out any of the objects of the Association, including the levying of annual membership fees.

(iii) **Secretariat**

The Secretariat shall be at the work location of the Chairperson or at such other places as the Executive may from time to time determine.

(iv) **Quorum**

The Executive shall be duly comprised and authorised to act upon resolutions made by a quorum which shall comprise at least three Executive Officers.

(v) **Meetings of the Executive**

No meeting of the Executive shall be called without notification first being given all Executive members of the proposed meeting with reasonable advance notice sent or made in writing or verbally to the address, fax number, e-mail address or telephone number notified by that Executive Member as an address, fax number or telephone number for such Notices.

(vi) **Decision making other than by meeting**

Notwithstanding the foregoing provisions of this Clause, it shall be permissible for the Executive to make decisions by telephone ring around or by fax, letter or email contact amongst a quorum of Executive Officers provided that a majority of such Executive Officers agree (verbally or in writing by letter, fax or email) to this method of decision making in lieu of a meeting.

(vii) **Minutes of Executive meetings**

The Secretariat shall ensure that Minutes are kept of all meeting of the Executive including resolutions agreed to by telephone ring around and such minutes shall be kept in a safe place and be made available for inspection to any member upon request.

(ix) **Resolutions of the Executive**

Resolutions of the Executive shall be passed by a simple majority of votes on a show of hands or, in the case of resolutions passed in a meeting conducted by telephone ring around, by verbal assent.

6. CONFERENCE

(i) There shall be one conference held each year at a time to be determined by at the annual conference.

7. ELECTION OF EXECUTIVE MEMEBERS

(i) The Executive Officers shall be those approved of at the annual conference of the Association.

8. REMOVAL FROM OFFICE

(i) An Executive Member shall be removed from office by a resolution passed by a simple majority of votes at the annual conference.

9. CASUAL VACANCIES

(i) In the event of any casual vacancy in the Executive, the Executive shall appoint a nominee to fill that vacancy until the next election at an annual conference.

10. NO AUTHORITY OF ASSOCIATION TO BIND MEMBERS TO PERSONAL LIABILITY OF ANY KIND

(i) Nothing in this Constitution entitles the Executive or any General Meeting of the Association of the Association to bind any members to any contractual obligation, not to make them liable for any tortuous liability of any other kind whatsoever.

11. CESSATION OF MEMBERSHIP

- (i) A member may resign at any time by giving notice in writing to the Secretariat. Resignation shall not discharge a member from the payment of annual dues which had become payable prior to the date of resignation.
- (ii) The Executive may recommend to an annual conference of members that a member be expelled or his membership suspended if it is considered that he or she has been guilty of dishonorable conduct or that continuation of his or her membership is not in the interests of the Association.