

ARBITRATORS' AND MEDIATORS' INSTITUTE OF NEW ZEALAND INC (“AMINZ”)

AMINZ Court of Arbitration and Arbitration Appeal Tribunal

---

**CONSTITUTION OF THE AMINZ COURT OF ARBITRATION**

---

Adopted  
AMINZ Council  
23 February 2007



## **CONSTITUTION OF THE AMINZ COURT OF ARBITRATION**

### **A. COMPOSITION**

1. The AMINZ Court of Arbitration (“the Court”) shall consist of ten (10) members appointed by the Council, including one President, two Vice-Presidents, and three ordinary members all being New Zealand residents, and four members who reside outside of New Zealand.
2. The President for the time being of AMINZ shall be a member of the Court ex officio.
3. All members of the Court shall serve for a three-year term and shall be eligible for reappointment.
4. The AMINZ Council (“the Council”) shall fill appointments arising from retirements or casual vacancies and take appropriate actions on other issues relating to the composition of Court from time to time, as appropriate.

### **B. OFFICERS OF THE COURT**

1. The Officers of the Court shall consist of:
  - (a) a President appointed by the Council, to serve a period of up to three years, and to be eligible for reappointment for one further term; and
  - (b) two Vice-Presidents appointed by the Court, to serve a period of up to three years, and to be eligible for reappointment for one further term.

### **C. REGISTRAR**

1. There shall be a Registrar of the Court appointed by the Council.
2. Unless the Council decides otherwise, the Registrar shall be the Chief Executive from time to time of AMINZ.

### **D. FUNCTIONS OF THE COURT**

1. The Court shall have power to do anything which it may consider appropriate for proper performance of its functions and shall in particular:
  - (a) act as appointing authority under the AMINZ Arbitration Appeal Rules, and advise the President of AMINZ as appropriate in relation to arbitral appointments to be made by the President of AMINZ.;
  - (b) perform any functions conferred on it by the AMINZ Arbitration Appeal Rules.
  - (c) keep the AMINZ Arbitration Appeal Rules under review;
  - (d) make recommendations to the Council as appropriate concerning the introduction of new general or specialist AMINZ rules; and
  - (e) promote the objectives of AMINZ and alternative dispute resolution generally.

2. The functions of the Court under 1(a) and (b) above shall be performed in the name of the Court by the President or a Vice-President, or by divisions of three members of the Court appointed by the President and chaired by the President or a Vice-President, or in the case of administrative functions, by the Registrar pursuant to G.1 below.
3. For the purpose of performing specific tasks in relation to the functions of the Court under 1.(c) to (e) above, the President may set up *ad hoc* sub-committees of the Court chaired by any members appointed by the President which shall report back to Court.
4. In the performance of its functions under this Constitution, the Court, its Officers and members shall at all times act independently of the Council.
5. No member of the Court who has a connection with an arbitration in relation to which AMINZ exercises any functions of any kind may participate in or influence any decision of the Court relating to such arbitration.
6. All members of the Court and the Registrar shall observe and respect at all times the confidentiality of the workings of the Court and the arbitral proceedings in relation to which they are required to exercise their functions and duties.

#### **E. MEETINGS OF THE COURT**

1. The Court shall meet as often as required and at least once a year.
2. Meetings shall be chaired by the President or a Vice-President. A quorum shall be three. The Chairman of the meeting shall also have a casting vote.

#### **F. APPOINTMENT OF ARBITRATORS**

1. All appointments of arbitrators pursuant to D.1(a) and D.1(b) shall be made by the President or by a Vice-President on the President's behalf pursuant to D.2 above.
2. All members of the Court, except the President and Vice-Presidents, shall be eligible for appointment as arbitrators. Members of the Court shall take no part in the appointment of the arbitral tribunal to which they have been nominated or in any other function of the Court relating to such an arbitration.

#### **G. FUNCTIONS OF THE REGISTRAR**

The Registrar shall:

1. Carry out in the name of the Court such day-to-day operations of the Court and administrative functions under the AMINZ Arbitration Appeal Rules or any applicable arbitration, mediation or conciliation rules as may be authorised by the Council from time to time; and
2. Service the Court.

#### **H. LIABILITY**

Neither the AMINZ Court nor its members nor AMINZ and its employees nor any arbitrators appointed under the AMINZ Arbitration Appeal Rules shall be liable to any person for any

act or omission in any functions carried out under the Constitution of the AMINZ Court of Arbitration or the AMINZ Arbitration Appeal Rules or otherwise howsoever.

## **I. AMENDMENTS**

The provisions of this Constitution may be amended only by the Council.

AMINZ  
P O Box 1477  
Wellington 6140  
New Zealand  
[www.aminz.org.nz](http://www.aminz.org.nz)

© 2007