

RULES OF

E tū

INCORPORATED

2020

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PART I GENERAL

1. NAME

The name of the Union shall be E tū Incorporated.

2. REGISTERED OFFICE

There shall be a registered office of the Union, which shall be at such location as the National Executive may from time to time determine.

3. GOALS OF THE UNION

- 3.1. To organise those workers who are covered by the membership rule of this union throughout New Zealand for the purpose of protecting and advancing their legitimate industry, employment and/or occupational interests on a collective basis.
- 3.2. To defend and promote the economic, industrial, political, social and civil rights and interests of working people.
- 3.3. To work for the elimination of sexism, racism, and all other forms of discrimination and oppression and inequalities in the workforce.
- 3.4. To co-operate nationally and internationally with other trade unions and kindred organisations in the promotion of working-class unity and solidarity for the achievement of these objectives and principles.
- 3.5. To amalgamate, affiliate or confederate with other trade unions or kindred industrial or political organisations in the promotion of working class unity and solidarity for the achievement of these objects and principles.
- 3.6. To develop and provide education for officers, delegates, employees and members of the Union to enable them to participate effectively in union organizing and to participate in and influence the delivery of appropriate industrial and vocational skills education for members and potential members.
- 3.7. To give honour and effect to Te Tiriti o Waitangi with Tangata Whenua and Taiwi (non-Maori) as equal partners.
- 3.8. Such other objects which are not inconsistent with the above goals.

4. POWERS OF THE UNION

The Union shall have and exercise such powers as are necessary and/or desirable for the lawful promotion and advancement of its objects. Without in any way limiting the generality or scope of its powers, the Union shall have specific power to:

- 4.1. Enter into industrial agreements with any employer/s relating to wages, conditions, and other employment related matters on behalf of its members.
- 4.2. Take and empower such legal and other proceedings as may be deemed necessary for the proper conduct of the business of the Union.
- 4.3. Exercise all legal rights and powers of the Union provided for under the Incorporated

Societies Act 1908 or under the Employment Relations Act 2000 and successor legislation and their amendments and/or these rules.

- 4.4. To determine subscriptions to be paid by members or impose membership levies as per the processes in these rules for meeting the objects of the union.
- 4.5. Invest the money of the Union not immediately required in a manner that provides security of funds as well as providing maximum benefit to the union.
- 4.6. Lend and advance money or give credit to any person, body corporate or unincorporated society,- guarantee and give guarantees for the payment of money or the performance of agreements or obligations by any person, body corporate or unincorporated society and otherwise assist any person, body corporate or unincorporated society.
- 4.7. Borrow or raise or secure the payment of money in such manner, as the Union may think fit.
- 4.8. Draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments.
- 4.9. Purchase, lease, hire or otherwise acquire any property or building for the benefit of the Union; or sell, mortgage, improve, manage, develop, exchange, lease, dispose of, turn to account, or otherwise deal with all or any part of union property.
- 4.10. Take or hold mortgages, liens and charges to secure payment of the purchase price or any unpaid balance of the purchase price of any part of the Union's property of whatsoever kind sold by the Union, or any money due to the Union from purchasers and others.
- 4.11. Join, affiliate, or participate with any other organisation in which it is deemed by the Union, in accordance with its rules, to be in the interests of its membership.
- 4.12. Engage employees and contractors, to appoint agents and other representatives and to elect or appoint members to honorary positions; to remunerate them appropriately for their services; to reimburse them for expenses incurred in performing their services; and to indemnify them against any liability incurred in the performance of their services.
- 4.13. Enter into and/or carry on any lawful undertaking for the purpose of assisting or furthering the interest of its members. Such undertaking may include but shall not be limited to the provision of holiday accommodation, life insurance schemes and/or welfare funds.
- 4.14. Institute and maintain an active programme of recruitment of new members.
- 4.15. Develop training programs, courses and seminars for officials, delegates and members and provide opportunities and encouragement for them to participate.
- 4.16. Amalgamate with other unions or kindred organizations so long as it is deemed desirable by the membership of the union in accordance with these rules.
- 4.17. To make policy for the better governance of the union that is not inconsistent with these rules.
- 4.18. To appoint and authorize whichever persons the union sees fit to exercise any

statutory or other right of access to an employer's premises and there to exercise the union's rights and functions, whether such persons be members, nonmembers, delegates, officers, officials or otherwise.

- 4.19. Do any other thing that is necessary or incidental to the exercise of any of these powers.

PART II MEMBERSHIP AND FEES

5. ELIGIBILITY FOR MEMBERSHIP

5.1. Any person who

- (a) Is a contractor or who is employed or about to be employed or is intending to be employed in any capacity in the industries listed in rule 5.2; and
- (b) Authorises the Union to represent and promote their collective employment or work interests; and
- (c) Agrees to be bound by and observe the rules of the Union; and
- (d) Has not previously been expelled from membership of the Union.

may on their application be admitted to membership of the Union.

5.2. For the purposes of this rule industries shall include, but are not limited to:

- Aviation
- Mining and Energy
- Electro communications
- Education
- Cleaning
- Security
- Tourism and Hospitality
- Entertainment and Cultural Services
- Aged Care
- Mental Health and Disability Support Services
- Social Services
- Public and Private Healthcare
- Chemical
- Food
- Heavy engineering, fabrication and building services
- General Engineering
- Manufacturing
- Plastics
- Postal and Logistics
- Print and media
- Public services and infrastructure
- Timber
- Linen and Laundry
- Unions

- Construction
- Any other industry sector or occupation which the National Executive may from time to time determine.

5.3. Notwithstanding the provisions of rule 5.1 above, the Union may at its discretion admit to and/or retain in membership other persons who agree to be bound by and observe the rules of the Union and whose membership of the union is deemed by the National Executive to be consistent with the advancement of the objects of the Union.

6. SOLIDARITY MEMBERS

6.1. Any person who -

6.1.1 is a current member who wishes to support campaigning so families and communities' flourish; or

6.1.2 who has left their job through restructuring or other reasons and who wants to retain a link with their union and be engaged in E tū activity, even though they are not in employment; or

6.1.3 is a retired union member who wants to retain a connection with the union they have been part of during their working lives; or

6.1.4 is a family member of a union member and who is a loyal supporter of the union and wants to contribute to union impact in the economy; or

6.1.5 is a member of the community who for whatever reason is not within our scope but who believes in what E tū stands for and wants to be part of E tū campaigns, may on their application be admitted to Solidarity Membership of the Union.

6.2. The National Executive shall from time to time determine appropriate rates of subscription fees for solidarity members, and solidarity members shall pay such fees in a manner determined from time to time by the National Executive.

7. ASSOCIATE MEMBERS/MEMBERS WHO ARE EMPLOYEES

7.1. The National Secretary, on application, may admit any person, including retired members, as associate members.

7.2. The National Executive shall from time to time determine appropriate rates of subscription fees for particular categories of associate members, and associate members shall pay such fees in a manner determined from time to time by the National Executive.

7.3. Associate members of the union shall have no right to participate or vote in any meeting of the union, or to stand for union election.

7.4. Associate members shall enjoy such benefits and privileges as may be determined from time to time by the National Executive.

7.5. Union members who are E tū employees shall have no right to stand for election in the union (apart from standing for the position of National Secretary as per rule 36) participate or vote as members in any meeting of the union nor to be represented by the union in relation to their roles as employees unless explicitly provided for under these rules or at the discretion of the National Secretary.

7.6. Union members who are E tū employees shall have the right to participate in external

organisations, meetings or conferences as union members or E tū representatives.

8. HONORARY LIFE MEMBERSHIP

- 8.1. The National Executive may decide that members who have carried out meritorious service shall be granted honorary life membership of the union.
- 8.2. The National Executive will grant life membership to any person who was previously a life member of another union, which has amalgamated with the union.
- 8.3. Life members shall not be required to the payment of union subscriptions and levies.
- 8.4. Any person who has been granted honorary life membership of the Union will be entitled to the same rights and benefits; and be subject to the same rules as all other members of the Union; and will be presented with a certificate recording their life membership status.

9. ADMISSION TO MEMBERSHIP

- 9.1. Any person who is entitled to join the Union under rules 5 and 6 may do so by:
 - 9.1.1. Forwarding to the Union or its authorized representative an application which contains sufficient information to satisfy the Union of that person's entitlement to membership; or
 - 9.1.2. That person's employer forwarding to the Union the name and home address of that person together with such other information that the Union may require to establish that person's entitlement to membership:
- 9.2. Upon receipt of an application for membership by any of the means referred to above, and on being satisfied that the person is entitled to join the Union, that person shall be recorded as a member of the Union from the date of receipt by the Union of the application or such other date as may be appropriate.
- 9.3. Should there be an issue raised as to the person's entitlement to join the Union any assessment shall be done by the National Secretary, who shall notify the applicant within 60 days of receipt of the application of the Union's acceptance or rejection of the application. It shall not be necessary for the National Secretary to give any reason.
- 9.4. Any person whose application for membership is rejected shall have the right to appeal to the National Executive. The appeal must be in writing and be lodged with the National Secretary within 14 days of the date of notification. The decision of the National Executive shall be final and shall be notified to the appellant in writing. No reason needs to be given for acceptance or rejection of such appeal.
- 9.5. Every member shall be bound by the Rules and policy of the Union and by lawful decisions of the Union or part of the Union which apply to the member.

10. CESSATION OF MEMBERSHIP

10.1. A person's membership of the Union shall cease by:-

the member's death; or
the member's resignation; or
the member falling into arrears as per clause 11; or
the member's expulsion.

10.2. If a member wishes to terminate their membership of the Union, they shall give to the Union 14 days' notice in writing and shall pay all subscriptions due to the date of expiry of the notice.

10.3. On termination of membership of the Union a member shall cease to have any interest in or claim on subscriptions paid to the Union. However, in the case of any legal claims being pursued on the member's behalf by the Union, the member shall be liable for the ongoing payment of fees until these claims have been resolved.

11. FALLING INTO ARREARS

11.1. Any member who falls more than three months behind in payment of Union fees shall automatically cease to be a member of the Union.

11.2. That person's membership shall end three months after the expiry of the period for which the last Union fee was paid.

Provided however:

11.2.1. the membership may be restored and considered to have been unbroken upon payment in full of all outstanding Union fees providing the gap in payment is not more than four months.

12. DISCIPLINARY MATTERS

12.1. The National Executive shall have the power by formal resolution, after considering a charge laid before it in writing by any member or group of members, to discipline any member whom it finds guilty of:

12.1.1. Knowingly acting in a manner contrary to the rules of the union; and/or

12.1.2. Knowingly acting in a manner contrary to the policies of the union made in accordance with these rules; and/or

12.1.3. Misappropriating union money or property; and/or

12.1.4. Knowingly divulging information confidential to the union, or the business of the union, unless otherwise authorised by the National Executive.

12.1.5. Willfully ignoring a lawful resolution of the union carried by the membership, Union Conference, an Industry Council, National Executive, or a Delegates Forum.

12.1.6. Assaulting an officer, executive member, delegate, organiser, staff member, or member of the union.

12.1.7. Jeopardising or bringing into disrepute the Union or any member of the Union.

- 12.2. The National Executive may impose one or more of the following penalties:
- 12.2.1. Caution,
 - 12.2.2. Censure,
 - 12.2.3. Severe reprimand,
 - 12.2.4. Suspension or expulsion from membership of the union.
- 12.3. The National Executive must take into account the nature of the offence in question when imposing any penalty. Suspension or expulsion from membership should only be considered in the event of:
- 12.3.1. A serious offence being proven; or
 - 12.3.2. Any re-occurrence of the same offence by the members(s) concerned.
- 12.4. Where a financial member has a charge against another member(s) alleging that an offence in terms of clause 12.1 of the rule has been committed, that person shall report the matter in writing to the National Secretary, who shall send a copy of the report to the alleged offender(s). The report must state the evidence on which the allegation is made.
- 12.5. Any report received by the National Secretary under 12.4 shall be referred to the next meeting of the National Executive, which may resolve to give notice to both the complainants) and the members) named in the complaint to appear before the National Executive. Those requested to appear before the National Executive shall also have the right to be represented by an agent who may be a delegate or another member and shall have the right to make a verbal and written statement in support of their cases, and to call on witnesses. All parties shall be notified of these rights.
- 12.6. The complainants(s) and the member(s) named in the complaint shall present themselves before the National Executive. The National Executive shall at all times during the hearing of any such matter, act in an impartial manner so as to ensure that every opportunity is afforded to both parties to present their cases and tender any relevant evidence, orally, or in writing, or through witnesses.
- Where any member of the National Executive is involved in any capacity in any complaint brought before the National Executive they shall not participate in the hearing in their role as a member of the National Executive.
- 12.7. Every member affected by any such complaint (and their Agent(s)) shall afford the National Executive every opportunity to obtain all the evidence and information required to reach a fair and just decision.
- 12.8. The National Executive shall report its findings within 14 days of the date of hearing the complaint. The complainant(s) and the member(s) named in the complaint shall also be sent a copy of the National Executive report. If the offence has been proven the report shall contain the penalty imposed by the National Executive and the reasons for its decision. The report shall require the member(s) concerned to comply with its decision and/or the penalty imposed. The member(s) concerned must also be warned that any repetition of the same offence within the period stipulated might result in further disciplinary action being taken by the National Executive, which may include suspension or expulsion from the Union membership.

- 12.9. Any member who is suspended or expelled under this rule may appeal against the National Executive decision within 14 days of the date of the decision.

The appeal must be lodged with the National Secretary in writing setting out the grounds and reasons for the appeal.

- 12.10. The appeal shall be considered by an appeal committee consisting of one member (who is not a member of the National Executive) appointed by the National Executive, one member appointed by the member disciplined, and a chairperson appointed by those two members (or in the event of their failure to agree, by the National Secretary). The appeal committee may uphold, reverse, or amend the National Executive's decision, and its decision shall be final.
- 12.11. The National Executive shall not implement any findings and recommendations on any complaint until the period for appeal has expired, or until the outcome of any appeal on the matter is known.
- 12.12. Where the National Executive finds that a charge against a member has been laid maliciously, vexatiously, or frivolously it may impose on the member or members who laid the charge a penalty.

13. REGISTER OF MEMBERS AND NOTICES

- 13.1. The Union shall retain a register of members, such register to be updated on a regular basis.

The register may contain the following information:

- 13.1.1. The member's full name;
- 13.1.2. The address of the member's workplace and home;
- 13.1.3. The member's e-mail and/or cell phone number (where this is provided);
- 13.1.4. The member's occupation;
- 13.1.5. The collective agreement applicable to the member (if any);
- 13.1.6. The date on which the member joined the Union.
- 13.1.7. Any such other information as may be required from time to time by the National Executive and which is reasonably required for the effective and efficient operation of the Union and the provision of its services.
- 13.2. Each member shall be responsible for advising the Union of any change to their address or circumstances.
- 13.3. Every notice to be given to any member under these rules shall be deemed to have been given if posted or delivered or e-mailed or delivered by electronic means to them at their address (including e-mail address or other contact detail) appearing in the Union's Register of Members.
- 13.4. The loss, delay or non-delivery of any notice sent or forwarded to any member, whether through the post or otherwise, shall not invalidate or prejudice any resolution passed or election made by the Union.

- 13.5. Any notice, if given by post, shall be deemed to have been given 5 calendar days after the letter containing it is posted.

14. TEMPORARY EXEMPTION

Any member who falls sick, meets with an accident, is on parental leave, becomes unemployed or in any other way becomes distressed and unable to pay their union subscription may by writing to the National Secretary seek the approval of the National Secretary to be exempted from paying fees till such time as the member is able to start paying.

In approving the exemption, the National Secretary shall also determine whether or not the member will retain the status of a financial member as well as any time frame for exemption, or cease to be a member,

15. REFUND OF UNION FEES

Any person who having paid their Union fee in advance ceases to be a member of the Union before the end of the period for which they have paid a Union fee shall be entitled to a refund of that part of their Union fee that relates to the period after which they ceased to be a member. Refunds can also be made for overpayment of union fees. Refunds for more than 12 months will only be made in exceptional circumstances and only with the specific authority of the National Secretary. Applications for such refunds must be in writing. Decisions of the National Secretary can be appealed to the National Executive, whose decision on such matters shall be full and final.

16. FEES

- 16.1. The Union Fees Policy or any amendments to this policy shall be decided by the Union Conference.

- 16.2. Fees may be paid weekly, fortnightly, monthly, quarterly, or annually.

- 16.3. Fees paid annually, quarterly, or monthly shall be paid in advance.

17. LEVY

The National Executive may at any time call upon the members of the union or the members of an industry or sector of the union for a special levy for a specific purpose and, before being payable, such levy shall be endorsed by the Union Conference or the appropriate representative body from the industry or sector involved.

PART III STRUCTURE & GOVERNANCE OF THE UNION

18. GOVERNANCE OF THE UNION

- 18.1. The business of the Union and all its affairs shall be governed by the National Executive democratically elected by the members of the Union in accordance with these Rules.

- 18.2. The National Secretary and other delegated staff shall be responsible for the management of the Union and shall meet as required to ensure that effective management and coordination is maintained.

- 18.3. Persons employed by the Union shall assist the National Executive in the conduct of its business and affairs.
- 18.4. At all times and in all things relating to the business and affairs of the Union and their conduct, the officials, executive members, delegates, and employees of the Union shall act in a manner that is consistent with the rules, policies, decisions, and best interests of the Union.
- 18.5. The supreme policy and decision-making body of the Union shall be the Union's Biennial Conference, although the Union Conference may decide that any matter should be put to a vote of the union's membership rather than being decided by Conference.

19. NATIONAL EXECUTIVE

- 19.1. The National Executive is the governing body of the Union and shall, subject to the decisions of the Conference, have control of the general governance of the Union, its property, and its funds.
- 19.2. The National Executive shall consist of:
- Two National Presidents (one Tauwi (non-Maori) and one Maori reflecting rule 3.7)
 - The North Island Vice-President
 - The South Island Vice-President
 - The National Secretary
 - A Representative from each of the 3 union Regions
 - Te Runanga o Nga Kaimahi Maori Convenor
 - The Komiti Pasifika Convenor
 - The Women's Committee Convenor
 - The Youth Network Convenor
 - The Convenor of each of the Industry Councils
 - The Assistant National Secretary (non-voting)
- 19.3. Management Team members may attend National Executive meetings at the discretion of the National Executive but shall have no voting rights.
- 19.4. National Executive meetings shall be held at least five times a year and at such other times as the National Executive considers necessary.
- 19.5. Dates for National Executive meetings will be set by the Executive at the end of the calendar year for the next year. All National Executive members shall receive a notice 7 days before each executive meeting stating the time and place of the meeting and any business to be transacted.
- 19.6. Any member of the National Executive who fails to attend three consecutive meetings shall be deemed to have resigned from the National Executive provided that the remaining members of the National Executive may vote to continue that person's membership if they are satisfied that the member had a valid reason to be absent and their apologies at each meeting were accepted.
- 19.7. The quorum for National Executive meetings shall be 11 members.
- 19.8. The National Executive may establish one or more sub-committees, which shall meet as directed by the National Executive. Minutes of any subcommittee meetings will be distributed to all National Executive members.

- 19.9. In any year in which the Conference does not meet the National Executive will meet In June to approve the Union's Annual Report and Accounts. For this purpose, only it shall have the powers of the Conference.

20. ROLE OF NATIONAL EXECUTIVE

- 20.1. In carrying out their duties the National Executive may exercise all the powers conferred on the Union by these Rules and without derogating from the generality thereof the National Executive shall approve an annual union budget and plan, oversee the financial affairs of the Union, oversee the allocation of resources consistent with the Union's industrial, political, and social objectives, approve all union strategic priorities and direct the Union's policy.
- 20.2. The National Executive shall set in place procedures for the carrying out the work of the Union including holding the National Secretary accountable for the delivery of the plans, priorities, and budgets of the Union.
- 20.3. The National Executive shall oversee the affairs of the Industry Councils, Delegates Forums, Te Runanga and Standing Committees (Komiti Pasifika and Women's Committees) and Youth Network.
- 20.4. The National Executive shall invest the assets of the Union and purchase capital Items in a sound and pragmatic manner.
- 20.5. The National Executive shall be responsible for taking any disciplinary action against members of the union and considering appeals by members under rule 12.
- 20.6. The National Executive may make policies for the better governance of the union; such policies shall not be inconsistent with the general policy of the union as established by the Union Conference nor inconsistent with these rules.

21. BIENNIAL UNION CONFERENCE

- 21.1. The Union shall hold a Conference every two years, the time, date, and venue to be decided by the National Executive. The Conference Is the supreme decision making body of the union although Conference may decide that any matter should be put to a vote of the union's membership rather than being decided by Conference.
- 21.2. The purpose of the Conference is to receive and approve the Annual Report and Annual Audited Accounts, discuss matters related to the union's strategic direction, and to vote on policy remits and those matters requiring changes to the Union Rules. The Conference shall also elect the National Presidents and National Secretary.
- 21.3. Where special circumstances arise, the National Executive can call together the conference during the two-year period.
- 21.3.1. The following members are entitled to attend Conference:
- 21.3.2. All members of the National Executive; and
- 21.3.3. Members of Te Runanga including the Union Kaumatua; and
- 21.3.4. Three representatives nominated by Komiti Pasifika; and
- 21.3.5. Three representatives nominated by the Women's Committee; and
- 21.3.6. Three representatives nominated by the Youth Network; and

- 21.3.7. A representative nominated by each of the Industry Councils; and
- 21.3.8. Two representatives elected by each of the Delegates Forums and an additional delegate where the geographical area of the forum contains more than 3000 members.
- 21.3.9. Such other people (who shall be non-voting) as the National Secretary may from time to time expressly invite.
- 21.3.10. Senior union management team representatives (who shall be non-voting)
- 21.4. In order to ensure gender representative balance at the conference at least one of the two Industry Council members attending the conference must be a woman and at least one of the representatives from each of the Delegates Forums must also be a woman.

In the event that no woman is available to attend the conference from either the Industry Council or the Delegates Forums, for each extra male representative an extra female representative will be nominated by the National Women's Committee.

The National Executive will make the final decision on the additional woman representative to the conference following a process of consultation with the National Women's Committee on the regional/industry balance of the conference. The National Women's Committee will make a recommendation taking that balance into consideration before the National Executive makes a final decision.

- 21.5. The National Secretary shall give three months' notice of the conference and shall distribute the programme and matters to be voted on at the conference to Conference delegates at least one month before it is held.
- 21.6. Unless the conference consents by majority vote, no business other than that listed on the agenda shall be dealt with by the conference.
- 21.7. Delegates Forums, Industry Councils and any other representative bodies within the union can submit remits to be considered by the Union Conference. Such remits shall be received two months before the conference takes place in order for the National Executive to consider them, order them and make recommendations to the Conference in relation to each remit.

22. INDUSTRY COUNCILS

- 22.1. The National Executive shall from time to time establish industry councils and determine the coverage and size of each council and its composition, in order to advance the Union's organising objectives in various industries and with the objective that every member is covered by an industry council. In exercising these powers, the National Executive shall have regard to the union membership density and distribution in the particular industry.
- 22.2. The members of each industry council shall be appointed by the National Executive every two years following the calling of expressions of interest from delegates in each industry. Expressions of interest shall be called in the union magazine, by letter to each delegate or in any other way the National Executive thinks fit. Selection of industry council members shall be made on the following criteria:
 - Experience, background, and knowledge of the industry
 - Service and seniority with the union
 - Any other criteria the National Executive considers relevant.

- 22.3. In appointing the Industry Council members, the National Executive must ensure that there is adequate regional, gender and sub-industry representation on the council.
- 22.4. Each industry council shall meet at least twice in each year by video conference or in person.
- 22.5. The functions of the industry councils shall be:
 - 22.5.1. To consider issues relevant to its industry and advise the National Executive accordingly;
 - 22.5.2. To confirm (subject to National Executive approval) an organising and strategic plan for the industry and to review the achievement of the goals approved in the previous year's organising and strategic plan;
 - 22.5.3. To appoint, where appropriate, sub-groups relevant to sub-industries within the broader Industry group;
 - 22.5.4. To support and assist the Union's representation on relevant industry training organisations;
 - 22.5.5. To be a forum for relevant education;
 - 22.5.6. To elect representatives to the Conference as provided in rule 21.3.7.
 - 22.5.7. Each industry council shall elect a convener and deputy convener, neither of whom shall be a paid official of the Union.
- 23. TE RUNANGA O NGA KAIMAHI MAORI
 - 23.1. Te Runanga is the organisation Inside the Union for Maori members.
 - 23.2. The National Executive shall set an annual budget for Te Runanga following receipt of a proposed annual work plan. Regular reports shall be made to the National Secretary and the National Executive as to progress on the implementation of the budget and plan.
 - 23.3. Te Runanga is entitled to meet four times a year. It is required to submit reports to the National Executive through its representatives and it is entitled to submit remits to the Biennial Union Conference.
 - 23.4. A National Convenor of Te Runanga will be elected for a two-year term at the Biennial Runanga Hui and is responsible for the convening of Te Runanga meetings and the Biennial Runanga Hui.
 - 23.5. Te Runanga will be made up of three representatives from each of the union's regions and a convenor. All regional representatives shall be nominated and elected at a biennial regional hui held for this purpose. The union kaumatua and the President Maori shall also be members of Te Runanga If they are not already there in another role.
 - 23.6. Te Runanga shall appoint the union kaumatua, whose role shall be to give tikanga advice & guidance to Te Runanga and the National Executive. The union kaumatua shall attend all Te Runanga hui and the Biennial Runanga Hui. The union kaumatua shall also attend the Biennial Union Conference and shall attend National Executive meetings If any matter is coming up on the agenda that they wish to speak to.

23.7. Te Runanga may establish Komiti-a-Rohe (regional or district branches of Te Runanga) where there is sufficient member interest, but any resourcing must be done within the National Executive-approved budget.

23.8. Te Runanga and the National Executive shall develop, and from time to time review at the request of either party, a memorandum of understanding that sets out the relationship between each party and how Te Runanga will be resourced.

24. STANDING COMMITTEES

24.1. The Union shall provide for two National Standing Committees, one for each of the Union's Pasifika and Women members.

24.2. The National Executive will set an annual budget for National Standing Committees following receipt of a proposed annual plan.

24.3. The Standing Committees shall be entitled to meet four times a year. They shall be required to submit regular reports on progress on the plan and budget to the National Secretary and the National Executive through their respective representatives. They shall also be entitled to submit remits to the Union Biennial Conference.

24.4. The convenor of the National Komiti Pasifika shall be elected for a two-year term at the Biennial National Fono, and the convenor of the National Women's Committee shall be elected for a two-year term at the Biennial National Women's Conference. The convenor shall be responsible for organizing and chairing of committee meetings and the conference/fono.

24.5. Each committee will be made up of 10 members with three from each union region and a convenor. All regional representatives will be nominated and elected at a biennial event held for this purpose.

24.6. The Komiti Pasifika and Women's Committee may set up regional committees, but any resourcing must be done within the National Executive-approved budget.

24.7. Attendance at the Biennial National Fono and Biennial National Women's Conference will be open to financial members within the policy established by the National Executive.

24.8. Further Standing Committees may be established and recognised by the National Executive where there is sufficient member interest.

25. NATIONAL YOUTH NETWORK

25.1. The Union shall establish a national network for young workers.

25.2. The National Youth Network shall be entitled to hold a Biennial Youth Conference as determined by the National Executive for the purpose of organising around union campaigns, developing the network and electing a convenor.

26. TRADES REFERENCE GROUP

26.1. The National Executive shall establish a Trades Reference Group to give it advice on trades education, registration and other issues that affect tradespeople in the union.

- 26.2. Every two years the National Executive shall call for nominations for members who wish to sit on the Trades Reference Group and shall select 8 suitable members based on a cross trades representation.
- 26.3. The Trades Reference Group shall elect its own convenor and shall meet twice a year either in person or by video conference.
27. NATIONAL BIENNIAL MEMBERSHIP MEETINGS
- 27.1. Every two years the Union shall organize on a national basis a series of meetings open to all financial members.
- 27.2. The number of meetings, dates, times, and venues will be decided by the National Executive and will be advertised to all members by notification to their employer, to all delegates and through electronic means.
- 27.3. These meetings shall be held for the purpose of involving members in union campaigns and organizing drives, informing members about current issues, discussing the union's strategic direction, voting on any matter referred from the Conference as per Rule 21.1. and electing the Vice-Presidents and National Executive Regional Representatives as per Rules 36.7 to 36.9.
- 27.4. National Executive members shall have the right to be present at any National Biennial Membership Meeting under this rule but shall vote only once on any issue to be voted on.
- 27.5. A quorum shall be 250 members at the series of meetings.
- 27.6. At any meeting or round of meetings a member may only vote once on any resolution.
28. DELEGATES FORUMS
- 28.1. The union shall convene a minimum of one series of forums for workplace delegates every year.
- 28.2. The purpose of the forums shall be:
- 28.2.1. To allow delegates to bring relevant Issues from their workplaces, to share them with other delegates and, where applicable, to seek broader solutions.
- 28.2.2. To receive information from and provide feedback to the relevant industry councils and the National Executive.
- 28.2.3. To elect representatives to the Conference (as provided in rule 21.3.8)
- 28.2.4. To organise around regional or national union campaigns and to provide relevant delegate education.
- 28.3. The frequency, number and coverage of delegates' forums shall be determined by the National Executive.
- 28.4. Every delegate working within the area where the forum takes place shall be entitled to attend, speak, and vote at their local delegates' forum.
- 28.5. Each delegates' forum shall elect a convenor and deputy convenor, or where the National Executive considers appropriate two co-convenors, neither of whom shall

be a paid official of the Union. They shall meet as required to provide for successful facilitation of their forum.

- 28.6. Delegates forums may set up a local organising committee to carry out local union organizing activities consistent with the rules and policies of the union.

29. DUTIES OF NATIONAL PRESIDENTS

- 29.1. The two National Presidents are the highest elected member leaders in the Union and while it is recognized that they are not full-time salaried positions, the National Executive shall ensure adequate support is provided for the members occupying these positions to carry out their role. The two presidents are expected to work closely together to demonstrate the relationship that is envisaged in rule 3.7.

The National Presidents are expected to organize the chairing of all National Executive meetings, the Union Conference and other national union forums. The President in the chair at the time of any vote shall have a deliberative vote and in the event of equality of voting, an additional casting vote.

- 29.2. The President in the chair shall also be responsible for enforcing the rules, deciding points of order and endeavouring to keep good order amongst the members at union meetings, including ordering the removal from a meeting of any person who is not entitled to be present or is obstructing the business of the meeting or behaving in a disorderly manner (as per rule 50).
- 29.3. Either President has the power to call or direct the calling of a meeting of the National Executive or Union Conference.
- 29.4. The Presidents shall sign all confirmed minutes of previous meetings of the National Executive or Conference and perform any other duties and exercise any other powers assigned to them by the National Executive or Conference.

30. DUTIES OF THE NATIONAL VICE PRESIDENTS

Either of the National Vice-Presidents shall occupy the chair in the absence of the Presidents and in the event of the office of a President becoming vacant the National Executive shall appoint one of the Vice-Presidents to act as the President until a new President is elected. In the absence of the Presidents and Vice-Presidents the meeting shall appoint a chairperson who, while so acting, shall have all the powers and duties of the President.

31. DUTIES OF THE NATIONAL SECRETARY

- 31.1. The National Secretary shall be the chief executive officer of the Union and shall be generally responsible for the administration of the affairs of the Union and for ensuring that the Union meets its statutory obligations.
- 31.2. The National Secretary shall be responsible for arranging National Executive meetings and the Union Conference, shall be responsible for ensuring that executive members and conference delegates receive the appropriate notices and papers, shall attend these meetings and shall be responsible for organizing the recording the meeting minutes.
- 31.3. The National Secretary shall each year prepare and present to the National Executive a draft budget of income and expenditure and a business plan that is not

inconsistent with the Union's strategic plan determined from time to time by the National Executive.

- 31.4. Out of the receipts the National Secretary shall pay all current accounts and meet the expenses of the union and shall recover all debts to the union in any court of competent jurisdiction.
- 31.5. At each regular meeting of the National Executive the National Secretary shall bring forward a detailed income and expenditure statement and other matters in compliance with the Union's financial policies.
- 31.6. The National Secretary shall be the principal officer responsible for supervising the investment decisions of the National Executive and the purchase of capital items.
- 31.7. The National Secretary shall prepare and present an Annual Report and Annual Audited Accounts to the Union Biennial Conference and in the off year to the National Executive for approval.
- 31.8. The National Secretary shall make available the union's audited accounts to any financial member who gives two days' notice of their desire to view the same.
- 31.9. The National Secretary shall be responsible for the day-to-day affairs of the union and shall be responsible for the appointment, management, supervision, and control of all staff, although these duties may be delegated.
- 31.10. The National Secretary shall conduct the correspondence and the affairs of the union to ensure its smooth running in accordance with the union's rules and policies, and in compliance with decisions and lawful Instructions of the National Executive and the Conference.
- 31.11. The National Secretary shall be elected under the provisions of rule 36 for a four-year term and will work out of the National Office.
- 31.12. Without limiting any other power or function of any other person or body under these rules, to appoint and authorise whichever persons they see fit to exercise any statutory or other right of access to an employer's premises and to exercise the union's rights and functions, whether such persons be members, non-members, delegates, officers, officials or otherwise; and without limitation to appoint any other person to so appoint and authorise.

32. DUTIES OF ASSISTANT NATIONAL SECRETARY

- 32.1. The Assistant National Secretary will be appointed by the National Executive.
- 32.2. The Assistant National Secretary will assist the National Secretary in carrying out their duties and will deputise for the National Secretary in their absence.

33. DELEGATES

- 33.1. At any place where members of the Union are employed, delegate(s) (including chapel delegates in the printing / media industry) may be elected by fellow workers who are financial members of the Union. The Union recognises that delegates have a vital role in the workplace in protecting and advancing the interests of members and the union. Delegates are also important in developing the democratic participation of members in the affairs of the Union. The Union shall take all practical steps to assist delegates in all union matters, including on the job advice and through

union education.

- 33.2. The Union through Its National Executive, Delegates Forums, Industry Councils, Te Runanga, Standing Committees and Youth Network shall organise and co-ordinate an ongoing programme of delegate training and education.
- 33.3. Delegates will be encouraged to attend Delegates Forums and other union events and will be encouraged to put forward their views on all aspects of the affairs of the Union, and to participate in the policy development and campaigns promoted by the Union. Within companies, industries, and the Union as a whole delegates will be encouraged to communicate effectively through, amongst other things, committees, phone-trees, newsletters, and meetings.
- 33.4. It shall be the responsibility of the delegate to represent the interests of the members in their particular place of work and when dealing with the employer the delegate shall act in a manner, which is consistent with the Rules and Policy of the Union in relation to their role. The union will provide training and support to assist delegates to carry out their role.
- 33.5. In the event that a delegate acts contrary to the rules and policy of the Union they may be suspended by a decision of the National Executive. Such delegate will have an opportunity to appear before the National Executive before any decision on suspension takes place. The suspended delegate shall be eligible for re-election.
- 33.6. A delegate so suspended shall have the right of appeal through an appeal committee consisting of one member (who is not a member of the National Executive) appointed by the National Executive, one member appointed by the suspended delegate and a chairperson appointed by those two parties (or in the event of their failure to agree, by the National Secretary). The appeal committee may uphold or reverse the National Executive's decision, and its decision shall be final.
- 33.7. A delegate shall retain their position until they resign or leave their employment or are defeated in a ballot but in no case shall a delegate hold their position for more than two years without being re-elected. However, if 10% or more of the members the delegate is representing request the National Secretary to hold another election, for whatever reason, then another election will be held.
- 33.8. The members on site will be given reasonable notice of the election and all members will be entitled to be nominated for the position of delegate. If requested, a secret ballot will be held.
- 33.9. The National Secretary shall keep and revise a register of the union delegates. The register shall record details of the delegates' work, contact details and the industry of Union to which they belong. The National Secretary shall present a list of all new delegates at each National Executive meeting.
- 33.10. No delegate shall have the authority to represent the union in making decisions in relation to the settlement of or variation of any collective agreement.

PART IV - REGIONAL STRUCTURES

34. THE REGIONS

- 34.1. There shall be three Regions of the Union:

Southern Region
Central Region
Northern Region

34.2. Southern Region

The Southern Region shall be the whole of the South Island, Stewart Island and the Chatham Islands.

34.3. Central Region

The Central Region shall include Wellington, Wairarapa, Horowhenua, Manawatu, Whanganui, Taranaki, Hawkes Bay and Tai Rawhiti / East Coast.

34.4. Northern Region

The Northern Region shall include Northland, Auckland, Bay of Plenty and Waikato.

35. WORKPLACE ORGANISING COMMITTEES

35.1. All workplaces will be encouraged to set up workplace organising committees (WOCs)

35.2. The purpose of WOCs is to provide a structure in the workplace, or across workplaces, for union organizing, including recruitment of new members, communication about union activities, member education, health and safety, collective bargaining, and representation of members.

35.3. The processes around the frequency of WOC meetings, attendance, conducting of business, recording of decisions and the allocation of workplace organising responsibility will be matters to be decided by WOC members.

35.4. WOCs include branches, chapels or any other form of workplace organizing arrangement and may include the election of officers, delegates, or any other form of elected union representatives not inconsistent with the rules and policies of the union.

PART V - ELECTIONS AND BALLOTS

36. ELECTIONS

36.1. The following positions are elected by delegates attending the Biennial Union Conference:

National Presidents (for two-year terms)
National Secretary (for a four-year term)

The positions of National President and National Secretary cannot be held by the same individual.

36.2. The following position is elected by the Union Biennial Youth Conference for a two-year term:

A Youth Convenor, who will also sit on the National Executive.

36.3. The following position is elected at the Te Runanga o Nga Kaimahi Maori Hui for a two-year term:

A National Convenor, who shall also sit on the National Executive.

- 36.3.1. The following positions are decided by election at Regional Komiti-a-Rohe hui for a two-year term:

Three positions from each region to sit on Te Runanga o Nga Kaimahi Maori.

- 36.4. The following position is decided by election at the Biennial Komiti Pasifika Fono for a two-year term:

A National Convenor, who shall also sit on the National Executive.

- 36.4.1. The following positions are decided by election at regional fono for a two-year term:

Three positions from each region to sit on Komiti Pasifika.

- 36.5. The following position is elected at the Biennial Union Women's Conference for a two-year term:

A National Convenor who shall also sit on the National Executive.

- 36.5.1 The following positions are elected at regional Women's conferences for a two-year term:

Three positions from each region to sit on the National Women's Committee

- 36.6. The following positions are elected at the first Industry Council meeting during the Council's two-year term:

A Convenor (who will also sit on the National Executive) and a Deputy Convenor.

- 36.7. The following position is elected by members attending the Biennial Membership Meetings held in the North Island for a two-year term on the National Executive:

North island Vice-President

- 36.8. The following position is elected by members attending the Biennial Membership Meetings held in the South Island for a two-year term on the National Executive:

South Island Vice-President

- 36.9. The following positions are elected by members attending the Biennial Membership Meetings held in each Region (see rule 34.1) for a two-year term on the National Executive.

One representative per Region

- 36.10. The National Executive shall appoint a returning officer to oversee elections for positions described in rules 36.1, 36.7, 36.8 and 36.9. The returning officer shall have the right, after consultation with the appropriate bodies of the Union, to advertise for nominations for the filling of the positions and the closing date for those nominations, check and rule on the validity of credentials presented by those nominated, set rules for the advertising of the details of those standing for the positions, set out the process that will occur at the meetings at which the election/s will take place and ensure that the ballot processes set out in rule 40 are observed at the meeting/s.

- 36.11. Subject to the provisions of rule 36, all officers shall hold office until they die, resign are otherwise removed from office or until their successors are elected, whichever shall first occur, and they shall be eligible for re-election.

- 36.12. Nominations for positions described in rules 36.2, 36.3, 36.4 and 36.5 shall be delivered at the respective meeting to the person designated by the National Secretary as the Returning Officer for any election. The Returning Officer at these meetings shall have full control over how the election to these positions takes place, although the nominee must comply with rules 36.14, 36.15 and 36.16.
- 36.13. If, in respect of any office, the nominations received do not exceed the vacancies to be filled, the Returning Officer or the National Secretary (as the case may be) shall declare such candidate to be elected. Any vacancy then remaining may be filled in accordance with the provisions of rule 38.
- 36.14. Only persons who have been financial members of the union for one year or more are eligible for election to any position. No member shall be eligible for nomination to more than one position on the same body at the same time.
- 36.15. Where the office or position is representing members in a specified region or industry, any candidate and any member nominating a candidate must be employed in that region or industry.
- 36.16. All persons nominated for any position shall be required to sign a declaration on the nomination form that they will uphold the rules of the Union.
- 36.17. Members elected to the positions described in rules 36.1 to 36.9 shall assume office at the commencement of the first meeting of the body to which they are elected following the final declaration of the result of the election or secret ballot as the case may be, except that the National Presidents and National Secretary shall assume office at the conclusion of the Biennial Conference (or the declaration of the postal ballot if the Conference is conducted in this way) at which they are elected.

37. REMOVAL OF ELECTED OFFICERS

- 37.1. An elected position holder may be removed pursuant to this rule by reason of:
- 37.1.1. Knowingly acting in a manner contrary to the rules of the union; and/or
- 37.1.2. Knowingly acting in a manner contrary to the policies of the union made in accordance with these rules; and/or
- 37.1.3. Misappropriating union money or property; and/or
- 37.1.4. Knowingly divulging information confidential to the union, or the business of the union; and/or
- 37.1.5. Willfully ignoring a lawful resolution of the union; and/or
- 37.1.6. Assaulting an executive member, delegate, employee, or member of the union; and/or
- 37.1.7. Incapacity.
- 37.2. A special conference, hui, fono, industry council meeting or series of Delegates Forums (whichever reflects the event at which the position-holder was elected) shall be called forthwith by the National Executive If:
- 37.2.1. 250 members present a signed requisition to the National Secretary calling for the removal of any position-holder; and
- 37.2.2. A resolution of the National Executive Is passed calling for the meeting.

- 37.3. Upon the receipt of the requisition and the passing of any resolution referred to in rule 37.2.1 or 37.2.2 above the National Secretary shall forthwith notify the position-holder concerned, who shall be invited to attend and be heard in his or her defence at the special conference, hui, fono, Industry Council meeting or series of Delegates Forums (whichever reflects the event at which the position-holder was elected); provided however that the proceedings of any such event shall not be invalidated merely by reason of the absence of the position-holder concerned.
- 37.4. Should such special conference, hui, fono, Industry Council meeting or series of Delegates Forums pass a resolution by secret ballot that such position holder be removed, such position shall be deemed vacant and shall be filled in accordance with the provisions of rule 38.
38. CASUAL VACANCIES
- 38.1. A casual vacancy occurring in any elected position may be filled temporarily at the first National Executive held after the vacancy arises.
- 38.2. Any person appointed to fill a vacancy pursuant to rule 38.1 of this rule shall hold office or position until the end of the office or position's term. Any such appointee shall be eligible for subsequent election to that vacant office or position.
- 38.3. Nominations for the substantive filling of any vacancy in the position of National Secretary shall be called for where more than one year of the remaining term has still to elapse, if the vacancy occurs in a Biennial Conference off-year the vacancy may be filled by a postal ballot of Conference delegates.
39. ELIGIBILITY TO HOLD OFFICE
- 39.1. Should a holder of any position on the National Executive be appointed or elected as a permanent paid employee of the Union that person shall immediately cease to fill that position which shall forthwith become vacant.
40. BALLOTS
- 40.1. Prior to any ballots requiring to be conducted under rules 21 or 27 the National Executive shall appoint a returning officer (who in the case of an election shall not be an elected member of the National Executive, a candidate, or a nominator of a candidate for office) and the National Executive shall thereupon notify such Returning Officer in writing of the question to be decided.
- 40.2. The National Executive and any other member or members directly concerned in the result of the ballot, may each appoint a scrutineer and the Returning Officer shall afford such scrutineer all reasonable facilities to carry out their role.
- 40.3. The returning officer shall deliver to each member whose name appears on the list of voters a ballot which may be in electronic form clearly showing the names of the candidates for election, or the question to be voted on as the case may be. The Returning Officer shall state the method of voting and the time within which such ballot is to be returned to them at an address which shall be specified.
- 40.4. At the close of voting and after the expiry of the time fixed in accordance with rule 40.3 the returning officer shall count the votes and, setting aside all informal votes, shall ascertain, in the case of an election of position holders, the total number of votes received by each candidate and shall declare those candidates not exceeding in number the vacancies to be filled who have received the highest number of votes to be duly elected, in the case of a question to be decided the returning officer shall declare the result with the question deemed to be carried or lost according to the majority of votes so cast, in either case the decision shall be based on the aggregate of valid votes cast at the meeting or series of meetings.

- 40.5. Where there is an equality of votes between candidates and the addition of a vote would entitle any of those candidates to be declared elected the returning officer shall determine by flick of a coin which candidate shall be elected.
- 40.6. The following procedures shall apply in the case of ballots conducted at Biennial Membership Meetings:
- 40.6.1. Any person eligible to vote in a secret ballot at a meeting called for the purpose by the National Executive (being a ballot required by and conducted pursuant to the rules of the union or in accordance with statutory requirements) may apply to the Returning Officer for a special vote.
- 40.6.2. The application shall be made at least 14 days before the day of the beginning of a series of meetings at which the ballot is to be held.
- 40.6.3. The returning officer shall issue a ballot paper to the applicant if -
- 40.6.3.1. The applicant has a disability that prevents them from fully participating in the meeting; or
- 40.6.3.2. The applicant is so ill or infirm that attendance at the meeting is not possible; or
- 40.6.3.3. The applicant lives outside a 32 kilometres radius from the place of the meeting, if the meeting is in person; or
- 40.6.3.4. The employer of the applicant requires the applicant to work during the hours when the meeting is to be held ; or
- 40.6.3.5. Attendance at the meeting would cause the applicant serious hardship or major inconvenience.
- 40.6.3.6. The returning officer may refuse an application on any of the grounds specified in rule 40.6.3 if more than one membership meeting is to be held to vote on the ballot and there is another meeting the applicant could reasonably attend.
- 40.6.3.7. Every ballot paper issued to an applicant so that the applicant may exercise a special vote shall be issued at least 7 clear days before the date of the first meeting is due to be held. The Returning Officer shall, at the time of the issue of the vote, inform the applicant of the time by which it must be returned, which time shall be no later than noon on the day of the last membership meeting.
- 40.7. The National Executive may also appoint deputy returning officers who shall have such powers as set out for returning officers.
- 40.8. Notwithstanding anything in these rules, the National Executive shall maintain a supervising role over Union elections and may as it think necessary call for nominations and conduct all or any of the elections provided for in these rules.
41. SECRET BALLOTS
- 41.1. In any case where a secret ballot is not specifically provided for in these rules, voting shall be conducted by secret ballot if 10% of the members in attendance at a meeting so require.
- 41.2. Each meeting shall elect a returning officer and such scrutineers as required.
- 41.3. The returning officer shall ensure that sufficient ballots are made available to voting members. Those voting shall cast their vote so as the secrecy of their vote is ensured.

The returning officer and scrutineers shall count the votes, and setting aside any informal votes, the returning officer shall advise the outcome of the voting to the Union at the end of the voting process, declaring the motion won or lost according to the valid votes cast for and against the question.

- 41.4. The process for holding a secret ballot for the purposes of the s14(1)(ca) of the Employment Relations Act 2000 will be:
 - 41.4.1. the union will hold a meeting or series of meetings for the purpose of conducting the secret ballot.
 - 41.4.2. the dates, venues and times of the meetings and the number of meetings will be determined by the union.
 - 41.4.3. the question on the ballot will be "are you in favour of the strike."
 - 41.4.4. the ballots will be collected and counted by a person or persons as determined by the union.
 - 41.4.5. In exceptional circumstances, where it is not possible to hold in person meetings, the National Secretary may authorise the holding of a secret ballot by other means.

42. DISPUTES OVER BALLOTS AND ELECTIONS

In the event of a dispute over a ballot under rules 40 or 41 or an election under rule 36 the following procedure will be followed:

- 42.1. In the case of a ballot or election in which members of the union or region of the union are eligible to vote, 10 per cent of those members or 50 of those members (whichever is the less), being financial members, may request an inquiry into any alleged irregularity in connection with the ballot or election, or the National Executive may carry out an inquiry by its own motion.
- 42.2. Such a request shall be made to the National Executive within one month of the declaration of the result of the ballot or election and shall be signed by those members making the request and shall set out the grounds on which the irregularity is alleged.
- 42.3. Upon receipt of the request the National Executive shall investigate and report within one month on the alleged irregularity.
- 42.4. The Executive shall in its report set out its ruling, which shall be either:
 - 42.4.1. That there has been no irregularity and no further action will be taken; or
 - 42.4.2. That there has been an irregularity but for the reasons stated in the report the executive finds the irregularity would not have affected the outcome of the ballot or election and no further action will be taken; or
 - 42.4.3. That there has been an irregularity, which may have affected the outcome of the ballot or election and the executive shall conduct a new ballot or election in accordance with these rules.
- 42.5. Any ruling shall be subject to an appeal by way of arbitration in accordance with the Arbitration Act 1908 or its replacement and the following procedures:
 - 42.5.1. The parties to the appeal shall be on the one hand the National Executive, and on the other hand the members appealing;

- 42.5.2. Appeal shall be by notice to the National Executive within 14 days of its ruling and shall be on behalf of the same number of members required to submit a request for an inquiry pursuant to rule 42.1 above;
- 42.5.3. The Arbitrator shall be one person agreed on between the parties, or If agreement is not possible two people, one appointed by each party, and a third person appointed by the parties' appointees as their umpire;
- 42.5.4. The ruling of the Arbitrator shall be one of the rulings set out in rule 42.4 above, with the necessary modifications, provided that if the ruling is per rule 42.4.3 the Executive shall conduct the new ballot or election in accordance with these rules.
- 42.5.5. The ruling shall be final and binding, there shall be no appeal from it and the union shall pay the costs of the Arbitrator unless the Arbitrator finds that the claim was vexatious or frivolous in which case the Arbitrator may apportion the costs otherwise.
- 42.6. Where a dispute arises and either the Executive or an Arbitrator are required to make a ruling in the nature of rule 42.4 above, the following shall occur:
 - 42.6.1. In the case of a ballot the union shall take no action according to the result of the ballot until the Executive or Arbitrator has made a ruling, and
 - 42.6.2. In the case of an election the election is declared void and the successful candidate deemed not to be elected at least until the Executive or Arbitrator has made a ruling. If the successful candidate is a paid official of the union s/he shall be suspended on pay pending the ruling of the Executive or Arbitrator. In event of a new election being required the position shall remain vacant until the outcome of the new election. For the avoidance of doubt the successful candidate in the first election may be a candidate in the new election but shall not hold the position prior to the outcome of the new election.
- 42.7. All costs associated with representation of the parties throughout the process shall be borne by the parties separately.

PART VI – ADMINISTRATIVE REQUIREMENTS

43. FUNDS

- 43.1. All subscriptions and other monies payable to the union shall be the property of the union. All such funds shall be distributed and controlled in such a manner, as the National Executive shall determine.
- 43.2. The union's bank account or accounts shall be operated in accordance with the union's financial policy as decided and amended from time to time, by the National Executive.

44. AUDITOR

- 44.1. The National Executive shall appoint an auditor, who shall be a duly qualified accountant and a member of Chartered Accountants Australia and New Zealand.
- 44.2. The Auditor shall audit the accounts of the Union annually or more often if required by the National Executive.
- 44.3. The National Secretary shall make available all books, vouchers, documents, and Information as the auditor shall require to enable them to carry out a full and complete audit of the financial affairs of the union. The National Secretary shall also give to the auditor such Information and explanation as they may reasonably require.

44.4 The auditor shall attach a certificate to the audited accounts of the union stating that they have:

44.4.1 Carried out the audit of the accounts of the union;

44.4.2 Duly reported on those accounts to the union.

45. PAYMENT FOR UNION BUSINESS

The expenses of delegates, National Executive members and other union members engaged on union business shall be paid from the funds of the union as determined by the National Executive.

46 SEAL

46.1 There shall be a seal of the union, which shall be kept in the custody of the National Secretary and shall be affixed by the National Secretary to any document requiring the affixture of the seal.

46.2 The seal may be altered or renewed only by resolution of the National Executive of the union.

47 AMENDMENT TO RULES

47.1 The rules of the union may only be amended or repealed by the passing of a resolution by a simple majority of delegates attending the Union Biennial Conference or by a postal ballot of these delegates.

47.2 A postal ballot of conference delegates shall only be undertaken following a resolution of the National Executive if it believes that consideration of the proposed change should not be delayed until the next meeting of the conference.

47.3 Any amendment or repealing of any rule/s shall be notified to members following the Conference decision in the next issue of the union magazine or by electronic means.

47.4 The National Secretary is responsible for registering the rule change, which shall come into effect on registration.

47.5 A copy of the rules shall be made immediately on request to any financial member of the union.

47.6 At all times these rules shall be interpreted and applied without undue technicality and in a commonsense and practical manner which best advances the objects of the union.

47.7 Any interpretation of these rules shall be the responsibility of the National Executive subject to appeal to the Conference.

47.8 Conference delegates must be informed a month before the Conference takes place the time, date and venue of the conference and the business of the meeting.

47.9 No addition to or alteration or recession of the rules shall be approved if it affects the non-profit aims, personal benefit clause or the winding up clause.

48 RIGHTS OF MEMBERS

Unless otherwise specified in these rules' members shall be entitled:

- 48.1 To attend, speak and vote at Biennial Membership Meetings, workplace meetings and relevant industrial meetings.
- 48.2 To nominate candidates and/or to stand for election to and/or to vote in any election of Officers and Executive members of the union to which they are entitled under these rules.
- 48.3 To request assistance from the union in cases of unjustified dismissal or claims for arrears of wages or to seek advice or assistance on any work- related matter. Provided that the Union may impose an appropriate fee on any member who has joined the Union less than three months prior to the matter for which they are seeking assistance has arisen.
- 48.4 To request forthwith and be supplied with a copy of the rules as for the time being amended without charge.
- 48.5 On request receive without charge a copy of any amendment to the Rules of the union within thirty days after the day on which the amendment is registered.
- 48.6 On request in writing to receive a copy of the Annual Report of the Union.
- 48.7 On request in writing to receive a copy of the resolutions of any particular union meeting.
- 48.8 On request to receive a copy of the latest statement of Income and Expenditure Accounts and Balance Sheet together with a copy of the auditor's report on the accounts.

49 MEMBERS RIGHT OF COMPLAINT

- 49.1 Should any member believe that a paid official of the Union has not handled their grievance or dispute fairly and fully or has refused to take a matter further than they desire, they shall have right to the following procedure:
 - 49.1.1 They will in the first instance inform the National Secretary of the nature of their complaint. The National Secretary will investigate the matter and if requested reply to the member in writing advising them of the outcome of the investigation and their decision or action in relation to the complaint.
 - 49.1.2 Should the member be dissatisfied with the decision obtained in 49.1.1 above, then they may advise the National Secretary who will ensure that this matter is placed on the agenda of the next National Executive meeting. The member and the official concerned will be advised of the meeting time, date and venue and will be entitled to be heard. The decision of the National Executive will be binding on the National Secretary, who shall carry out any National Executive resolution in relation to the matters surrounding the complaint.
- 49.2 All reasonable costs incurred by the member in following this procedure will be met by the Union by resolution of the National Executive. However, the National Executive will not be responsible for costs incurred by members who forward in the opinion of the Executive, frivolous or petty complaints through the procedure.
- 49.3 It shall be the responsibility of paid officials to inform members who indicate that they are dissatisfied with the advice given to them or are not satisfied with the manner in which their grievance is being handled, of this appeal procedure.

50 RULES FOR THE CONDUCT OF UNION MEETINGS

Union meetings shall be conducted in a positive, constructive and mutually respectful way that allows members to debate the issues and arrive at a decision. At the Biennial Union Conference, National Biennial Membership Meetings and any other meeting designated by the National Executive, the following rules will apply:

- 50.1 Union meetings may be conducted in person or by electronic means.
- 50.2 All speeches shall be addressed to the Chairperson.
- 50.3 When a point of order is raised, the member who is speaking shall take their seat until the point is decided. The Chairperson must decide promptly and not allow discussion.
- 50.4 The Chairperson shall confine each speaker to the subject under debate.
- 50.5 No member shall be allowed to speak more than once to the same question unless they are the mover, who shall have the right to close the debate.
- 50.6 No member shall speak longer than ten minutes on any one motion or amendment, except the mover of the resolution, which shall have fifteen minutes to introduce the matter and five minutes for reply.
- 50.7 All motions and amendments will be tabled in writing with a mover and seconder.
- 50.8 Only one amendment shall be entertained at one time. If an amendment is carried, it shall become a substantive motion. If lost, other amendments may follow in like manner.
- 50.9 A division may be demanded on any ruling of the Chairperson. The Meeting Secretary shall count the votes and hand the result in writing to the Chairperson, who shall declare the result of the voting.
- 50.10 Any member wishing to retire before the meeting is closed shall first ask leave of the Chairperson.
- 50.11 A majority of the members present may agree for the meeting to suspend any standing order for the purpose of re-opening any question previously dealt with, or for the consideration of urgent business.
- 50.12 The chairperson shall have the power to order the removal of any person from a meeting who is not a member of the Union.

PART VII OTHER MATTERS

51 REPRESENTATION

- 51.1 The union may be represented before any Court or Tribunal by such person or persons as the National Secretary may appoint.
- 51.2 Any member of the union may request the union to act in any legal proceedings and/or the negotiation and or enforcement of any agreement or other arrangement affecting them in their employment.
- 51.3 Where any request is made pursuant to rule 51.2 the National Secretary shall decide whether or not to so act and any conditions required to be agreed by the member before such action takes place.
- 51.4 Where it is decided to so act, representation will be free to the member unless any

fee is set. The member may dispense with the union's services only in writing to the National Secretary.

- 51.5 Where the union acts for a member in negotiations the union may initiate and undertake the negotiations as it sees fit in accordance with the appropriate ratification procedure, including the determination of the scope of the agreement to be negotiated.
- 51.6 The union shall advise any member upon request of their rights and obligations in their employment.
- 51.7 The union may act for a non-member of the union in any matter relating to that person's employment only with the approval of the National Secretary who shall prescribe the appropriate fee. Fees will be determined by the National Executive.
- 51.8 Every financial member of the union shall:
 - 51.8.1 Irrevocably authorise and appoint the union to act as their sole and exclusive agent in all matters, disputes or issues relating to or connected with their employment or prospective employment including but not limited to, the negotiation, settlement, execution and enforcement and variation of any Individual or collective agreements, or part thereof relating to their employment.
 - 51.8.2 Be bound without qualification by all or any of the terms of any individual or collective agreement or agreements which cover or concern their employment that negotiated by the union and are duly ratified.
 - 51.8.3 Be bound by and shall comply with any procedure for the ratification of any settlement of negotiations relating to the terms and conditions of their employment to which the union may agree pursuant to the Employment Relations Act 2000 and any successor legislation.
 - 51.8.4 Such authority and appointment shall continue in full force and effect unless their membership of the union should terminate for any reason.

52 EMPLOYMENT AGREEMENTS

- 52.1 The union may become a party to an employment agreement covering any of its members.
- 52.2 No such employment agreement shall be entered into except upon the signature of an officer or paid official with the approval of the National Secretary or Assistant National Secretary, as appropriate.

53 UNION STAFF

- 53.1 Appointed staff shall be paid officials of the Union.
- 53.2 The National Secretary may appoint such staff as may be required from time to time to carry out such duties as the National Executive may require. Such staff shall carry out their duties under the direction of the National Secretary or when they are not available by the Assistant National Secretary or any other appropriate manager that the National Secretary deems appropriate for the carrying out of the policies and day-to-day operations of the Union.
- 53.3 Staff shall report to the National Secretary or the Assistant National Secretary or a delegated manager. Staff shall carry out the policy of the union.

54 DISSOLUTION AND AMALGAMATION

54.1 The Union may be wound up voluntarily If:

54.1.1 The National Executive recommends to the Conference that the Union amalgamate with any other similar organisation and that as part of such amalgamation the Union should be wound up; and

54.1.2 The Conference adopts the National Executive's recommendation to amalgamate; and

54.1.3 A special ballot of members of the Union passes a resolution requiring the Union to be wound up for the purposes of the amalgamation; and

54.1.4 That resolution is confirmed by a further special ballot of members of the Union held not earlier than 30 days after the date on which the result of the first special ballot is declared.

54.2 In the event of such winding up of all surplus assets, after the payment of all costs, debts, and liabilities snail, subject to any trust affecting them, be transferred to the organization with which the Conference decided that the Union is to amalgamate.

54.3 The Union may also be wound up voluntarily if:

54.3.1 A special ballot of members of the Union passes a resolution requiring the Union to be wound up; and

54.3.2 That resolution is confirmed by a further special ballot of members of the Union held not earlier than 30 days after the date on which the result of the first special ballot is declared.

54.4 The National Secretary shall before any voluntary winding up occurs, ensure that a final audit of the union's accounts has been carried out.

54.5 Upon the Union being dissolved or wound up other than for the purposes of an amalgamation all costs, debts and liabilities shall be paid and the balance of the Union's assets, subject to any trust affecting them, shall be disposed of as follows:

54.5.1 By transferring them to such other body or entity (or more than one of them) having objects similar to the objects of the Union as may be determined by the National Executive in office at the time of passing the resolution for winding up, or in the absence of such a National Executive, by a Judge of the High Court of New Zealand, or

54.5.2 If there is no other body or entity having objects similar to the objects of the Union to whom the balance of the assets may be distributed, then they shall be distributed to some other charitable organization or purpose within New Zealand.

54.6 The union shall be dissolved on the date of its winding up by the Registrar of Incorporated Societies.

55 PAYMENTS TO MEMBERS

No member of the organisation or any person associated with a member shall derive any pecuniary gain or benefit or participate in or materially influence any decision made by the organisation in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever.

Any payment to a member for services rendered or for any purpose shall be reasonable and relative to that which would be paid in an arm's length transaction (being the open market value). The provisions and effect of this clause shall not be removed from this document and shall be included and implied into any document replacing this document.

56 JOURNALIST CODE OF ETHICS

Respect for truth and the public's right to information are overriding principles for all journalists. In pursuance of these principles, journalists commit themselves to ethical and professional standards. All members of the Union engaged in gathering, transmitting, disseminating, and commenting on news and information shall observe the following Code of Ethics in their professional activities:

- (a) They shall report and interpret the news with scrupulous honesty by striving to disclose all essential facts and by not suppressing relevant, available facts or distorting by wrong or improper emphasis.
- (b) They shall not place unnecessary emphasis on gender, race, sexual preference, religious belief, marital status or physical or mental disability.
- (c) In all circumstances they shall respect all confidences received in the course of their occupation.
- (d) They shall not allow personal interests to influence them in their professional duties.
- (e) They shall not allow their professional duties to be influenced by any consideration, gift or advantage offered and, where appropriate, shall disclose any such offer.
- (f) They shall not allow advertising or commercial considerations to influence them in their professional duties.
- (g) They shall use fair and honest means to obtain news, pictures, films, tapes and documents.
- (h) They shall identify themselves and their employers before obtaining any interview for publication or broadcast.
- (i) They shall respect private grief and personal privacy and shall have the right to resist compulsion to intrude on them.
- (j) They shall do their utmost to correct any published or broadcast information found to be harmfully inaccurate.

A breach of this Code shall be a breach of the Union's Rules and thus may give rise to disciplinary procedures under the Rules. If a member is dismissed from employment or otherwise disadvantaged by an employer, and a breach of this Code is claimed by the employer as justification for the dismissal or disadvantage, then the Union, following proper and adequate inquiry, and if it is satisfied to a reasonable degree that the employer's actions are justified, may decline to pursue a personal grievance on behalf of the member.



NATIONAL SECRETARY



NATIONAL PRESIDENTS

Dated: 4 March 2021