

Rules

Of the

Southern Local Government

Officers Union

Inclusive of the Amendments Registered on 12 January 2001

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1. Name.

The name of the Society (hereinafter referred to as "the Union") shall be the Southern Local Government Officers Union Incorporated.

2. Purpose of Registration.

- 2.1 To protect and further the interests of the members of the Union, and to enhance their overall working environment.
- 2.2 Registration as an Incorporated Society means that all persons who are members of the Union at the time of registration or who become members after registration shall be bound by these rules of the Union during the continuance of their membership.

3. Registered Office.

- 3.1 There shall be a registered office of the Union, which shall be located at 260 Cashel Street, Christchurch, or at such other place as may be decided by the Management Committee. Due notice shall be given to the Registrar of any change of location of the registered office so decided upon, together with the date of that change. Notice shall also be given to members of the Union of any such change of location of the registered office or the postal address of the Union in such a manner as determined by the Management Committee.

4. Interpretation.

- 4.1 Wherever the following word or phrases appear in these rules they shall mean as per the following:

"The Act" - The Incorporated Societies Act 1908, including any amendments thereto, or any Act which supersedes it.

"The Registrar" - The Registrar of Incorporated Societies.

"The Joint Council" - The Joint Council of the Union provided for in Rule 17.

"The Management Committee" - The Management Committee of the Union as provided for in Rule 15.

"The Secretary" - The Secretary of the Union as provided for in Rule 15.

"The Officers" - The President, Vice-President and Secretary of the Union as provided for in Rule 15.

5. Objects of the Union.

- 5.1 To protect and promote the collective and individual employment interests of members, and to enhance their working environment.

5.2 To gain registration and operate as a union under the provisions of the Employment Relations Act 2000.

5.3 To negotiate Collective Agreements for members, and to organise members' participation in the process.

5.4 To assist and represent members in respect of personal grievances, disputes, enforcement of conditions, or any other matter pertaining to their employment or associated with their employment.

5.5 To undertake negotiations separately, or jointly with any other Union on a national, regional, local, single or multiple employer, or individual or collective members basis.

5.6 To formulate policies and initiate improvements for the:

- acquisition and enhancement of the occupational and functional skills of workers, those that are to be workers, and those that have been workers;
- for the human, social, economic and cultural advancement of members other workers, their families and the community;
- for the provision of secure employment opportunities and an improved quality of life for members, their families, other workers, and the community generally;
- to protect, maintain and enhance the health, safety and welfare of members and other workers and their families in the workplace, in the home, and in the wider community;
- to protect maintain and promote equal rights and opportunities for all of the members and other workers and their families in the workplace, in the home, and in the wider community regardless of their gender, race, age, marital status, sexual orientation, political beliefs or creed;
- to encourage full and active participation in the affairs of the Union in regard to protecting, maintaining and advancing the needs and interests of workers, their families and the wider community;
- to encourage the full and active participation of workers, their families and the wider community in the affairs of the workplace, the home and the community.

5.7 To exercise all the powers of an Incorporated Society under the Act or under any other relevant Act, or in any other lawful activity that is deemed by the Union or by the Management Committee to be appropriate or necessary in the undertaking of any activity in pursuance of these objects.

5.8 To further these objects within the Rules of the Union in line with the principles of democracy.

6. Categories of Membership.

- 6.1 There shall be four categories of membership, being Full Members, Associate Members, Ancillary Members and Life Members.
- 6.2 A Full Member shall be any person accepted as a member under the provisions of Rule 7 who is employed, intending to be employed, or engaged to be employed, in any capacity by any employer within New Zealand engaged in the provision of local authority or related services, or any other service or industry, and who wishes to be covered by any collective bargaining carried out by the Union under the provisions of Part 5 of the Employment Relations Act 2000
- 6.3 An Associate Member shall be any person accepted as a member under the provisions of Rule 7 who is employed, intending to be employed, or engaged to be employed, in any capacity by any employer within New Zealand engaged in the provision of local authority or related services, or any other service or industry, and who wishes to be excluded from any collective bargaining carried out by the Union under the provisions of Part 5 of the Employment Relations Act 2000.
- 6.4 An Ancillary Members shall be any person accepted as a member under the provisions of Rule 7 who is or was employed, intending to be employed, or engaged to be employed, in any capacity by any employer within New Zealand, and who wishes to be represented by the Union in respect of any matter arising out of the Member's employment, or former employment.
- 6.5 Subject to the approval of the Joint Council, the Management Committee may, upon the member's retirement from employment, grant Life Membership of the Union to any member in recognition of long and outstanding service to the Union. Any such Life Member shall be accorded all of the rights applicable to members without the payment of any subscriptions or levies.

7. Admission to Membership.

Any person seeking to be admitted to membership must make written application for such membership to the Secretary or other authorised person, and acceptance of such application for membership shall be at the discretion of the Management Committee. Any such person admitted to membership shall pay all entrance fees, subscriptions, levies charges and contributions due from the date of joining, and shall fulfil and discharge all of the obligations of membership pursuant to these Rules and to the decisions of the Management Committee. For the purposes of this rule, the receipt of the appropriate entrance fee or subscription, whether by a single annual payment or an instalment by way of salary deductions, shall be deemed to be a written application for admission to membership.

8. Non-Financial Membership.

A "non-financial member" shall be any member who is in arrears with the payment of any fee, subscription, levy, charge or contribution required under these rules as a consequence of membership. Whilst remaining non-financial such a Member shall not be entitled to exercise a vote in any ballot conducted by the Union, to propose any nominee or be nominated or sit any Committee of the Union, or to attend meetings of the Union.

9. Register of Members.

The Secretary shall keep, or cause to be kept, a register of members, detailing in respect of each member the following:

- The member's full name.
- The name of the member's employer.
- The date on which the member joined.
- The member's private address.
- The member's membership category and whether he/she is financial or non-financial.

The register shall be purged regularly by striking off the name of any member who has ceased to remain a financial member, provided always that such purging shall not free such person from all arrears due.

The Union shall not divulge to any third party the names and addresses of members, or other information held relating to individual member's, save as may be necessary to establish that the Union has been given authority by a member to represent the member in negotiations or discussions with his/her employer, or before a Court or other body.

10. Notice of Discontinuance of Membership.

Any member wishing to withdraw from the Union may do so by resigning in writing to the Secretary. Any such resignation shall be effective on the date of receipt by the Secretary, except that where the member has not paid all subscriptions, levies, charges or contributions required to be paid under these rules any such resignation shall have no effect until the member has paid all such dues owing.

Should any Member resign his/her membership after the Union has commenced negotiations for a Collective Agreement, or is a party to a Collective Agreement still in force in which the work carried out by the member falls within the coverage clause, and the Member continues to be employed within the coverage clause of a Collective Agreement upon resignation the Member shall be required to pay an amount equal to the subscription for a period of twelve months or until the Collective Agreement expires, whichever first occurs, unless by leave of the Management Committee.

For the purposes of this rule, a member paying his/her fees by way of salary deductions shall be deemed to have submitted his/her notice of resignation to the Secretary on the cessation of the deductions.

11. Union Empowered to Act For Members Unless Expressly Otherwise Advised.

Any person applying for and being accepted as a Member shall, unless expressly withheld, be deemed to have authorised the Union to represent him/her in the exercise of any rights and powers the member may have under the Employment Relations Act 2000, or otherwise, in relation to the member's employment or future employment, and the Union accepts the responsibility to endeavour at all times to represent the member's best interests.

12. Ratification Procedures for Collective Agreements.

The Union may, upon the advice of the Negotiating Team chosen from the members, ratify a proposed settlement of the Collective Agreement without reference back to the Members. This will be done only where the members have previously given a mandate for ratification upon certain conditions being met, or where all the Members claims have been satisfied, or in exceptional circumstances.

Where the Union decides to refer the matter of ratification of the Collective Agreement to a vote of the Members to be covered by the proposed Agreement, the Member agrees to be bound by the majority decision of a meeting, or meetings, of such Members called for such purpose, or of the majority of the votes cast in a postal ballot.

13. Ratification Procedures for Variations to Collective Agreements.

The Union shall put any proposed variation of a Collective Agreement to a vote of those Members directly affected by such variation, and the Member agrees to be bound by the majority decision of a meeting, or meetings, of such Members called for such purpose, or of the majority of the votes cast in a postal ballot

14. Subscriptions, Charges and Levies.

14.1 Subscriptions – Full and Associate Members.

14.1.1 The Union shall charge all Full and Associate members a subscription at a rate set by resolution of the Management Committee, for a specified period, payable in advance.

14.1.2 Subscriptions may for the purpose of payment by the salary deduction method or automatic bank transfer be recalculated as a weekly or other period amount by dividing the number of weeks in the specified period of the subscription and fee by the number of weeks in the period covered by the payment.

14.1.3 Differing levels of subscription may be set for members working part-time hours or for members earning less than a specified salary.

14.1.4 Any member who, having paid their subscription in advance, ceases to be a member shall upon application to the Secretary be refunded that portion of the subscription relating to the unexpired portion of the specified period for which payment has been made.

14.2 Subscriptions – Ancillary Members.

The Union shall charge Ancillary a subscription for specific services authorised by the Member to be performed on the Member's behalf. The rate for such subscription shall be set by resolution of the Management Committee, and shall be subject to agreement of the member at the time of becoming a member.

14.3 Additional Subscriptions for Specific Services.

The Union may charge member's an additional subscription for specific services performed on the member's behalf, or for specific expenses incurred on the members behalf, provided that the member is advised before the service is provided of the schedule and rates of charges involved, and has authorised the Union to provide the service.

14.4 Levies: The Union may levy Full and Associate members or specific groups of members for specified purposes not inconsistent with the Objects of the Union, provided that no levy shall be struck unless passed by a ballot of all members subject to the levy conducted in accordance with the provisions of Rule 27 hereof.

14.5 Collection of Contributions: All subscriptions, charges, and/or levies shall be paid to the Secretary.

15. Management Committee.

15.1 There shall be a Management Committee of the Union consisting of ten members directly elected to the Committee in accordance with Rule 21, plus the Secretary (who shall be appointed by the Management Committee), and the Chairperson of each Liaison Committee (or another member of the Liaison Committee appointed by the Liaison Committee to act as their Management Committee representative).

15.2 The Management Committee shall elect from among its own numbers in accordance with the provisions of Rule 21 the Union's President, Vice-President and Internal Auditor who, together with the Secretary, shall be deemed to be "the Officers".

15.3 At meetings of the Management Committee all Officers and members of the Committee shall exercise one vote only, excepting where a vote is tied the President or the member chairing the meeting may exercise a casting vote also.

- 15.4 Subject always to the control of a ballot of all members of the Union, the affairs of the Union shall be controlled by the Management Committee, which shall decide on all financial matters, including;
- The control acquisition and disposition of property.
 - The investment of funds.
 - The borrowing of funds.
 - Operating the Union's bank accounts, and the appointment of signatories thereto.
- Provided always that the funds of the Union shall be used only in a lawful manner, in the interests of members, and in accordance with the Objects of the Union.
- 15.5 The Management Committee may establish and maintain one or more sub-committees for any special purpose and may delegate such sub-committees such powers as it may see fit to enable it to perform its designated function. Any such sub-committee may include persons who are not members of the Management Committee.
- 15.6 The Management Committee shall:
- Subject to any decision of the Joint Council or of a ballot of members, to direct the policy of the Union.
 - Appoint and employ the Secretary.
 - In the event of the absence or unavailability of the Secretary, appoint an employee of the Union as the Acting Secretary, and while so acting the person so appointed shall exercise all the powers and shall perform all the duties of the Secretary.
 - Have, and may exercise, all the powers of the Union not required by the Act or by these Rules to be exercised by the Joint Council, or by ballot of members, or otherwise, provided always that the Management Committee shall obey all such lawful instructions and shall do and perform all such lawful things and acts as may be given or required to be done by the Joint Council or by resolution of the members by ballot carried out in accordance with Rule 27.
- 15.7 Should an urgent need arise between normal meetings of the Management Committee, the Officers may exercise the powers of the Management Committee, provided that any decision made by the Officers pursuant to this Rule shall be reported to the next meeting of Management Committee.
- 15.8 The Management Committee shall meet within the month of October following the holding of each biennial election, and shall meet thereafter on a monthly basis (the month of January excepted) or at such other intervals as the Management Committee may decide.
- It shall be permissible for meetings to be held by telephone conference call.
- 15.9 All meetings of the Management Committee shall be called by the Secretary in writing, and shall be held:
- At a time and place as decided by the Management Committee; or
 - At a time and place as requested by the President; or
 - As requisitioned by any three members of the Management Committee in writing.
- 15.10 For meetings of the Management Committee six shall constitute a quorum.
- 15.11 All meetings of the Management Committee shall be chaired by the President, or in his/her absence the Vice-President, or in the absence of both, a member of the Management Committee appointed by the meeting for that purpose, and such person shall have all the powers and perform all the duties of the President whilst so acting.
- 15.12 Any member of the Management Committee who is absent without leave of the Management Committee from three consecutive meetings of the Management Committee, shall be required to forfeit his/her position on the Management Committee if so demanded by written requisition to the Secretary by any five members, and the position declared a Casual Vacancy.
- 15.13 The Union may, by resolution of the Management Committee, enter into agreements, contracts or other instruments in furtherance of the Objects of the Union as specified in Rule 5 hereof, and such agreements, contracts or other instruments shall be executed on behalf of the Union under the Seal of the Union by the President and the Secretary, or in the absence of either or both of them, by another Officer or Officers whom the Management Committee may appoint for that purpose.
- 16. Liaison Committees.**
- 16.1 The Union shall establish Liaison Committees as may be approved by resolution of a meeting of the Management Committee in order to give members a reasonable opportunity of participating in the affairs of the Union, and to assist the Union in the furtherance of its objects, and to facilitate communication within the Union.
- 16.2 The constituency of each Liaison Committee will be determined by the Management Committee.
- 16.3 Each Liaison Committee shall consist of not less than four nor more than twelve members, as may be decided by the Management Committee.

- 16.4 Each Liaison Committee shall be elected by and from the members employed within the constituency of the Liaison Committee.
- 16.5 Each Liaison Committee shall meet in the month of September following the holding of biennial elections, and thereafter at such times and places as it may think fit, and a quorum shall be half the number of members of the Committee where there is an even number of members, or a simple majority of the Committee where there are an odd number of members.
- 16.6 A Liaison Committee shall obey all such lawful instructions and perform all such lawful things and acts as may be given or required to be done by the Joint Council, or by the Management Committee, or by resolution of the members by ballot carried out in accordance with Rule 27. It shall have no powers other than that delegated to it by the Union or the Management Committee.
- 16.7 All subscriptions, fees and levies payable by members within the constituency of a Liaison Committee shall be paid directly to the Union, and the Liaison Committee shall operate only on such funds as may be appropriated to it by the Management Committee.
- 16.8 The Secretary of each Liaison Committee shall be appointed by the Secretary, and shall normally be an employee of the Union.
- 16.9 Any Liaison Committee may be disestablished by a resolution of the Management Committee.

17. Joint Council.

- 17.1 There shall be a Joint Council of the Union which shall consist of the Management Committee as provided for in Rule 15, plus each of the Liaison Committees provided for in Rule 16, plus an ad hoc Committee of not less than five and not more than twelve Delegates representing members in employing authorities for which there is not a Liaison Committee (the members of such Committee to be co-opted and appointed on to the Committee by the Management Committee), which for the purposes of this Rule shall be called the "Constituent Committees".
- 17.2 The functions of the Joint Council shall be:
- To receive and approve the Union's Annual Report.
 - To receive and approve the Union's Audited Annual Accounts.
 - To approve any amendments to these Rules.
 - To approve an affiliation to, or a dis-affiliation from, any Kindred Organisation as may be referred to it for approval by the Management Committee.
 - To consider any other matter referred to it by the Management Committee, or required

to be referred to by these Rules.

Provided that the Management Committee may decide at its discretion to put any such matter to a ballot of members conducted pursuant to Rule 27.

- 17.3 The Joint Council shall exercise its functions by either a postal vote of the members of the Constituent Committees, or alternatively a Conference shall be convened of the members of the Constituent Committees at which the matter will be discussed and voted upon, as determined by the Management Committee. Any question put to such a postal vote, or a vote of Conference, shall require sixty percent of the valid votes cast to be in favour before the matter is deemed to be carried by the Joint Council.

Where such procedures result in the matter not being carried, the Management Committee may decide that the matter may be put to a ballot of members conducted pursuant to Rule 27.

- 17.4 Any matter placed before the Joint Council, except the matter of the approval of the Union's Annual Report and Audited Annual Accounts, may be withdrawn by the members who placed the matter before the Joint Council in the first instance, or where the matter was placed before the Joint Council by the Management Committee it may be withdrawn by the Management Committee, at any time prior to the matter being finally disposed of by the Joint Council.
- 17.5 Where the Joint Council exercises its functions by way of a postal vote or Conference of the members of the Constituent Committees, any member who holds office on two of the Constituent Committees may exercise one vote only in any such ballot.
- 17.6 Where the Joint Council meets in Conference the Officers as provided in Rule 15 shall be the Officers of the Conference.

18. Delegates.

Subject to the approval of the Management Committee, financial members in any work location may elect any of their number as a Delegate, and such person/s shall represent his/her fellow members in that particular establishment, provided that at all times he/she shall carry out the policies and follow the instructions of the Management Committee. Any Delegate so elected and approved by the Management Committee shall hold office for a term decided by the Management Committee, but not exceeding five years, and shall be eligible for re-election. Should any two members in a work location requisition the Management Committee to have a Delegate for their workplace removed from office the Management Committee shall conduct a secret ballot, in accordance with Rule 27, among the members in that workplace on that question within one month of the date of receipt of the requisition, and the Management

Committee may at its discretion suspend the Delegate from office pending the holding of the ballot.

19. Representation.

- 19.1 The Union may be represented before a Court, or in any other formal proceedings by an Officer of the Union, or an employee of the Union, or a Solicitor or Counsel appointed by the Management Committee, or any other person authorised under the Seal of the Union in pursuance of a resolution of the Management Committee.
- 19.2 For the purposes of the Employment Relations Act 2000, where the Union is acting for an individual Member or a group of Members for any other purpose under that Act, the Union may be represented by the Secretary, or an employee of the Union delegated by the Secretary, or by any other person appointed by the Secretary or by the Management Committee to be the Union's representative.
- 19.3 For the purposes of Section 120C of the Employment Relations Act 2000, any member who is an Officer or member of the Management Committee or a Liaison Committee, or is a Delegate, or has been requested by the Management Committee or by the Secretary or an employee of the Union, to speak or act for members, shall be deemed to be a representative of the Union.

20. Member Initiated Petitions.

- 20.1 Any member may petition the Management Committee on any matter in respect of the Union. The Management Committee shall consider the matter at its next meeting, and the Secretary shall advise the petitioner of the decision of the Management Committee.
- 20.2 The decision of the Management Committee shall be subject to review by a petition signed by not less than ten members. Such petition for review shall be referred to the Joint Council for consideration as soon as practicable, and the Secretary shall advise the petitioners of the decision of the Joint Council.
- 20.3 The decision of the Joint Council shall be subject to appeal by a petition signed by not less than twenty five members. Such petition for appeal shall be in the form of a motion, which shall be put to a ballot of members in accordance with Rule 27.

21. Election of Officers, Management Committee, Liaison Committees and Liaison Committee Office Holders.

- 21.1 The members of the Management Committee (excepting the Secretary who shall be appointed by the Management Committee in accordance with Rule 21.3, and those appointed ex-officio as representatives of Liaison Committees) and members of Liaison Committees, shall be elected every two years in accordance with the procedures provided in Rule 22. All such persons shall hold office for a two year term unless they previously resign, cease to be a member, or are removed from office in accordance with Rule 23.
- 21.2 Any member shall be eligible for election to any of the aforementioned elected positions within the Union.
- 21.3 The Secretary shall be appointed by the Management Committee on whatever terms and conditions the Management Committee determines. At the time of appointment the person appointed need not already be a member.
- 21.4 At its first meeting following the holding of biennial elections, or in the event of the resignation of the office holder, at the next meeting of the Management Committee, the Management Committee shall elect from among its own number the President, Vice-President and Internal Auditor of the Union. The persons so elected shall hold office until the next biennial elections unless they previously resign, cease to be a member, or are removed from office in accordance with Rule 23.
- 21.5 At its first meeting following the holding of the biennial elections, or in the event of the resignation of the office holder, at the next meeting of the Liaison Committee, each Liaison Committee shall elect from among its own number the Chairperson and Vice-Chairperson of the Liaison Committee, and representative to sit on the Management Committee, who shall normally be the Chairperson. The persons so elected shall hold office until the next biennial elections unless they previously resign, cease to be a member, or are removed from office in accordance with Rule 23.
- 21.6 Any member who, having been elected to any office within the Union, may be dismissed from office for disability, bankruptcy, breach of these Rules, or misappropriation of Union funds, by resolution of the Joint Council, provided that the member so dismissed may seek that the matter of his/her dismissal be referred to a Special Meeting of the Union in accordance with Rule 23, and the matter of the removal of that person from office shall then be dealt with in accordance with Rule 23, in which event the dismissal shall be withheld and the member shall be suspended from office pending the completion of the requirements of Rule 23.

22. Election Procedures.

22.1 Management Committee

22.1.1 Every second year, no later than 1 July the Secretary shall, by notice delivered to each members (excluding non-financial members), call for nominations for positions on the Management Committee excepting the position of Secretary and the ex-officio positions to be filled by Liaison Committees.

22.1.2 Nominations must be in writing signed by at least two proposers, who must be financial members, and endorsed with the consent of the candidate nominated, all of who must be members. All nominations must be received by the Secretary no later than 1 August that year.

22.1.3 Where the number of valid nominations does not exceed the number of positions to be filled, the Secretary shall declare the candidate(s) duly elected.

22.1.4 Where the number of valid nominations exceeds the number of positions to be filled, the Secretary shall conduct an election by secret postal ballot in accordance with the following provisions of this Rule, and the Secretary shall declare elected the candidates in descending order of the greatest number of valid votes cast until all the vacant positions are filled. In the event of a tie, the successful candidate shall be determined by lot.

22.1.5 Where a secret postal ballot is necessary, ballot papers must be dispatched to all members entitled to participate in the ballot no later than 14 August, and the ballot will close at 5.00 pm on 28 August. Each candidate in the ballot shall be entitled to provide the Secretary with a short statement, of no more than 200 words, of their personal details to be sent out with the ballot papers.

22.1.6 Any candidate in a ballot, and the Management Committee, shall be entitled to nominate a scrutineer to attend and assist with the counting of the ballot.

22.1.7 All persons elected to the Management Committee in the biennial elections shall take up office on the Management Committee on 1 October following the holding of the elections.

22.2 Liaison Committees

22.2.1 Every second year, at the time of, and in conjunction with the calling of nominations for the Management Committee the Secretary shall, by notice delivered to each member (excluding non-financial members) employed within that constituency, or by notice in a

Newspaper circulating throughout the constituency, call for nominations for the Liaison Committee.

22.2.2 The procedures for the election of Liaison Committees shall be the same as for the election of the Management Committee, and only the members employed within the Liaison Committee constituency shall be entitled to vote.

22.2.3 All persons elected to a Liaison Committee in the biennial elections shall take up office on the Liaison Committee on 1 September following the holding of the elections.

22.3 Retention of Election Papers.

Following the completion of the elections the Secretary shall preserve and retain all documentation pertaining to the elections, including nomination forms and ballot papers, for a period of at least twelve months.

23. Removal of Officers.

23.1 Should any members (excluding non-financial members) desire that any Officer, member of the Management Committee or member of a Liaison Committee be removed from office, or that any number of such persons be removed from office, they may, request the Joint Council to consider the matter.

23.2 The Joint Council shall consider the request within one month of receiving the request, and the members making the request and the person/s who it is requested be removed from office shall be given an opportunity to address all of the members of the Joint Council who take part in the vote.

23.3 Should the Joint Council not remove the person/s from office, the members who made the request may require that a ballot of members be conducted in accordance with Rule 27 on the question.

23.4 Should a ballot of the members be required, the Secretary or any other person authorised by the Management Committee to do so, shall conduct the ballot of members, in the case of a secret postal ballot, within one month of the dates of being so required, or in the case of a secret ballot taken at worksite meetings the ballot shall be commenced within one month and concluded within two months of the date of being so required.

23.5 Where a secret postal ballot is conducted the members making the request and the person/s who it is requested be removed from office shall be given the opportunity to give written submission to the members before the ballot is conducted.

23.6 Where the ballot is conducted at worksite meetings the members making the request and the person/s who it is requested be removed from

office shall be given an opportunity to address the meetings before the vote is taken.

- 23.7 Should the Joint Council resolve that any office holder be removed from office, if the office holder concerned so requests, such resolution shall not become effective until it is confirmed by a secret ballot of the members conducted in accordance the foregoing parts of this Rule.
- 23.8 Pending the decision of the Joint Council and/or a secret ballot the Management Committee may suspend the office holder(s) from their office.

24. Casual Vacancies.

- 24.1 Should any elected position on the Management Committee or a Liaison Committee become vacant for any reason, the Management Committee or the Liaison Committee, as the case may be, may:
- Appoint a member to fill the vacancy until the next biennial election; or leave the position vacant pending the next biennial elections; or
 - call a by-election to fill the vacancy; or
- 24.2 Where it has been decided to fill any casual vacancy until the holding of the next biennial election, or to leave any position vacant until the next biennial elections, all members of the Union, or of the Liaison Committee constituency, as the case may be, shall be notified accordingly by circular delivered to each such member no later than four months after the date of the vacancy occurring, and should any fifty members request that a by-election be held the Secretary shall forthwith conduct a ballot to fill the vacancy.
- 24.3 Where a by-election is called for, the Secretary shall, within one month, call for nominations to fill the vacancy in the same manner as is provided in Rule 22 for normal elections, and the election shall be conducted in accordance with that Rule excepting that the date between the calling of nominations and the closing of nominations shall be four weeks, the voting papers must be sent out no later than 14 days after the closing of nominations, the close of for the receipt of voting papers 28 days after the closing of nominations, and the person/s elected shall take office immediately following the declaration of the result of the voting.
- 24.4 Any member appointed to fill any casual vacancy in any office may hold office only to the extent of the unexpired portion of the normal biennial election term, or until a by-election for the position if that should first occur, and any person elected to fill any casual vacancy may hold office only to the extent of the unexpired portion of the normal biennial election term, or, in either case, until he/she resigns or is removed from office in accordance with Rule 23, and shall be eligible for re-election.

25. Duties and Powers of Officers and Position Holders.

- 25.1 President: It is the duty of the President to supervise the business and affairs of the Union; to attend and preside over all meetings of the Joint Council and of the Management Committee, to keep order, conduct the business, and to decide all points of order thereat; to obey all such lawful instructions and to do and perform all such lawful things and acts as may be required to be done by resolution of a meeting of the Union or of the Management Committee, or by these Rules or by the Act; to do and perform such other lawful duties as may usually appertain to the office of President.

While presiding at a meeting the President shall have the power - to exercise a deliberative vote, and in the case of equality of voting a casting vote also; to decide the order of business, to put motions, and to declare the result of voting; to order the removal from the meeting of any person obstructing the business of the meeting or behaving in a disorderly manner, or of any person not entitled to be present; by resolution of the meeting or to declare a meeting closed; and generally to do and perform such other lawful things and acts as may be necessary or desirable to carry on the business of a meeting with order and regularity.

- 25.2 Vice-President: It shall be the duty of the Vice-President to assist the President in carrying out the duties appertaining to his/her office, and in the absence of the President the Vice-President shall exercise all the powers and shall perform all the duties of the President.

Internal Auditor: The Internal Auditor shall maintain an overview of the keeping of the Union's accounts.

Secretary: The Secretary shall be the Chief Executive Officer of the Union. The Secretary shall call all meetings of the Joint Council and of the Management Committee and to cause minutes to be kept of the proceedings thereof; prepare and present to the Joint Council and the members an annual report on the business and proceedings of the Union; perform all such lawful things and acts as may be given or required to be done by resolution of the Joint Council or of the Management Committee, or by the Act or by these Rules; attend all meetings of the Management Committee and to report thereat on the business and proceedings of the Union, both financial and administrative; subject to the general jurisdiction of the Management Committee under these Rules, engage and manage and control such staff as is necessary to conduct the business of the Union; and to do and perform such other lawful duties as may be directed by the Management Committee; and to do and perform such other lawful duties as may usually pertain to the office of Secretary.

The Secretary shall ensure that: the register of members is kept; that any returns required by the Act are prepared and forwarded to the Registrar; the correspondence and business of the Union is properly conducted; the books of accounts and financial records of the Union are kept in such a manner as to enable them to be conveniently audited, as well as being full, true and complete accounts of the financial affairs and transactions of the Union; access by the Internal Auditor and the Auditor to the financial records is available as may reasonably be required; that all monies due to the Union are collected, receipted and banked in the name of the Union in a bank approved by the Management Committee; and that all payments made on behalf of the Union are authorised by the Management Committee; that at the end of each financial year and before the date of the Annual General Meeting that a balance sheet and a statement of income and expenditure for the preceding twelve months and is prepared and submitted the same to the Union's Auditor along with all relevant supporting documents for auditing in accordance with these Rules; that the balance sheet and statement of income and expenditure is published for members; that the audited balance sheet and statement of income and expenditure is presented to the Joint Council for approval, and a copy sent to the Registrar;

The Secretary shall be employed on such terms of employment and level of remuneration as decided by the Management Committee.

25.3 Liaison Committee Chairpersons: Liaison Committee Chairpersons shall be members of the Management Committee, with full speaking and voting rights, ex officio. It shall be the duty of Liaison Committee Chairpersons - to preside over all meetings of the Liaison Committee and of its constituency, and while so doing shall have the same duties and powers as hereinbefore provided for the office of President while presiding over meetings of the Management Committee; to liaise with the Officers, the Management Committee, and the Secretary on matters concerning members with his/her Liaison Committee's constituency; and to obey all such lawful things and acts given or required to be done by a meeting of the Liaison Committee or of its constituency.

25.4 Liaison Committee Vice-Chairperson: It shall be the duty of Liaison Committee Vice-Chairperson to assist the Chairperson in carrying out the duties appertaining to his/her office, and in the absence of the Chairperson the Vice-Chairperson shall exercise all the powers and shall perform all the duties of the Chairperson.

25.5 Delegates: It shall be the duty of a Delegate to represent the members in his/her place of work to his/her employer and to the Union's staff, provided that at all time he/she carries out the policies of the Union, and follows the instructions of the Management Committee. Delegates may not exercise the powers of the Union, or represent the Union outside his/her workplace, without the specific authorisation of the Secretary.

25.6 Honoraria: Any member holding office as an Officer, or on the Management Committee or a Liaison Committee, or as a Delegate, may be paid from Union funds an honorarium at a scale to be determined from time to time by the Joint Council.

26. Meetings of the Union.

26.1 Series of Special Meetings.

Where a series of Special Meetings is required to be held in order to conduct a secret ballot of members in accordance with Rule 27, the following procedures shall apply.

26.1.1 The Special Meetings will be held at such times and places as fixed by the Management Committee.

26.1.2 The Special Meetings shall be called by the Secretary either by circular posted or delivered to each member at least seven days before the date of the first meeting, or by advertisement in a newspaper or newspapers circulating throughout the Canterbury and Otago, stating the time, date and place of the meetings and the business to be transacted thereat. No business shall be taken than that specified in the notice calling the meetings.

26.1.3 All such Special Meetings shall be chaired by the President of the Union, or in his/her absence by the Vice-President, a Liaison Committee Chairperson, a Liaison Committee Vice-Chairperson, the Secretary or a member of the Union's Staff, (the first person on the foregoing list who is present to so act) and such person shall have all the powers and perform all the duties of the President whilst so acting.

26.1.4 At Special Meetings the President, or the member in the Chair, shall have the right to decide the order of business, and shall conduct the meeting in accordance with the commonly accepted rules of debate.

26.1.5 Except by leave of the meeting only members (excluding non-financial members) may attend and speak at any such Special Meeting, and only financial members may exercise a vote thereat.

26.2 Industrial Meetings.

26.2.1 Industrial Meetings of members may be held at the discretion of the Liaison Committee, or

the Secretary or by a Union employee delegated by the Secretary, to discuss any matter in respect of negotiations or other industrial activities on any worksite or series of worksites.

26.2.2 Industrial Meetings may be held in conjunction with other affected employee groups.

26.2.3 Industrial Meetings shall be chaired by a person appointed by the Liaison Committee, or the Secretary, or the Union employee who called the meeting.

26.2.4 Only the Union Officers, Union employees, and those members (which when the meeting is held in conjunction with other employee groups shall be deemed to include the equivalent persons in the other group/s) affected by the matters under discussion may speak at such Industrial Meetings, and only those employees directly affected by any ballot may take part in any matter put to the vote at such meeting. Provided that with the leave of any such meeting employer representatives or any other person may be invited to address the meeting.

26.2.5 Where a ballot is taken at any Industrial Meeting which is held jointly with other employee groups, each employee group shall hold its own ballot on any matter put to the vote at any such meeting, unless the members and of each of the employee groups involved separately agree to a joint ballot being conducted.

26.2.6 Voting at any Industrial Meeting shall be taken by a voice vote, or when that is indecisive or at the discretion of the person in the chair, by show of hands, or when that is indecisive or at the discretion of the person in the chair, by secret ballot, provided that in any vote which involves the taking of industrial action, or giving notice of such, where any person present seeks that a secret ballot be conducted on the question, a secret ballot shall be so conducted under the guidance of the person in the chair. Provided that where any such ballot is being conducted at a series of worksite meetings a secret ballot shall be conducted at each of the meetings, and the votes accumulated to determine the outcome of the combined vote of all of the meetings.

27. Ballots and Ballot Procedures.

27.1 Whenever a secret ballot of members is conducted under these Rules, or by the Act, (excepting an election of the Management Committee and Liaison Committees which shall be carried out in accordance with Rule 22), such secret ballot shall be conducted in accordance with the following provisions of this Rule.

27.2 At the discretion of the Management Committee, or in the case of a ballot on an industrial issue, at

the discretion of the Secretary, any secret ballot conducted in accordance with this Rule may be conducted either:

- As a secret postal ballot, or
- As a secret ballot conducted at a series of Special Meetings called expressly for that purpose and held in such locations so that no member shall be required to travel more than 80 kilometres from his/her normal place of work to attend.

27.3 Where a secret ballot of all of the members is to be conducted in accordance with Rule 27.2 the Secretary shall appoint such number of Assistant Returning Officers as he/she may consider necessary to assist him/her in conducting the ballot.

27.4 Where a secret postal ballot is to be conducted the Secretary shall:

27.4.1 Invite the Management Committee and the members demanding the ballot (if applicable), each to nominate a scrutineer to watch the ballot, and shall afford each such scrutineer all reasonable facilities for so doing.

27.4.2 As soon as possible forward to each financial member entitled to take part in the ballot a ballot paper showing the question to be voted upon, and stating the method of voting and a time, being not less than 14 days nor more than 28 days, within which such ballot paper must be returned to him/her at an address specified thereon.

27.4.3 As soon as possible after the date fixed for the closing of the ballot, to count the votes and declare the state of the voting in writing to the President of the Union, and the question shall be deemed to be carried or lost according as to the majority of valid votes cast.

27.5 Where a secret ballot is to be conducted at a series of Special Meetings it shall be conducted in accordance with the following:

27.5.1 The Secretary shall forward to each member entitled to take part in the ballot, at least seven clear days prior to the day of the first meeting in the series, a schedule of the date, time and location of each of the Series of Special Meetings, and the business to be conducted thereat.

27.5.2 In the notice advising the schedule of Special Meetings the Secretary shall notify members that they may, by application made at least fourteen days before the day of the final meeting in the series apply for a Special Vote on the grounds that attendance to vote at one of the Special Meetings would cause the member hardship or undue inconvenience. The Secretary may refuse an application for a special vote if there is an alternative Special Meeting

that the member could reasonably attend to cast his/her vote.

27.5.3 No member shall be entitled to cast more than one vote on any one question.

27.5.4 Where a member is granted a Special Vote the ballot paper shall be issued to the member at least seven days before the date of the final meeting in the series and the Secretary shall, at the time of issuing the ballot paper, inform the member of the address to which it must be returned, and the time by which it must be returned, which shall be noon on the day of the final meeting in the series of Special Meetings.

27.5.5 All of the ballot papers cast in the ballot shall be accumulated and after the ballot has been taken at the final meeting in the series of Special Meetings the Returning Officer shall count the votes and declare the state of the voting to that Meeting, and in writing to the President of the Union, and the question shall be deemed to be carried or lost according as the majority of valid votes are cast.

27.5.6 Should the Secretary, or the Assistant Returning Officer officiating at any Special Meeting, so decide he/she may make a preliminary count of the votes cast at each Special Meeting in the series and declare the state of the voting at that meeting to the members present. Where this is done the meeting may nominate a Scrutineer or Scrutineers to assist in the counting of the votes.

27.5.7 Upon completion of the ballot all ballot papers, envelopes, lists, and other documents pertaining to the ballot shall be preserved and retained by the Secretary for at least one year thereafter, or where the ballot is disputed, until at least one month after the completion of the dispute procedure.

28. Procedure in Respect of Disputed Ballots.

28.1 Where not less than twenty five members or ten per cent of the members entitled to vote in any ballot (whichever is the lesser) believe an irregularity or offence or breach of these Rules may have occurred in respect of any ballot, including that involving the election of Officers, they may requisition an enquiry in writing to the Secretary.

28.2 Upon receipt of a requisition for an inquiry into a ballot the Secretary shall, along with the other Officers, investigate the matter, and in the event that the complaint is found to be upheld, initiate any action that may appropriately rectify the matter. Such action may include the conducting of a fresh ballot, the re-declaration of the result of the original

ballot after deleting invalid votes from the count or restoring valid votes that had originally been excluded from the original count, or any other appropriate remedy. The result of their investigation, and any action taken thereon, shall be notified to the members who requisitioned the inquiry within 28 days of the date of receipt of the requisition by the Secretary.

28.3 Where the members are not satisfied with the findings or the action taken in respect of any such requisition they may initiate further action in accordance with Rule 20 "Member Initiated Petitions".

29. Supply of Rules.

Each member shall, upon request, be supplied without charge a copy of the Rules of the Union. A charge equal to the cost of production and of supply may be made for any additional copies.

30. Supply of Annual Report.

A copy of the Union's Annual Report shall be supplied without charge to each member in September or October each year.

31. Supply of Annual Accounts and Audit Certificate.

31.1 Each financial member shall be supplied, without charge, a copy of the Income and Expenditure Account and Balance Sheet for the preceding year in September or October each year. The copy so supplied may be subject to Audit, provided in which case it is so marked.

31.2 The audited Income and Expenditure Account and Balance Sheet, together with the Auditors report on the accounts shall be presented to the Joint Council, and in the event that the previously circulated financial statement had been subject to audit, any changes shall be notified to members at the earliest convenient time.

31.3 Any financial member shall, upon written request, be supplied without charge a copy of the last audited Income and Expenditure Account and Balance Sheet together with the Auditors report thereon.

32. Supply of Copies of Resolutions.

Any members shall, upon written request, be supplied without charge one copy of any resolution passed by the Joint Council, the Management Committee, or by a ballot of members.

33. Audit.

33.1 The Management Committee shall appoint a person who is a member of the New Zealand Society of Accountants to be the Union's Auditor, provided that nothing shall prevent the

Management Committee from appointing any firm of Public Accountants to this position, in which case the provision of these Rules in so far as they relate to the Auditor shall be deemed to apply to all or any individual member's of the firm who are appointed as the Union's Auditor.

- 33.2 Any person appointed as Auditor shall hold office until he/she resigns or until the Management Committee appoints another person in replacement thereof.
- 33.3 As soon as possible after the 30th of June each year and at any other time as the Management Committee may require, the Auditor shall carry out an audit of the Union's accounting records and the Annual Income and Expenditure Account and Annual Balance Sheet and shall report to the Joint Council thereon.
- 33.4 The Secretary shall afford the Auditor access to all of the books, papers, accounts, statements, minutes, documents, receipts and securities required by the Auditor in order to carry out his/her duties, and to give the Auditor such information and explanation as he/she may require.
- 33.5 The Annual Statement of Income and Expenditure and Balance Sheet, together with the Auditor's Report thereon, shall be presented to the Joint Council following the completion of the audit.
- 33.6 The Union shall deliver to the Registrar a copy of the Union's Annual Statement of Income and Expenditure and Balance Sheet for the preceding financial year ending the 30th of June, together with a certificate signed by the Auditor certifying that the Auditor has:
- Carried out the audit of the Union's accounts, and
 - Has in the course of the audit seen and audited the accounts of the Liaison Committees and of the Union, and
 - Has duly reported on these accounts to the Union.
- 33.7 The Auditor may be paid out of Union funds such fees as are usual and proper in the circumstances for his/her professional services.

34. Inspection of Accounting Records and Registers.

Every member having an interest in the funds of the Union may inspect the books, minute books and register of members at the registered office of the Union without charge at all reasonable times during normal office hours upon giving twenty-four hours notice in writing to the Secretary of his/her desire to do so.

35. Dissolution of the Union.

- 35.1 The Union may be dissolved only by a vote of all of the members conducted in accordance with Rule 27.
- 35.2 In the event that the members resolve to dissolve the Union and cancel the registration of the Union, the Management Committee shall arrange for the disposal of the assets of the Union in accordance with the Objects of the Union and of the Act, provided that under no circumstances may the assets be divided up among the members, or transferred to any member otherwise than in settlement of any debt. The Management Committee shall arrange for final audit of the books of the Union.

36. Power to Amend Rules.

- 36.1 Should any two financial members, or the Management Committee by resolution, desire at any time that these Rules be amended, the proposal shall be placed in writing and put before the Joint Council for consideration in accordance with Rule 17.3.
- 36.2 Where a proposal to amend these Rules is to be placed before the Joint Council for consideration, all members shall be provided with details of the proposed amendment at least thirty clear days prior to the date on which the Joint Council will be asked to consider such proposal. If so required by a petition signed by not less than twenty five members (excluding non-financial members) submitted to the Secretary within the aforementioned thirty day period, the matter shall instead be put to a secret ballot of all members conducted in accordance with Rule 27.
- 36.3 Where the proposal to amend the rules is put to the Joint Council, after the Joint Council has given consideration to the proposal, the Joint Council's decision in relation to the proposal shall be notified to all members. Should the Joint Council reject any amendment the proposed amendment shall, if so required by a petition signed by not less than twenty five members (excluding non-financial members), be put to a secret ballot of all of the members conducted in accordance with Rule 27.
- 36.4 Should the proposed amendment be passed by the Joint Council, or by such a ballot of members, the Secretary shall forthwith forward to the Registrar two copies of the amendment proposed together with evidence of the result of the ballot in favour of the amendment, and the amendment will come into force when, and not until, it has been recorded by the Registrar.

37. Services to Other Organisations.

The Union may, by resolution of the Management Committee, contract to provide services to any other

employee organisation or kindred organisation. The servicing fee shall be determined by the Management Committee on a commercial basis.

38. Affiliation to Kindred Organisations.

- 38.1 The Union may by resolution of the Management Committee, affiliate to any kindred organisation, or any other organisation with similar or parallel objects, or which can provide the Union with specialist or technical advice or assistance, or which provides a social service to workers generally, or which is engaged in charitable works.
- 38.2 The procedures for dis-affiliation from any other organisation shall be the same as provided in Rule 38.1.
- 38.3 The Union may be represented at conferences of any organisations to which it is affiliated, or any other organisation with which it is associated, by such person or persons as may be appointed by the Management Committee.

39. Seal of the Union.

- 39.1 There shall be a Seal of the Union, which shall be kept in the custody of the Secretary, and which shall be affixed by him/her only pursuant to a resolution of the Management Committee to any document requiring the affixture of the Seal.
- 39.2 The Seal may be renewed in order to comply with any name change imposed by statute, or by the adoption of any changes to these rules that changes the name of the Union. Otherwise it may be altered or renewed only by resolution of the Joint Council.