

NATIONAL DISTRIBUTION UNION (INC)

REGISTERED RULES

2 OCTOBER 2007

PART I - GENERAL

	Page
1. Name	4
2. Objects	4
3. Registered Office	5
4. Interpretation	5
5. Sectors	5

PART II - MEMBERSHIP AND SUBSCRIPTIONS

6. Membership	6
7. Membership Applications	8
8. Honorary Life Membership and Loyalty Card	9
9. Members in Distress and Associate Members	9
10. Register of Members	10
11. Termination of Membership	10
12. Fees and Subscriptions	11
13. Levy	12

PART III - NATIONAL STRUCTURES

14. General Meetings	12
15. Biennial Conference	13
16. National Executive	13
17. National Management Committee	15
18. Representation of Maori	16
19. Representation of Women	16
20. Representation of Pacific Islanders	17

PART IV – OFFICERS\STAFF & ELECTION OF OFFICERS

21. Officers & Staff	18
22. Officers	
18	
23. Duties & Powers	19
24. Regional Secretaries	19
25. Operations Manager	19
26. Election of Officers	20
27. Removal of Elected Officers & Position Holders	20
28. Casual Vacancies For Officers	21
29. Union Staff	22

PART V - REGIONAL STRUCTURES

30. Regions	23
31. Regional Delegates Conference	23
32. Regional Organising Committee	25
33. Local Organising committees	26
34. Delegates & Site Committees	27
35. Delegates	28
36. Election of Delegates	28

PART VI - MEETINGS

	Page
37. Special General Meeting	29
38. Regional and Sector Membership Meetings	30
39. Biennial Conference	30
40. National Executive	31
41. National Management Committee Meetings	32
42. Ballots at General Meetings and National Executive Elections	32
43. Secret Ballots	33
44. Disputes over Ballots and Elections	34

PART VII - ADMINISTRATIVE REQUIREMENTS

45. Funds	35
46. Welfare Fund	35
47. Auditor	36
48. Inspection of Books	36
49. Supply of Information	36
50. Payment for Union Business	36
51. Seal	36
52. Amendment to Rules	36
53. Dissolution	37

PART VIII- OTHER MATTERS

54. Representation	37
55. Complaints Procedures	38
56. Disciplinary Matters	39
57. Amalgamation	41
58. Separate Management of Wood Sector Assets	41
59. Clothing, Laundry & Allied Workers Union of Aotearoa (CLAW)	42
60. Savings & Transitional Provisions Relating to Regional Representation	44

PART I - GENERAL

1. NAME

- 1.1** The name of the union shall be the National Distribution Union Incorporated.

2. OBJECTS

2.1 The objects of the union shall be:-

- 2.1.1 To negotiate, protect and improve the wages and conditions of employment in the industries to which these rules apply.
- 2.1.2 To educate members about issues of concern to their union.
- 2.1.3 To support, publicise and promote worker participation in all decision-making processes affecting the workplace.
- 2.1.4 To further the social and economic interests of working people, their families and communities.
- 2.1.5 To affiliate with unions or groupings of unions, nationally or internationally.
- 2.1.6 Such other objects as are not inconsistent with the above objects.

2.2 The powers of the union shall be:

- 2.2.1 To invest and purchase, lease, rent and sub-let or otherwise acquire all real property with power to erect thereon buildings of all descriptions and likewise to sell, transfer, sign, lease and dispose of the same.
- 2.2.2 To invest such of the funds of the union as may be thought fit in accordance with these rules.
- 2.2.3. To borrow, raise or secure the payment of money on conditions as may be thought fit in accordance with these rules.
- 2.2.4. To join with any other union or unions or other person(s) in the purchase of any real property.
- 2.2.5 To acquire and own chattels of all descriptions, shares, bonds, debentures, and all personal property of any kind whatsoever.
- 2.2.6 To establish and operate a welfare and education fund for the benefit of union members.
- 2.2.7 To take or authorise such legal action and/or proceedings in furtherance of these objects.
- 2.2.8 To affiliate to and/or seek involvement in any political party in furtherance of these objects.
- 2.2.9 To provide such welfare services as may be deemed appropriate.
- 2.2.10 To establish and/or participate in such trusts and/or companies as may be deemed appropriate in furtherance of these objects.
- 2.2.11 Such other powers as are required to achieve the above objects.

3. REGISTERED OFFICE

- 3.1** There shall be a registered office of the union which shall be at 120 Church St., Onehunga, Auckland or at such other place as may from time to time be chosen by the National Executive. The National Secretary shall forthwith give notice of every change of the registered office to the Registrar of Incorporated Societies and Registrar of Unions.

4. INTERPRETATION

- 4.1** In these rules, unless elsewhere specifically provided :-
- 4.2** "Casual vacancy" means a vacancy in any office or position occurring for any reason other than the expiry of the term of appointment.
- 4.3** "Secretary" means National Secretary, Sector Secretary or Regional Secretary as appropriate.
- 4.4** "Union" means the National Distribution Union.

5. SECTORS

5.1 Sectors

The union comprises four sectors, being :

- 5.1.1 Retail
- 5.1.2 Textile, Clothing, Laundry, Allied Workers and Baking
- 5.1.3 Transport, Energy and Stores ("TES"); and
- 5.1.4 Wood

5.2 Union Members to be Members of a Sector

Every member of the union will also be a member of one of these sectors.

5.2.1 Existing Members of a Sector May Remain in that Sector

Despite anything in rule 6 below, existing members of a sector of the union may remain within that sector.

5.2.2 Sectors to Represent Interests of Members

The purpose of sectors is to represent the particular interests of those who work in the industries and occupational groups they comprise.

5.5.3 Sector Conferences

Sectors may hold regional or national conferences, subject to the consent of the national executive. The purpose of sector conferences is to discuss matters of particular relevance to that sector.

PART II - MEMBERSHIP AND SUBSCRIPTIONS

6. MEMBERSHIP

6.1 Who may become a Member of the Union

People may become members of the union if :

- 6.1.1 They are employed or about to become employed in an industry or occupation covered by one of the sectors of the union.
- 6.1.2 They are officials or staff of the union; or
- 6.1.3 Their application is accepted by the National Secretary pursuant to paragraph 6.8 of this rule.

6.2 Retail

The Retail Sector covers :

- 6.2.1 Food shops.
- 6.2.2 Non-food shops
- 6.2.3 Bacon factories, small-goods factories and delicatessens.
- 6.2.4 Workplaces where food is baked or otherwise prepared or stock is slaughtered for sale in a shop owned by the same company or group of companies as that workplace.
- 6.2.5 Hairdressing or beauty salons.
- 6.2.6 Pharmacies.
- 6.2.7 Video lending libraries.
- 6.2.8 Fitness instructors and other people involved in providing fitness, health and lifestyle services (other than employees of tertiary institutions or local government).

6.3 Textile, Clothing, Laundry, Allied Workers & Baking Sector

The Textile, Clothing, Laundry, Allied Workers and Baking Sector covers :

- 6.3.1 The clothing, apparel and footwear industry and related trades (including outworkers).
- 6.3.2 Any place where bed linen, soft toys, rags or other textile-based products are made.
- 6.3.3 Woollen mills and knitting mills.
- 6.3.4 Hosiery.
- 6.3.5 Any place where fibre, rope, yarn or fabric is manufactured, processed or tested.
- 6.3.6 Carpet manufacturers.

6.3.7 Laundry and allied workers

6.3.8 Baking (except where paragraph 6.2.4 of this rule applies).

6.4 Transport, Energy and Stores

The TES sector covers :

6.4.1 Drivers, drivers' assistants and conductors.

6.4.2 Driving instructors.

6.4.3 Locomotive drivers and their assistants.

6.4.4 Operators of launches, barges, ferries and charter or cruise vessels.

6.4.5 Stores and warehouse workers.

6.5.6 Operators or people involved in the maintenance of machinery used in road construction and repair, excavation or building construction, or stationary internal combustion engines.

6.4.7 Boiler operators and people involved in the production of steam.

6.4.8 Attendants of refrigeration plants, compressors and other plant machinery.

6.4.9 The production and supply of electricity.

6.4.10 Oil refining.

6.4.11 Recycling, sewerage and environmental workers.

6.4.12 Sugar processing and flour milling.

6.5 Wood Sector

The Wood Sector covers :

6.5.1 Forestry and silviculture.

6.5.2 Logging.

6.5.3 Sawmilling, timber manufacturing and re-manufacturing and associated sellers of timber.

6.5.4 Lamination and the manufacture of panels and other wood-based products.

6.5.5 Prefabrication, box and pallet-making, truss and framing manufacturing and other manufacture of wooden components.

6.5.6 Pulp and paper workers and paper recycling/remanufacture

6.5.7 Logging drivers.

6.6 Clerical Workers

Clerical workers employed in workplaces where the majority of the workers are covered by one of the sectors of the union :

6.6.1 Are deemed to be within the coverage of that sector; and

6.6.2 May join the union and belong to that sector.

6.7 Officers and Staff of the Union

Officers and staff of the union may join the union and be assigned to sectors as follows :

6.7.1 If they work mainly with members who belong to one sector they belong to that sector.

6.7.2 If they work equally with members of all sectors, they shall be assigned to a sector by the National Secretary. The choice of which sector the person will be assigned to is at the discretion of the National Secretary.

6.8 Workers not Specifically Covered

6.8.1 People whose work is not covered by one of the sectors of the union may apply to the National Secretary for permission to join the union. If they do so :

6.8.1.1 Permission shall not be unreasonably withheld. Any person who feels that permission is unreasonably withheld may appeal to the national executive, which will make a final and binding decision on the matter.

6.8.1.2 The National Secretary will assign anyone whose application is successful to a sector. The choice of which sector the person will be assigned to is at the discretion of the National Secretary.

<h2>7. MEMBERSHIP APPLICATIONS</h2>
--

7.1 Applications to be in writing

7.1.1 Applications for membership shall be made in writing, to the National Secretary of the union.

7.2 Required information

7.2.1 All applications for membership must include the following information :

7.2.2 The applicant's full name and address.

7.2.3 The place where the applicant works or intends to work.

7.3 When a person becomes a member

7.3.1 Subject to paragraph 6.8 of rule 6 above and to paragraphs 7.4 and 7.5 of this rule, applicants become members of the union when their application is approved by the national secretary.

7.4 Refusal of membership

7.4.1 Anyone whose work is described in paragraphs 6.2 to 6.7 of rule 6 above may only be refused membership if:

- 7.4.2 They have the power to determine the conditions of employment of, or discipline or fire other people who are or may become members of the union; or
- 7.4.3 They have previously been expelled from the union or from another union; or
- 7.4.4 The National Secretary has good reason to believe that their application is not made in good faith or that the applicant is likely to act in a manner inconsistent with the objects of the union; or
- 7.4.5 The applicant has supplied false information; or
- 7.4.6 The applicant is not in fact employed in work covered by the union and does not have an offer of such employment.

7.5 Officers and Staff of the National Distribution Union

- 7.5.1 Despite anything in paragraph 7.3 of this rule, current officers and staff of the union cannot be refused membership.

7.6 Appeal Against Refusal of Membership

- 7.6.1 Any person who feels that they have been improperly refused membership may appeal to the national executive, which will make a final and binding decision on the matter.

8. HONORARY LIFE MEMBERSHIP & LOYALTY CARD

- 8.1 Upon receipt of a nomination the National Executive or Biennial Conference may, at its discretion, grant honorary life membership of the Union .
 - 8.1.1 To be granted life membership *of the Union the recipient will have been active at various levels of the Union for at least twenty (20) years and have shown solidarity within the Union and across the Union Movement.*
 - 8.1.2 An honorary life member shall have speaking but not voting rights at any meeting of the union, unless he\she is working in the industry and paying fees. However, pre-amalgamation arrangements stand and shall be 'grand parented' including eligibility for membership benefits.
- 8.2 Upon receipt of a nomination the National Secretary may grant a Loyalty Card to a member of the union.
 - 8.2.1 To be granted a Loyalty Card under this rule the member should have been a member for 10 years or more and displayed loyalty as a member on the job, at pickets and supported disputes with financial and other forms of solidarity.
 - 8.2.2 There shall be no limit on the number of Loyalty Cards granted under this rule.
- 8.3 A special loyalty card may be granted to members in recognition of their contribution in relation to a particular dispute or campaign.

9. MEMBERS IN DISTRESS, UNEMPLOYED MEMBERS & ASSOCIATE MEMBERS

- 9.1 Any member who falls sick, meets with an accident becomes unemployed or in any other way becomes distressed and unable to pay subscription may be exempted from payment of subscriptions, after seeking that exemption in writing from the National Secretary.

- 9.2** When again able to resume work and resume the payment of subscriptions, such members must notify the National Secretary in writing.
- 9.3** The National Executive may from time to time specify services provided by the union which are not available to members in distress who qualify under rule 9.1. This rule should not be used to defeat any statutory protection or remedy available to any member.
- 9.4** Any member who becomes unemployed but who is not treated as a member in distress may remain a financial member of the union with the approval of the National Secretary provided that the fee applicable prior to unemployment continues to be paid.
- 9.5** The National Executive may, at its discretion, provide for a worker or a group of workers who are covered by the membership rule to become associate members of the union.
- 9.6** The National Executive shall determine the fees to be paid and the rights of such members under these rules.

10. REGISTER OF MEMBERS

- 10.1** A register of members shall be maintained by the union.

11. TERMINATION OF MEMBERSHIP

11.1 Resignation while continuing work :

A member who wishes to resign from the union (in circumstances other than ceasing employment in work covered by the membership rule), shall provide one month's written notice to the National Secretary. The member's name shall be deleted from the Register of Members with effect from the date of the expiry of the notice specified above.

11.2 Resignation while not continuing work :

11.2.1 A member who ceases employment in work covered by the membership rule, and whose annual subscription is paid substantially in advance, shall provide one month's written notice to the National Secretary. The member's name shall be deleted from the Register of Members with effect from the date of the expiry of the notice specified above.

11.2.2 A member whose fee is deducted shall be deemed to have resigned if that worker's employer notifies the National Secretary that the worker has ceased employment in work covered by the membership rule.

11.2.3 The member's name shall be deleted from the Register of Members with effect from the date the member ceased employment.

11.3 Retirees

Despite anything in rule 11.2 members of the union who retire from work may remain members of the union if they pay the required fee.

11.4 Seasonal Workers

Despite anything in rule 11.2 seasonal workers who are out of work due to seasonal shutdowns or closures may remain members of the union, if they pay the required fee.

- 11.5** Nothing in this rule, however, shall exempt any person from liability in respect of any act or omission or failure to pay the required fee.
- 11.6** Where a member considers that he/she has a personal grievance or has been made redundant and requests the union's assistance, he/she shall be deemed to continue to be a member for the purposes of pursuing the personal grievance, or for the purpose of negotiating a redundancy agreement.

12. FEES & SUBSCRIPTIONS

- 12.1** Except as provided by 12.1.4 the minimum_amount of the membership subscriptions shall be determined by the delegates from time to time at a Biennial Conference or Regional Delegates' Conferences of the union. The membership subscription shall be an annual subscription payable either:
- 12.1.1 At the commencement of the membership year; or
- 12.1.2 In weekly or such other instalments as the National Executive may from time to time determine; and
- 12.1.3 If not paid in full at the time a person ceases membership of the union shall remain payable unless the reason for ceasing membership is that the member is no longer in work covered by the union's membership rule.
- 12.1.4 There shall be an annual automatic increase in membership fees from 1 May each year. The amount of that increase shall be determined by the National Executive and shall generally reflect the average annual percentage pay increase for members covered by 20 agreements from each sector, with those agreements to be nominated by the National Executive.
- 12.1.5 The National Executive may decide not to apply all or some of the automatic increase to any class of fee.
- 12.2 Fees for Retirees**
- Delegates at a biennial conference or regional delegates' conferences may set a fee for retirees which may be less than the fee charged for union members who are in employment or are about to become employed.
- 12.3 Fees for Seasonal Workers**
- Delegates at a biennial conference or regional delegates' conferences may set a fee for seasonal workers who are out of work due to seasonal shutdowns or closures, which may be less than the fee charged for union members who are in employment, or who are about to become employed.
- 12.4** In addition to the minimum subscription members on a worksite or in one or more companies may vote to increase the membership fee for members employed on that worksite or in that company or group of companies.
- 12.5** Any member not being two months in arrears with payment of instalments shall be deemed to be a financial member. Subject to any legislative enactment, any unfinancial member shall be disqualified from taking part in any meeting or voting in any ballot. Instalments in arrears and other monies owing to the union may be sued for and recovered by the union.

- 12.6** Subject to the provisions of rule 9 the National Secretary shall from time to time purge the register of members by striking off the name of any member in arrears of instalments for three months and thereupon such person shall cease to be a member. No such purging shall be deemed to release any such person from arrears due.
- 12.7** In addition to the annual subscription the National Executive or the National Secretary may from time to time set fees payable for services provided by the union to union members, which fees shall be notified to the member before the service is performed.
- 12.8** For the purpose of eligibility for the union's funeral expenses benefit/s a financial member is deemed to be a fee paying member who having completed a membership application form is either a current financial member, or is not more than two months in arrears.
- 12.9** Where members' fees are deducted from their wages by their employer, but have not been forwarded to the union by the employer, that shall not jeopardise the member's eligibility for the funeral expenses benefit/s.

13. LEVY

- 13.1** The National Executive may at any time call upon all or some members of the union for a special levy for a specific purpose and, before being payable, such levy shall be ratified by Biennial Conference or a Regional Delegates Conference or between conferences by the elected Biennial Conference delegates. [If the levy applies to only some members of the union it is subject to ratification by a majority of those members who participate in a vote for that purpose]. No member shall be called upon to pay a levy of more than \$50.00 in any one calendar year.

PART III - NATIONAL STRUCTURES AND MANAGEMENT

14. GENERAL MEETINGS

- 14.1** The Annual General Meeting of the Union shall be held in conjunction with the Biennial Conference or the Regional Delegates Conferences.
- 14.2** Notification of the AGM will be through workplace information at least 14 days prior to the AGM and through the union's other publications.
- 14.3** All financial members of the union shall be eligible to participate and vote at the AGM.
- 14.4** The union's membership at the AGM or special general meetings held in accordance with rule 37 shall have the authority to make decisions binding on the union as a whole.
- 14.5** The quorum at any AGM shall be the quorum for the Biennial Conference or regional delegate's conferences. The quorum for any special general meeting shall be 20% of the membership both nationally and regionally.
- 14.6** Subject to union membership decisions, the governance of the union shall be vested in the Biennial Conference and the National Executive.

15. BIENNIAL CONFERENCE

15.1 Subject to the union's membership at general or special meetings, the highest decision making authority of the union shall be the Biennial Conference.

15.2 The business of the conference shall be to:

15.2.1 Determine union policy and strategic planning;

15.2.2 Consider and decide upon any remits forwarded by the Remit Committee;

15.2.3 Receive the annual report, statement of income and expenditure, annual balance sheet and auditors report

15.2.4 Amending the union's rules

15.2.5 Generally do such things as may ensure the carrying out of the objects of the union

15.3 The Biennial Conference shall be attended by the following:

15.3.1 The National Executive as defined in rule 16 of these rules; and

15.3.2 The following Sector representatives from each region, whose number shall be calculated using the following formula:

Up to 400 members	per sector	1 representative
400 – 1500 members	per sector	2 representatives
1501 – 2500 members	per sector	3 representatives
2501 – 3500 members	per sector	4 representatives
3501 – 4500 members	per sector	5 representatives
4501 – 6000 members	per sector	6 representatives
6001 – 7500 members	per sector	7 representatives
Over 7501 members	per sector	8 representatives

NOTE: Sector representation must take into account area representation and sector membership concentration.

15.3.3 The Operations Manager (non voting)

15.3.4 The Komiti representative shall be elected by the Annual Hui, the Fono representative by the Annual Fono, and the Women's representative by the Annual Women's Conference.

15.3.5 One staff member from central region, one staff member from southern region and two staff members from northern region, elected by staff who are union members.

15.4 Any financial member of the Union shall be entitled to attend, and may be granted speaking rights by the conference, but shall not be entitled to vote.

16. NATIONAL EXECUTIVE

16.1 The National Executive shall :

16.1.1 Govern the union subject to the decisions of conferences and general meetings;

16.1.2 Oversee and give direction to the union management;

16.1.3 Decide upon or take any action necessary to achieve the objectives of the union and to promote and protect the interests of members of the union.

16.1.4 Carry out any duty vested in it by these rules;

16.2 The National Executive shall consist of:

- (a) National President
- (b) National Vice President
- (c) National Secretary
- (d) Sector Secretaries
- (e) Regional Secretaries
- (f) One Regional Representative for each of the Northern, Central and Southern Regions
- (g) One representative from each sector for each of the Northern, Central and Southern regions
- (h) One additional sector representative from the Retail sector in the Northern Region
- (i) Two additional sector representatives from the TES sector in the Northern Region
- (j) One Komiti Maori representative
- (k) One Women's representative
- (l) One Fono Pasifika representative
- (m) Operations Manager (non-voting)

16.2.1 Attention must be given to achieving fair representation within the main sectors\occupations.

16.3 Finance Sub Committee

16.3.1 The Finance Sub Committee is a sub committee of the National Executive and shall consist of :

- (a) National President
- (b) National Vice President
- (c) National Secretary
- (d) Two site worker representatives with the appropriate interest and skills elected by the national executive
- (e) Operations Manager (non-voting)
- (f) Finance Officer (non-voting)

16.3.2 The function of the finance sub committee shall be to have a surveillance and recommendatory role to the national executive.

16.4 Term of office

16.4.1 The National President, National Vice President, National Secretary, Sector Secretaries and Regional Secretaries are elected by indicative ballots held at regional delegates conferences in accordance with rule 26, and if required by postal ballots held subsequent to such conferences in accordance with rule 42.

16.4.2 Indicative balloting for National President, National Vice President, National Secretary and Sector Secretaries is held at conferences in all regions and is deemed completed for each position once the ballot has been concluded for that position.

16.4.3 Indicative balloting for Regional Secretaries takes place at the conference in the relevant region.

16.4.4 The National President, National Vice President, National Secretary, Sector Secretaries and Regional Secretaries take office once the ballot for the relevant position has been completed and hold office until the completion of the subsequent ballot.

16.4.6 Ballots for National President and National Vice President are held at all regional delegates conferences, meaning the term of office for these positions is approximately two years (although the exact period may vary according to the timing of conferences and whether or not a postal ballot is required).

16.4.7 Ballots for National Secretary, Sector Secretaries and Regional Secretaries are held at alternate regional delegates conferences, meaning the term of office for those positions is approximately four years (although the exact period may vary according to the timing of the conferences and whether or not a postal ballot is required).

16.5 Other Elected National Executive members

16.5.1 Ballots for Regional Representatives are held at that Region's Regional Delegates conference by all delegates, at that conference, from that region. The term of office for this position is approximately two years. The higher polling candidate will be declared elected at the conference.

16.5.2 Ballots for Sector Reps are held at that Region's Regional Delegates conference by all delegates, at that conference, from that sector, and region. The term of office for this position is approximately two years. The highest polling candidate will be declared elected at the conference.

16.6 The Komiti representative shall be elected by the National Hui, the Fono representative by the National Fono and the Women's representative by the National Women's committee.

16.7 Should any member of the National Executive be absent without leave from three consecutive meetings of the National Executive, such member shall forfeit their position and a casual vacancy shall be created.

16.7.1 An Executive member who is no longer eligible for membership in the sector and/or the region they represent shall vacate their position, creating a casual vacancy.

16.8 Until the completion of the 2007 National Executive elections the National Executive shall consist of members elected in accordance with the rules as registered on July 2006.

17. NATIONAL MANAGEMENT COMMITTEE

17.1 The National Management Committee (NMC) shall consist of the National President, the National Secretary, the Sector Secretaries, the Regional Secretaries and the Operations Manager.

17.2 The functions of the NMC are to :

17.2.1 Manage the affairs of the Union in line with these rules, policy and direction of the membership, conferences and the National Executive;

17.2.2 Implement any National Executive decisions as directed.

18. REPRESENTATION OF MAORI

18.1 Annual Hui

18.1.1 A Annual Hui shall take place every year at the time of the Annual Conference, and shall be attended by three Maori members from each region.

18.1.2 The Hui shall have the responsibility to discuss and promote Maori rights and issues within the union and at large.

18.1.3 The Hui shall elect a representative to the Annual Conference and shall have the right of recommendation to the Biennial Conference.

18.1.4 Members attending the Hui shall be endorsed by their appropriate Regional Komiti.

18.2 National Komiti

18.2.1 The National Komiti shall meet as and when required but not more often than quarterly, and shall be attended by two Maori members from each region.

18.2.2 The Komiti shall elect a representative to the National Executive at the first National Komiti in the financial year, and shall have the right of recommendation to the National Executive.

18.2.3 The Komiti shall elect a convenor, and members attending the Komiti shall be endorsed by their appropriate Regional Komiti.

18.3 Regional Komiti

18.3.1 A Regional Komiti of Maori members may be established in each region. The komiti may meet at such place and at such time as the komiti determines, but not more often than quarterly.

18.3.2 The Regional Komiti shall have the right of recommendation and shall be represented on the regional organising Committee.

19. REPRESENTATION OF WOMEN

19.1 Annual Women's Conference

19.1.1 An Annual Women's Conference shall take place every year at the time of the Annual Conference, and shall be attended by three women members from each region.

19.1.2 The Conference shall have responsibility to discuss and promote women's rights and issues within the union and at large.

19.1.3 The Conference shall elect a representative to the Annual Conference and shall have the right of recommendation to the Annual Conference.

19.1.4 Members attending the conference shall be endorsed by their appropriate Regional Women's Committee.

19.2 National Women's Committee

19.2.1 The National Women's Committee shall meet as and when required but not more often than quarterly, and shall be attended by two women members from each region.

19.2.2 The National Women's Committee shall elect a representative to the National Executive at the first National Women's Committee in the financial year, and shall have the right of recommendation to the National Executive.

19.2.3 The Committee shall elect a convenor, and members attending the Committee shall be endorsed by their appropriate Regional Women's Committee.

19.3 Regional Women's Committee

- 19.3.1 A Regional Women's Committee of women members may be established in each region.
- 19.3.2 The committee may meet at such place and at such time as the committee determines, but not more often than quarterly.
- 19.3.3 The Regional Women's Committee shall have the right of recommendation and shall be represented on the regional organising Committee.

<h2>20. REPRESENTATION OF PACIFIC ISLANDERS</h2>

20.1 Annual Fono

- 20.1.1 An Annual Fono shall take place every year at the time of the Annual Conference, and shall be attended by three pacific island members from each region.
- 20.1.2 The Fono shall have the responsibility to discuss and promote Pacific Island rights and issues within the union and at large.
- 20.1.3 The Fono shall elect a representative to the Annual Conference and shall have the right of recommendation to the Annual Conference.
- 20.1.4 Members attending the Fono shall be endorsed by their appropriate Regional Fono.

20.2 National Fono

- 20.2.1 The National Fono shall meet as and when required but not more often than quarterly, and shall be attended by two pacific island members from each region.
- 20.2.2 The National Fono shall elect a representative to the National Executive at the first National Fono in the financial year, and shall have the right of recommendation to the National Executive.
- 20.2.3 The Fono shall elect a convenor, and members attending the Komiti shall be endorsed by their appropriate Regional Fono.

20.3. Regional Fono

- 20.3.1 A Regional Fono of pacific island members may be established in each region. The committee may meet at such place and at such time as the committee determines, but not more often than quarterly.
- 20.3.2 The Regional Fono shall have the right of recommendation and shall be represented on the regional organising Committee.

PART IV – OFFICERS\STAFF & ELECTION OF OFFICERS

21. OFFICERS AND STAFF

- 21.1** Where an officer is elected to a paid staff position in accordance with these rules the employment of such officer shall be for a fixed term, which term shall end on the date on which the officer ceases to hold office in the relevant position in accordance with these rules.
- 21.2** These rules including the above provision shall form part of the terms and conditions of employment of elected paid officers.

22. OFFICERS

- 22.1** The following shall be elected officers of the union:
- (a) National President
 - (b) National Vice-President
 - (c) National Secretary
 - (d) Sector Secretaries
 - (e) Regional Secretaries
- 22.2** All officers must be financial members of the union throughout their term.

23. DUTIES & POWERS

23.1 National President

The National President shall preside at general meetings of the union and at National Executive meetings and at such other meetings as the National Executive shall decide. He or she shall have a deliberative vote and, in the case of equality of voting, a casting vote in favour of the status quo. He or she shall enforce the rules and endeavour to keep good order among the members.

23.2 National Vice-President:

It shall be the duty of the National Vice-President to assist the National President in carrying out the duties appertaining to the office. In the absence of the National President, the National Vice-President shall have and may exercise all the powers and shall perform all the duties of the National President. In the event that the Presidency becomes vacant during the term the Vice President shall be appointed for the remainder of the term and a casual vacancy shall be declared for the Vice Presidency.

23.3 National Secretary

23.3.1 The National Secretary shall be the chief executive officer of the Union and shall generally supervise the work of paid officials of the union and its administration and report to the National Executive. It shall be the duty of the National Secretary to carry out all lawful instructions that may be given by the National Executive and to perform all the duties appertaining to the offices of Secretary and Treasurer.

23.3.2 The National Secretary shall also be deemed to be the Northern Regional Secretary.

23.4 Sector Secretaries

- 23.4.1 The Sector Secretaries shall have the primary responsibility for the supervision of bargaining, industrial activity and staff of their own respective sectors and shall
- 23.4.2 Carry out the lawful instructions of the national executive and the national secretary.
- 23.4.3 Implement both union-wide and sector-specific policies and strategies as determined by sector, regional and biennial conferences and by the national executive.
- 23.4.4 Oversee industry strategies, campaigns, bargaining, industrial disputes, delegate training, industry training, growth, inter-union and international activities.
- 23.4.5 Oversee the work of the union staff within their sector.
- 23.4.6 Provide regular reports to the National Secretary, sector conferences and the National Executive.

24. REGIONAL SECRETARIES

24.1 Regional Secretaries

- 24.1.1 There shall be a regional secretary in each region, provided that the same person may be secretary of more than one region. The role of the regional secretary is to:
 - 24.1.2 Carry out the lawful instructions of the regional organising committee, the national executive and the national secretary.
 - 24.1.3 Oversee the day to day running of the union within the region, including by:
 - 24.1.4 Calling and attending all meetings of the regional organising committee and recording the minutes of those meetings;
 - 24.1.5 Submitting to each meeting of the regional organising committee a report of the business and work of the union during the period since the previous meeting;
 - 24.1.6 Supervising regional staff in co-operation with the relevant Sector Secretaries, National Secretary and Operations Manager;
- 24.2 The National Secretary is deemed the Northern Regional Secretary and holds this office while he/she continues to be the National Secretary.
- 24.3 The Central and Southern Regional Secretaries are elected or appointed in accordance with rules 26 and 28 of these rules. Their term of office is as prescribed in rule 16.4.

24.4 Additional Duties of Officers

- 24.4.1 Any secretary may from time to time be required to perform other duties by the National Executive and/or National Secretary.

25. OPERATIONS MANAGER

- 25.1 The Operations Manager shall have the primary responsibility for assisting the National Secretary in the administrative, personnel and financial management of the union.

26. ELECTION OF OFFICERS

- 26.1** Nominations shall be called for the officer positions not less than three months prior to the date of regional delegates conferences held in the year in which the position is due to be elected. Such nominations must be in writing, signed by the proposer and seconder and endorsed with the nominees signed consent to the nomination.
- 26.1.1 At the time of nomination, the nominee for the honorary positions of national president, national vice president, must be a financial member of the union.
- 26.1.2 The proposer and seconder for all nominations must be financial members of the union.
- 26.1.3 Nominees for the paid positions of national secretary, regional secretary and sector secretary are not required to be financial members of the union at the time of nomination.
- 26.1.4 Nominations shall close with the Returning Officer at least 21 clear days later.
- 26.1.5 Where there is more than one nomination for any officer position, the Regional Delegates Conference/s or Biennial Conference will conduct an indicative ballot by sector, by region or full conference, depending on the office.
- 26.1.6 Any nominee for an officer position achieving one third or more of the indicative ballot may elect to go to a postal ballot of the respective membership pursuant to rule 42. Where no postal ballot is held the highest polling candidate in the indicative ballot shall be declared elected.
- 26.2** Subject to the provisions of rule 27, all officers shall hold office until they die or resign or until such time as any successors may be elected, in accordance with rule 26.1.
- 26.3** If, in respect of any office, the nominations received do not exceed the vacancies to be filled, the Returning Officer shall declare such candidate to be elected. Any vacancy then remaining may be filled in accordance with the provisions of rule 28.

27. REMOVAL OF ELECTED OFFICERS AND POSITION HOLDERS

- 27.1** An elected officer or elected position holder will be removed if they cease to be a member of the union and may be removed pursuant to this rule by reason of:
- 27.1.1 Knowingly acting in a manner contrary to the rules of the union; and/or
- 27.1.2 Knowingly acting in a manner contrary to the policies of the union made in accordance with these rules; and/or
- 27.1.3 Misappropriating union money or property; and/or
- 27.1.4 Knowingly divulging information confidential to the union, or the business of the union (such information and business shall remain confidential to members and the Executive, unless otherwise authorised by the Executive); and/or
- 27.1.5 Wilfully ignoring a lawful resolution of the union; and/or
- 27.1.6 Assaulting an officer, executive member, delegate, organiser or member of the union; and/or
- 27.1.7 Incapacity.

- 27.2.** A special meeting shall be called forthwith by the National Executive if:
- 27.2.1 10% of the members who would be eligible to vote in an election for a union officer or position-holder present a signed requisition calling for the removal of any officer or position-holder to the National Secretary [or if the officer is the National Secretary to the National President]; or
- 27.2.2 A resolution of the National Executive is passed calling for the meeting; or
- 27.2.3 A resolution at any general meeting is passed calling for the meeting.
- 27.2.4 The members eligible to attend and vote at such a special meeting shall consist of members eligible to vote for the office or position holder concerned.
- 27.3** Such meeting shall be called by the National Secretary.
- 27.4** Upon the receipt of the requisition or the passing of any resolution referred to in rule 27.2 above the National Secretary shall forthwith notify the officer or position-holder concerned, who shall be invited to attend and be heard in his or her defence at the special meeting; provided however that the proceedings of any such meeting shall not be invalidated merely by reason of the absence of the officer or position-holder concerned.
- 27.5** The notification and procedures for such a meeting shall be the same as the notification and procedures for meetings held in accordance with rule 37.
- 27.6** Should such special meeting pass a resolution by secret ballot that such officer or position-holder be removed, such office or position shall be deemed vacant and shall be filled in accordance with the provisions of rule 28.

28. CASUAL VACANCIES FOR OFFICERS
--

- 28.1** A casual vacancy occurring in any officer position may be filled temporarily at the first National Executive meeting held after the vacancy arises.
- 28.2** Any person appointed to fill a vacancy pursuant to this rule shall be eligible for subsequent election to that vacant office or position.
- 28.3** Nominations for the substantive filling of any vacancy shall be called for unless the vacancy arises in the calendar year of the next scheduled election for that office.
- 28.4** The calling of nominations shall occur as soon as practicable after the casual vacancy occurs and the process to be followed shall be:
- 28.4.1 At the time of nomination, the nominee for the honorary positions of national president, national vice president must be a financial member of the union.
- 28.4.2 The proposer and seconder for all nominations must be financial members of the union.
- 28.4.3 Nominees for the paid positions of national secretary, regional secretary and sector secretary are not required to be financial members of the union at the time of nomination.
- 28.4.4 Nominations shall close with the Returning Officer at least 21 clear days later.
- 28.4.5 Where there is more than one nomination for any position, special conferences shall be convened as soon as possible either nationally or regionally.

- 28.4.6 Delegate representation at special conferences shall be based on either current applicable biennial conference delegates or those delegates and additional delegates selected in accordance with the ratios and process for representation at regional conferences. The national executive shall determine which method shall apply to delegate selection.
- 28.4.7 The total number of delegates eligible to attend special delegate's conferences[s] shall not exceed the maximum applicable delegate entitlement of regional delegate conference[s].
- 28.4.8 In applying 28.4.6 and 28.4.7 the applicable number for a regional or sector position is the number of delegates relating to that region or sector.
- 28.4.9 The special conference[s] will hold an indicative secret ballot by sector, by region or full conference, depending on the office.
- 28.4.10 Any nominee for an officer position achieving one third or more of the indicative ballot may elect to go to a postal ballot of the respective membership pursuant to rule 42. Where no postal ballot is held the highest polling candidate in the indicative ballot shall be declared elected.

28.5 Casual Vacancies of Other Elected Executive Positions

28.5.1 Where more than one scheduled National Executive meeting remains a casual vacancy for other elected positions shall be filled as follows :

- 28.5.2 Where there is a vacancy in the position of regional representative an interim appointment may be made by resolution of the Regional Organising Committee until either the end of the term or if there is a Biennial Conference before the end of the term until that conference. In that event the Biennial Conference delegates from the region shall elect a replacement for the remainder of the term at that conference.
- 28.5.3 Where there is a vacancy in the position of sector representative a replacement may be elected by postal ballot of the sector delegates in the relevant region.
- 28.5.4 Where there is a vacancy in the positions of women's Runanga or Fono representative a replacement may be appointed by resolution of the relevant national body for the remainder of the term.
- 28.5.5 The process to be used shall be determined by the National Executive in each case and it shall be a process consistent with the other provisions relating to elections under the rules.

29. UNION STAFF

- 29.1 The National Executive shall determine the number and nature of staff positions. Such staff shall carry out their duties under the general direction of the National Secretary and report to the National, Regional, Sector Secretaries or Operations Manager as appropriate.
- 29.2 Any person elected or appointed to any paid position, who is provided with a union vehicle or reimbursed mileage, must reside within 30 kilometres of the union office or the centre of the area that they service.

29.3 Auckland Transport, Energy & Stores Sector Organisers

- 29.3.1 *Any organiser holding a position under 29.3 s it appeared in the Union rules registered 22 March 2007 shall from the time of the registration of these rules be deemed to be employed by the Union as an organiser, provided*

that such person agrees in writing to the change in their conditions of employment and that no claim shall arise from this change. Any person who does not so agree shall continue to be employed with accordance with the previous rule 29.3.

29.4 Appointment of staff

Policy regarding the appointment of staff may be made by the National Executive.

PART V - REGIONAL & DELEGATE STRUCTURES

30. REGIONS

30.1 There shall be a Northern Region (Northland, Auckland, Waikato, Bay of Plenty and Gisborne), a Central Region (Taranaki, Manawatu, Wairarapa, Hawkes Bay, Wanganui and Wellington), and a Southern Region (Nelson, Marlborough, West Coast, Canterbury and Otago Southland).

30.2 The Northern Regional office shall be situated in Auckland. The Central Regional office shall be situated in Wellington. The Southern Regional office shall be situated in Christchurch.

31. REGIONAL DELEGATES CONFERENCE

31.1 Regional Delegates' Conference

A regional delegates' conference will be held in each region between the months of August and November in each odd-numbered year.

31.2 Location of Conferences

31.2.1 The Northern regional conference shall be held in Auckland.

31.2.2 The Central regional conference shall be held in Palmerston North.

31.2.3 The Southern regional conference shall be held in Christchurch.

31.3 Role of Regional Delegates' Conference

The role of the regional delegate's conference is to:

31.3.1 Consider remits on union policy which have been put forward by the National Executive or by delegates in the relevant region.

31.3.2 Consider amendments to the rules referred by the National Executive for endorsement.

31.3.3 Discuss matters relating to the work of the union

31.3.4 Provide an accountability forum for reports to be received from the union's regional and national officers.

31.3.5 Elect officers, regional and sector representatives to the National Executive

31.3.6 Elect representatives to the biennial conference and sector conferences

31.4 Participation in Regional Delegates' Conferences

The following people may attend and vote at Regional Delegates Conferences:

- 31.4.1 The Regional Representative on the National Executive, who shall chair the conference.
- 31.4.2 The sector representatives on the National Executive elected by the region
- 31.4.3 The Regional Secretary.
- 31.4.4 Other members of the National Executive who reside in the region.
- 31.4.5 Elected delegates:
- 31.4.6 Organisers of the union who reside in the region.
- 31.4.7 The National Secretary.
- 31.4.8 Any National Executive member holding a national office or position may attend regional conferences outside the region in which they reside but may only vote in the region in which they reside and non-attendance will not affect the quorum of the conference.

31.5 Candidate for Elected Positions

- 31.5.1** *Any candidate for elected positions may attend and speak at the Regional Delegates Conference[s] at which the position is voted for or would be voted for if the position was contested.*

31.6 Delegate Representation by Sector

- 31.6.1 Each sector is entitled to be represented by up to one delegate per seventy-five financial members as of 30 April that year in that sector in the region.

31.7 Representatives from large sites

Subject to rule 31.5 above:

- 31.7.1 In the Northern region work-sites on which there are 20-49 union members may choose one delegate to represent them at regional delegates' conferences.
- 31.7.2 In the Central and Southern regions, work-sites on which there are 15-49 union members may choose one delegate to represent them at regional delegates' conferences.
- 31.7.3 In all three regions, work-sites on which there are 50-149 union members may choose up to two delegates to represent them at regional delegates' conferences; and
- 31.7.4 In all three regions, work-sites on which there are 150 or more union members may choose up to three delegates to represent them at regional delegates' conferences.

- 31.8** For the purpose of calculating the number of members on a work-site, multiple work-sites operated by the same employer may be treated as one work-site if this would provide a higher number of delegates than were each work-site to be treated separately. In this case none of the work-sites operated by that employer will be treated as a small site.

31.9 Representatives from small sites

31.9.1 If the number of representatives chosen pursuant to rule 31.7 is less than the number of representatives a sector is entitled to the additional delegates to fill the number shall be drawn randomly from the nominees of small sites.

31.10 Selection of Delegate Representatives

31.10.1 Where the total number of representatives chosen by work-sites exceeds a sector's entitlement, the number shall be reduced first by reducing to two delegates the entitlement of sites entitled to three delegates, starting with the smallest of those sites. If following this reduction the number still exceeds the sector entitlement the number shall be reduced further by reducing to one delegate the entitlement of sites entitled to two delegates, starting with the smallest of those sites. If following this reduction the number still exceeds the sector entitlement the number shall be reduced further by reducing to no delegates the entitlement of sites entitled to one delegate, starting with the smallest of those sites.

31.11 Timeframes for notification of conference and selection of delegates.

31.11.1 The National Secretary shall ensure that all sites are notified of the date of the conference and how many representatives they are entitled to choose at least ten [10] weeks before the date of the conference.

31.11.2 All nominations, including from small sites must be received at least six weeks before the date of the conference.

31.11.3 The selection process described in rule 31.9 must be completed and those chosen to attend must be notified at least four [4] weeks before the date of the conference.

32. REGIONAL ORGANISING COMMITTEE
--

32.1 Regional Organising Committees

There shall be a Regional Organising Committee in each region.

32.2 Role of Regional Organising Committees

The role of the Regional Organising committee is to:

32.2.1 Generate activism and solidarity in the region

32.2.2 Support the work of Local Organising Committees

32.2.3 Have input on behalf of the region on union policy

32.2.4 Be an accountability forum for the regional representative on the National Executive

32.3 Membership of Regional Organising Committees

The membership of the Regional Organising Committees shall be:

32.3.1 The regional secretary

32.3.2- One member elected by each of the functioning Local Organising Committees

- 32.3.3 A representative of each regional Komiti, Fono and Women's Committee
- 32.4** Meetings of Regional Organising Committees shall be held at least 3 times a year at such times as may be required with the time and venue of meetings to be determined by the National or Regional Secretary.
- 32.5** Meetings shall be called by the Regional or National Secretary at least 14 clear days before the date of the meeting.
- 32.6** Fifty percent plus one of the total number of committee members shall form a quorum at meetings of Regional Organising Committees.
- 32.7** At any meeting a member may only vote once on any resolution, provided that the regional representative shall have in addition to a deliberative vote, a casting vote in favour of the status quo, also in the event of a tied vote. Voting shall initially be by the voices, but the chairperson at his/her discretion or upon a request of a member, call for a show of hands.
- 32.8** Notwithstanding the above, the Regional Secretary or National Secretary may decide that a Regional Organising Committee meeting may be held by conference call.

33. LOCAL ORGANISING COMMITTEES
--

- 33.1** Local organising committees shall be considered functioning if they –
- 33.1.2 Meet on a regular basis, at least three-monthly, noting that where there are geographical difficulties this may include conference calls although at every second meeting should be face to face
- 33.1.3 Be open to all union members
- 33.1.4 Have a reasonable level of member participation having regard to the number of membership in the local area
- 33.1.5 Work with the local organiser to develop local activism and solidarity
- 33.1.6 Work within the policies and rules of the union
- 33.1.7 Has elected a representative to the Regional Organising Committee who participates on a regular basis.
- 33.1.8 The establishment of a local organising committee shall require a motion of the National Executive and a local organising committee may be disestablished by a motion of the National Executive if the National Executive considers that the Local Organising Committee is not functioning according to the above criteria or automatically if it does not meet for a period of six months.
- 33.2 Regional Representative on the National Executive**
- 33.2.1 The Regional Representative on the National Executive shall be elected in accordance with these rules.
- 33.2.2 To be eligible for nomination to the position the nominee must be a member of a Regional Organising Committee (ROC). Once elected the regional representative shall chair the ROC, if a casual vacancy occurs this will be subject to rule 28.5.

33.3 Term of Office for Regional Representative

33.3.1 The Regional Representative shall hold office from the time of their election until the declaration of results for the election held at the subsequent regional delegates' conference.

<h2>34. DELEGATES & SITE COMMITTEES</h2>

34.1 Site Committees

34.1.1 The affairs of the membership of any sector may be managed on each site by a site committee.

34.1.2 The Site Committee and delegates on the site shall ensure that the rules and the policy of the Union are observed and shall generally act in a manner that will advance the interests of the members and bring credit to the Union.

34.1.3 The Site Committee shall consider or ensure that a site meeting considers matters referred by any other body of the Union, and shall duly notify that other body of the outcome.

34.2 Membership

34.2.1 The Site Committee shall consist of a Head Site Delegate, a Deputy Site Delegate, and all other delegates on site.

34.2.2 The Head Site Delegate and Deputy Site Delegate shall be elected in the manner provided by the site committee.

34.3 Meetings of Site Committee

34.3.1 The Site Committee shall meet at such times as determined by the site committee.

34.3.2 A special meeting of the Site Committee may be called by the Site Delegate or at least one-third of the members of the Committee, but the business proposed to be transacted shall be clearly stated.

34.4 Meetings of Site Members

34.4.1 Head Site Delegate shall call a full meeting of members on the site at least twice per year.

34.4.2 A special meeting of members on the site may be called by any of the National Secretary, Sector Secretaries, Regional Secretary, an Organiser, the Head Site Delegate, the Site Committee, or by written demand to the Head Site Delegate signed by at least 10% of the membership of the site. The business proposed to be transacted shall be clearly stated.

34.5 Notice and Quorum

34.5.1 At least 14 days notice shall be given of any of the above meetings, except in an emergency. Such notice may be given by individual notice or by appropriate advertising on site notice boards.

34.5.2 The quorum for meetings shall be:

34.5.2.1 Site Committee - 40% of delegates to the committee;

34.5.2.2 Site Meeting - 20% of members of the site. This quorum may be met by aggregating the members attending a series of meetings on the site on the same subject.

35. DELEGATES

- 35.1** The members employed by any one employer may elect one or more of their number to be their delegate.
- 35.2** The number and location of delegates will be decided in consultation with the organiser for the site.
- 35.3** A deputy delegate may be elected in the same manner to assist the delegate and to act as delegate when he or she is unable to act.
- 35.4** A delegate may call such job meetings as are required and such a meeting shall be called upon request of an officer or organiser or of 10% of financial members actually on the job at the time of the meeting being called.
- 35.5** The duties of the delegate shall be to generally represent the members at their workplace and shall include:
- 35.6** Taking up issues on behalf of members represented in the workplace on matters with their employer;
- 35.6.1 Representation of members in matters affecting their employment including disciplinary matters;
- 35.6.2 Enrolling new members and maintain union membership in the workplace of those employed who are entitled to be members;
- 35.6.3 Carrying out rules and policy as relayed by the Regional/Sector Secretary/National Secretary and act as a means of communication with the members in the workplace.

36. ELECTION OF DELEGATES

- 36.1** In the case of there being more nominations than vacancies for the position of delegate a delegate shall be elected at a job meeting or meetings called by notice at least 7 clear days before the election. Provided that any member may call for the election to be conducted by secret ballot.
- 36.2** 50% of the financial members of the union employed by the same employer at the same work area and/or shift represented by the delegate shall be a quorum for a meeting to elect a delegate.
- 36.3** A delegate shall cease to hold office and a successor shall be elected upon a delegate ceasing to be employed on the shift and/or work area represented by the delegate.
- 36.4** Delegates shall be elected for a term of two years and may be removed during their term by a ballot of the members eligible to vote for the position.

PART VI - MEETINGS

37. SPECIAL GENERAL MEETING

- 37.1** A special general meeting of the union may be held subject to rule 14 and this rule.

- 37.2** A special general meeting may be one meeting or a series of meetings but in either case any decision shall be made by an aggregate of all votes cast at all meetings.
- 37.3** Union officers and National Executive members shall have the right to be present at meetings held for this purpose but shall vote only once on any issue to be voted on.
- 37.4** A special general meeting shall be called by the National Secretary of the union when so requested:-
- 37.4.1 By the National Executive;
- 37.4.2 By one or more Regional Organising Committees or Sector Conferences;
- 37.4.3 By 10% financial members of the union, whose signatures appear on a meeting petition.
- 37.5** The National Executive shall decide on the format for the special general meeting and require the National Secretary to notify all financial members pursuant to rule 37.1.
- 37.6** On receipt of a request for a special general meeting above, the National Secretary shall give each member at least 14 clear days' notice of the meeting.
- 37.7** Notice of a meeting shall state the time and place of each meeting, and the business to be transacted, and shall be sent to each member at their home address and all practicable steps taken to advertise the meeting times and venues in workplaces.
- 37.8** Should the office of National Secretary be vacant or should the National Secretary fail for any reason to call a meeting within seven days of being requested to do so under this rule, the National President or National Vice-President, or a National Executive member so authorised by the National President may call such a meeting, and any meeting shall be authorised to have been validly called as if by the National Secretary.
- 37.9** The quorum described in rule 14.5 may be formed at a single meeting or across a series of meetings.
- 37.10** At any meeting or round of meetings a member may only vote once on any resolution. Voting shall initially be by the voices, but the chairperson may at his/her discretion or upon a request from any member call for a show of hands or a secret ballot.
- 37.11** Members shall have the right to raise any matter(s) for discussion at any general meeting of the union held as a union membership meeting which is part of a series of meetings. Members shall have the right to make recommendations to the National Executive on non-agenda items.
- 37.12** The National Secretary shall ensure that the matter is placed on the agenda for that meeting, so the matter[s] in question can be resolved by the Union as a whole. Provided that any special meeting of the union resolved to be called by the meeting in question shall be at the expense of the union and not the members concerned.

38. REGIONAL AND SECTOR MEMBERSHIP MEETINGS
--

- 38.1** Regional or sector membership meetings, being meetings of members in a particular region or sector, may be held at such time and at place as the Regional Organising Committees or a National Sector Conference may from time to time decide.

- 38.2** Regional or sector membership meetings shall be called by the Regional or Sector Secretary when so requested by the Regional Organising Committee or National Sector Conference or any 10% of the financial members of the region or sector.
- 38.3** The notification and procedures for such meetings shall be the same as the notification and procedures for meetings held in accordance with rule 37.
- 38.4** Such meetings may make recommendations to the next National Executive meeting or Biennial or regional delegates conferences whichever occurs first.

39. BIENNIAL CONFERENCE

- 39.1** A Biennial Conference shall be held every 2 years (in even numbered years) at a place to be determined by the National Executive.
- 39.2** At least 60 days before the biennial conference, the National Secretary shall give written notice to each national executive and conference members specifying :
- 39.2.1 The date, time and place of the conference;
- 39.2.2 That remits for consideration at the conference may be submitted to a Remits Committee by :
- 39.2.2.1 any delegate or site committee of the union
- 39.2.2.2 any person with the right to speak at the conference
- 39.2.2.3 the Runanga, Women's Conference or Fono
- 39.2.2.4 the National Executive
- 39.2.2.5 any Local or Regional Organising Committee
- 39.2.3 How remits should be submitted; and
- 39.2.4 The date by which remits must be submitted.
- 39.3** Remits shall be dealt with in accordance with the following process :
- 39.3.1 Prior to the biennial conference, the National Secretary shall convene a Remits Committee comprising the National President, National Vice President and National Secretary.
- 39.3.2 The functions of the Remits Committee are to :
- 39.3.2.1 Consider whether remits should be amended for any reason; and
- 39.3.2.1 Consider whether any remits are related in subject matter and if so whether they may be combined into a single remit.
- 39.3.3 Before deciding to amend or combine any remits, the Remits Committee shall consult with the person or persons who submitted any remits it considers should be amended or combined.
- 39.3.4 Remits shall be forwarded from the Remits Committee to National Executive and conference members, and to their original submitters, at least 14 days before the biennial conference.
- 39.3.5 Provided that the Runanga, Women's and Fono Conference may forward recommendations to the conference in accordance with rule 18.1.3, 19.1.3 and 20.1.3.

- 39.4** The National Secretary shall forward to each Biennial Conference member not less than 14 days before the Biennial Conference commences, a copy of the agenda for the conference, the annual report of the Union and the audited statement of income and expenditure and the balance sheet for the last completed financial year and any remit or rule change to be considered at the conference..
- 39.5** A quorum for all meetings of the Biennial conference shall be not less than 50 percent of the total number of persons entitled to be present.
- 39.6** Except where a ballot is for an election of officers, voting shall be by show of hands unless a secret ballot is called for. Each delegate shall have one vote.
- 39.7** The National Secretary shall call a special conference when called to do so by :
- (a) not less than 500 financial members or
 - (b) The National Executive
- 39.7.1** Where the meeting is called by the financial members, those members shall meet the cost of the meeting.
- 39.7.2** The National Secretary shall call the meeting by giving 30 days notice to each person entitled to attend the next Biennial conference. The notice shall specify the time, date, place of the meeting and business to be conducted. The business of the meeting shall be restricted to that specified in the notice.

40. NATIONAL EXECUTIVE

- 40.1** Meetings of the National Executive shall be held at times determined by the National Executive, as required and shall be held at the registered office of the union, or such other places as the National Executive may from time to time decide.
- 40.2** Meetings shall be called by the National Secretary by circular, posted or delivered to each member, at least 14 clear days before the date of the meeting, however scheduling of regular meetings will be done on an annual basis.
- 40.3** The National Secretary shall have the power to call a meeting of the National Executive when and for such time as may be thought fit, and it shall be the duty of the National Secretary to call such a meeting when and for such time as may be required in writing by the National President, or any nine members of the National Executive.
- 40.4** Should the National Secretary be absent or incapacitated, or should the office of National Secretary be vacant, or should the National Secretary fail within three days to call a meeting when duly requested to do so in accordance with rule 40.3 of this rule, any officer or member of the National Executive may call such a meeting. Any meeting so called shall be deemed to have been validly called, as if it had been called by the National Secretary.
- 40.5** Fifty percent plus one of the total number of members shall form a quorum at meetings of the National Executive.
- 40.6** At any meeting a member may only vote once on any resolution, or in any ballot or election, provided that the chairperson shall have in addition to a deliberative vote, in the event of an equality of voting, a casting vote in favour of the status quo. Voting shall initially be by the voices, but the chairperson at his/her discretion or upon request from any member may call for a show of hands.

- 40.7** Notwithstanding the above, the National Secretary may decide that a National Executive meeting may be held by conference call. Meetings held by conference call shall be notified at least two days in advance and be of an urgent nature only.

41. NATIONAL MANAGEMENT COMMITTEE MEETINGS

- 41.1** Meetings of the National Management Committee shall be held at such times as may be required by the committee and shall be held at the registered office of the union and such other places as the meeting may from time to time decide.
- 41.2** Notwithstanding the above, the National Secretary may decide that a National Management Committee meeting may be held by conference call.

42. BALLOTS AT GENERAL MEETINGS & NATIONAL EXECUTIVE ELECTIONS

- 42.1** Whenever a secret postal or meetings based ballot of members is required to be held to elect a national executive member or to decide a matter at a general meeting the National Executive, shall forthwith appoint a Returning Officer and such Deputy Returning Officers as may be required (who in the case of an election shall not be an officer of the union or candidate for office) and the union or National President shall thereupon notify such Returning Officer in writing of the question to be decided.
- 42.2** The National Executive or any candidate or member directly concerned in the result of the ballot, may each appoint a scrutineer to watch the ballot and the Returning Officer shall afford such scrutineer all reasonable facilities for so doing.
- 42.3** The Returning Officer shall as soon as possible deliver to each member whose name appears on the list of voters, a ballot paper showing clearly the names of the candidates for election, or the question to be voted on as the case may be, and stating the method of voting and in the case of a postal vote or special vote the time within which such ballot paper is to be returned to him or her at an address which shall be specified thereon.
- 42.4** At the close of voting and after the expiry of the time fixed in accordance with rule 42.3 of this rule the Returning Officer shall count the votes and, setting aside all informal papers, shall ascertain, in the case of an election of officers or position holders, the total number of votes received by each candidate at the election 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.
- 42.5** In the case of a question to be decided he or she shall declare the state of the voting and the question shall be deemed to be carried or lost according to the majority of ballot votes so cast.
- 42.6** 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 lot which candidate shall be elected.
- 42.7** The National Executive may require that a candidate for an office or position present an election statement and may establish a sub-committee to verify such statements.
- 42.8** The following procedures shall apply in the case of special voting:
- 42.8.1** Any person eligible to vote in a secret ballot under this rule may apply to the Returning Officer for a special vote.

42.8.2 The application shall be made at least 7 days before the day of the meeting or the beginning of a series of meetings at which the ballot is to be held.

42.9 The Returning Officer shall issue a ballot paper to the applicant if the applicant -

42.9.1 Is wholly or partially blind; or

42.9.2 Unable to read or write (whether because of physical handicap or otherwise); or

42.9.3 Has severe difficulty in reading or writing; or

42.9.4 Is so ill or so infirm that attendance to vote at the meeting is precluded; or

42.9.5 Is unable to attend to vote at the meeting by reason of pregnancy or recent childbirth;

42.9.6 Lives outside a 32 kilometre radius from the place of the meeting and has difficulty travelling to the meeting.

42.10 The Returning Officer may issue a ballot paper to the applicant if -

42.10.1 The applicant has a religious objection to voting on the day of the week on which the meeting is to be held; or

42.10.2 The employer of the applicant requires the applicant to work during the hours when the meeting is to be held; or

42.10.3 The Returning Officer is satisfied that on any other grounds attendance to vote at the special meeting will cause the applicant hardship or undue inconvenience.

42.10.4 The Returning Officer may refuse an application on any of the grounds specified in rule 42.10.3 of this rule if more than one special meeting is to be held to vote on the ballot and there is another meeting the applicant could reasonably attend.

42.10.5 Every ballot paper issued to an applicant so that the applicant may exercise a special vote shall be issued at least 2 clear days before the day of the meeting, and 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 special meeting or of the last special meeting in the case of a series of special meetings.

43. SECRET BALLOTS

43.1 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.

43.2 Each meeting shall elect a Returning Officer and such scrutineers as required.

43.3 The Returning Officer shall ensure that sufficient ballot papers 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 President or person chairing the meeting. The chairperson shall thereby advise the state of the voting to the meeting, declaring the motion won or lost according to the valid votes cast for and against the question.

44. DISPUTES OVER BALLOTS AND ELECTIONS
--

- 44.1** In the event of a dispute over a ballot under rule 42 or an election under rule 26 and 28 the following procedure will be followed:
- 44.2** In the case of a ballot or election in which members of the union are eligible to vote, 10 per cent of eligible members or 200 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.
- 44.3** 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.
- 44.4** Upon receipt of the request the National Executive shall investigate into and report within one month on the alleged irregularity.
- 44.5** The Executive shall in its report set out its ruling which shall be either:
- 44.5.1 That there has been no irregularity and no further action will be taken; or
- 44.5.2 That there has been an irregularity but for the reasons stated in the report the executive find the irregularity would not have affected the outcome of the ballot or election and no further action will be taken; or
- 44.5.3 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.
- 44.6** Any ruling shall be subject to an appeal by way of arbitration by the following procedures:
- 44.6.1 The parties to the appeal shall be on the one hand the National Executive, and on the other hand the members appealing;
- 44.6.2 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 44.2 above;
- 44.6.3 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;
- 44.6.4 The ruling of the Arbitrator shall be one of the rulings set out in rule 44.5 above, with the necessary modifications, provided that if the ruling is per rule 44.5.3 the Executive shall conduct the new ballot or election in accordance with these rules;
- 44.6.5 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.
- 44.7** Where either the Executive or the Arbitrator makes a ruling in the nature of rule 44.5 above, in the case of a ballot shall mean that the union shall take no action according to the result of the ballot, and in the case of an election shall mean that the election is declared void and the incumbent deemed not to be elected except that if the incumbent is a paid official of the union s/he shall be suspended on pay pending the outcome of the new election if she/he is a candidate, or shall be deemed to be removed from office if s/he is not a candidate in the new election.

- 44.8** All costs associated with representation of the parties throughout the process shall be borne by the parties separately.

PART VII - ADMINISTRATIVE REQUIREMENTS

45. FUNDS

- 45.1** 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.
- 45.2** The union's bank account or accounts shall be operated by any two of the National President, National Vice President, National Secretary, the Operations Manager, or other persons so authorised by the National Executive.
- 45.3** Notwithstanding anything in paragraph 45.2 of this rule, the National Management Committee may authorise the creation of imprest accounts in specified localities. The National Management Committee shall authorise three or more persons to operate each imprest account. Each imprest account may be operated by any two persons authorised to do so by the National Management Committee.

46. WELFARE FUND

- 46.1** The union may maintain and operate a welfare fund which shall be under the control of the officers specified in rule 22.1 and shall be kept apart from the other funds of the union.

47. AUDITOR

- 47.1** An auditor who shall be a duly qualified accountant and a member of the New Zealand Society of Accountants shall be appointed by the National Executive. The auditor shall audit the accounts of the union following the end of the financial year and before the commencement of the Regional and/or Biennial Delegates Conference. The National Secretary shall make available all books, vouchers, documents and information as the auditor shall require to enable him/her to carry out a full and complete audit of the financial affairs of the union. Any secretary or officer shall also give to the auditor such information and explanation as he/she may reasonably require.
- 47.2** The auditor shall attach a certificate to the audited accounts of the union stating that he/she has:
- 47.2.1** Carried out the audit of the accounts of the union;
- 47.2.2** Duly reported on those accounts to the union.

48. INSPECTION OF BOOKS

- 48.1** Any financial member may inspect all the books, papers, the register of members and other documents of the union at the registered office at any reasonable time upon giving 7 days notice to the National Secretary.

49. SUPPLY OF INFORMATION

- 49.1** Any financial member who requests it in writing shall receive a copy of the annual report of the union.
- 49.2** Any financial member who requests it in writing shall receive a copy of the union's last income and expenditure account and balance sheet, together with the auditor's report on the accounts.
- 49.3** Any financial member who requests it in writing shall receive a copy of any resolution of any union meetings.
- 49.4** The union's rules shall be available on the union's website.

50. PAYMENT FOR UNION BUSINESS

- 50.1** The expenses of delegates engaged on union business may be paid from the funds of the union as determined by the National Executive.

51. SEAL

- 51.1** 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.
- 51.2** The seal may be altered or renewed only by resolution of a special meeting of the union.

52. AMENDMENTS TO RULES

- 52.1** Should any fifty (50) members, or a sector conference, regional organising committee, the National Women's, Maori or Fono committee or the National Executive desire that these rules be amended, altered or rescinded it shall submit the proposed amendments to the next Regional Delegates Conference or Biennial Conference of the union.
- 52.2** Notwithstanding the above, where the National Executive considers the proposed rule amendments to be an administrative or technical matter, or a matter of urgency, such amendments shall be put to Biennial conference delegates for determination by a postal ballot.
- 52.3** Should the proposed amendment, alteration or rescinding be passed at the meeting[s] or by the postal ballot referred to above, the National Secretary shall forthwith forward to the Registrar an application for registration thereof in accordance with Section 21 of the Incorporated Societies Act 1908.
- 52.4** Such amendment, alteration or rescinding shall come into operation when and only when the Registrar records it.

53. DISSOLUTION

- 53.1** The Union may be wound up voluntarily if:
- 53.1.1** The National Secretary has first sent a notice to every financial member of the intention to make the application; and
- 53.1.2** A resolution in favour of dissolution is carried by a majority of members at a general meeting of the union; and

- 53.1.3 the resolution referred to in rule 53.1.2 above is confirmed at a subsequent union membership meeting of the Union called for that purpose and held not earlier than 30 days after the date on which the resolution to be confirmed was passed.
- 53.2 The National Secretary shall before any voluntary winding up occurs, ensure that a final audit of the union's accounts has been carried out.
- 53.3 All the assets and liabilities shall be realised on the winding up of the union (or its dissolution by the Registrar), and the surplus funds, if any, shall be disposed of in such a manner to be in pursuance of the objects of the union as specified in rule 2.
- 53.4 The union shall be dissolved on the date of its winding up by the Registrar of Incorporated Societies.

PART VIII - OTHER MATTERS

54. REPRESENTATION

- 54.1 The union may be represented before any Court or Tribunal by such person or persons as the National Secretary may appoint.
- 54.2 Any member of the union may request the union to act in any legal proceedings and/or the negotiation and/or enforcement of any contract/agreement or other arrangement affecting them in their employment.
- 54.3 Where any request is made pursuant to rule 54.2 the appropriate Regional, National or Sector Secretaries shall decide whether or not to so act.
- 54.4 Where it is decided to so act, representation will be free to the member unless any fee is set.
- 54.5 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. Where a collective agreement is sought, a majority of the workers to be bound by it may bind all workers in relation to its negotiation.
- 54.6 The agreement shall only be settled and agreed to when the worker parties to it have approved it either by a simple majority vote, or such other majority vote as may be agreed by meetings/s of workers held prior to any settlement.
- 54.7 The union shall advise any member upon request of their rights and obligations in their employment.
- 54.8 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 Regional, National or Sector Secretaries who shall prescribe the appropriate fee. The National Executive will determine fees.
- 54.9 Every financial member of the union shall be deemed to have authorised the union to:
- 54.9.1 To represent the member in negotiations in respect of his/her employment agreement;
- 54.9.2 Act as the member's representative generally in the exercise of the member's rights or powers as an employee under the Employment Relations Act 2000.

55. COMPLAINTS PROCEDURE

- 55.1** Where a member is dissatisfied with a decision of an officer, or official or authorised agent and that member wishes to invoke the complaints procedures that member must notify the relevant Regional or Sector Secretary or National Secretary, who shall require a written report from that officer, official or authorised agent.
- 55.1.1 Where the officer concerned is the Regional or Sector Secretary the member shall notify the National Secretary.
- 55.2** The Regional Secretary, or the National Secretary may at his/her discretion require of the member, that the member furnish a written statement.
- 55.3** If the Secretary is unable to resolve the complaint to the member's satisfaction it shall be referred to the National Executive who shall determine the process for dealing with the complaint.
- 55.4** This process should include participation of a National Executive sub-committee made up of an appropriate number of executive members.
- 55.5** Any decision of the sub-committee which affects a member may be appealed by either party to the National Executive.
- 55.6** Any such member shall notify the National Secretary in writing of his/her dissatisfaction with the sub-committee's decision. The relevant Secretary shall compile a report which shall include all relevant documents which shall then be referred to the next meeting of the National Executive, who shall rule on the disputed matter.
- 55.7** The member and any officer or paid official concerned in the matter shall be entitled to attend and speak on the matter at the meeting of the National Executive. Each and every one of them shall be entitled to be represented.
- 55.8** Any member dissatisfied with the decision of the National Executive may appeal to the next Regional/Biennial Conference of the union, whose decision shall be final.

56. DISCIPLINARY MATTERS

- 56.1** It shall be an offence, subject to disciplinary procedures hereunder, for any member to:
- 56.1.1 Knowingly act in a manner contrary to the rules of the union; and/or
- 56.1.2 Knowingly act in a manner contrary to the policies of the union made in accordance with these rules; and/or
- 56.1.3 Misappropriate union money or property; and/or
- 56.1.4 Knowingly divulge information confidential to the union, or the business of the union (such information and business shall remain confidential to members and the Executive, unless otherwise authorised by the Executive); and/or
- 56.1.5 Wilfully ignore a lawful resolution of the union; and/or
- 56.1.6 Assault an officer, Executive member, delegate, organiser or member of the union.
- 56.2** The National Executive may impose one or more of the following penalties:
NATIONAL DISTRIBUTION UNION INC. UNION RULES OCTOBER 2007

- 56.2.1 Caution
- 56.2.2 Censure
- 56.2.3 Severe reprimand
- 56.2.5 Suspension or expulsion from membership of the union.
- 56.2.6 The National Executive must take into account the nature of the offence in question when imposing any penalty. Suspension or expulsion from membership should be considered only in the event of:
- 56.2.6.1 A serious offence being proven; or
- 56.2.6.2 In the event of any recurrence of the same offence by the member[s] concerned; or
- 56.2.6.3 In the event of the non-payment of a fine which has been imposed.
- 56.3** Where an officer or financial member has a charge against another member or members, alleging that an offence in terms of rule 56.1 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.
- 56.4** Any report received by the National Secretary under rule 56.3 shall be referred to the next meeting of the National Executive, which shall resolve to give notice to both the complainant[s] and the member[s] named in the complaint to appear before the National Executive as soon as possible, but not before one calendar month from the date the Secretary receives the report of the alleged offence. Those appearing before the National Executive shall also be advised of their rights to be represented by an agent who may be a delegate or another member[s] to make verbal and written statements in support of their cases, and to call on witnesses. The right of appeal must also be notified.
- 56.5** The complainant[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 both parties to present their cases and tender any relevant evidence, either orally or in writing or through witnesses.
- 56.5.1 Where any member of the National Executive is involved in any capacity in any complaint brought before the National Executive he/she shall not participate in the hearing in his/her role as a member of the National Executive.
- 56.6** Every member affected by any such complaint (and their agent/s) shall afford the evidence and information required to reach a fair and just conclusion.
- 56.7** The National Executive shall report its findings and recommended penalty within 14 days of the date of hearing the complaint. The complainant[s] and the member[s] named in the complaint shall be sent a copy of the National Executive's findings and recommended penalty and be offered an opportunity to respond in writing.
- 56.8** Following this opportunity the National Executive complete it report and determine what if any penalty should be imposed and shall advise the affected person[s] of the penalty and the reason for its decision. The report shall require the member[s] concerned to comply with its decision and/or the penalty imposed.

- 56.9** Any member who is suspended or expelled under this rule may appeal against the National Executive's 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 reason for the appeal.
- 56.10** Any notice of appeal received by the National Secretary shall be referred to an appeal committee which shall review the finding and recommendation of the National Executive on the matter.
- 56.11** The Appeal Committee shall consist of:
- 56.11.1 A person appointed by the member[s] who is/are appealing; and]
- 56.11.2 A person appointed by the union; and
- 56.12.3 An independent chairperson, selected by the persons appointed under 56.11.1 and 56.11.2 above, or if those persons cannot agree, a person nominated by a mediator, none of whom have been previously involved in imposing any penalty in relation to the original complaint, and who do not have any personal interest in the matter.
- 56.12** The Appeal Committee will hear the appeal in the same manner prescribed for the hearing of a complaint by the National Executive in rule 56.5 and 56.6 of this rule. The appeal committee shall meet as soon as possible after the date of receipt of the appeal notice. The original parties to the complaint shall have the right to attend and be heard also.
- 56.13** The Appeal Committee shall report its findings and recommendation to the National Executive within 14 days of the date of the appeal hearing. The decision of the majority of the appeal committee shall be the decision of the committee, and shall be final and binding. The Appeal Committee's decision shall either confirm, vary or revoke the National Executive's original decision.
- 56.14** The National Executive shall not commence to implement any findings and recommendations on any complaint until the period for appeals has expired, or the outcome of any appeal on the matter is known.

57. AMALGAMATION

- 57.1** The National Executive may consider and propose amalgamation of the union with any other union or similar organisation[s] and may place on the agenda of the union's Biennial Conference the question of such amalgamation.
- 57.2** Should the proposed amalgamation be approved by a simple majority at the Biennial Conferences and/or Regional Delegates Conferences, the National Executive shall determine the procedure for amalgamation which shall include:
- 57.2.1 A process for the separate membership of the organisations to become the common membership of one organisation;
- 57.2.2 A process for the separate property and incomes of the organisations to become the common property of one organisation;
- 57.2.3 The protection of any benefit derived by the union and/or the other organisation[s] and/or their members as party to any contract - whether of employment or otherwise - and as the beneficiary[ies] of any trust;
- 57.2.4 The protection of the democratic rights of the union's members as provided for in these rules.

- 57.3** In implementing the amalgamation decision in accordance with the above requirements the National Executive shall act in terms of these rules and any other procedure endorsed by the meeting(s) at which the amalgamation decision is made.

58. SEPARATE MANAGEMENT OF WOOD SECTOR ASSETS
--

- 58.1** Notwithstanding anything else in these rules, the following shall apply to the assets of the wood Sector as detailed in the schedule below ("the Wood Sector Assets").
- 58.2** The Wood Sector Assets are the property of the union but shall be held on trust separately from all other assets and funds of the union. A Trust deed will set out the terms of the trust.
- 58.3** Three trustees elected by the Wood Sector Conference ('the elected trustees') shall manage the Wood Sector Assets. Within the terms of the Trust Deed, the union will be bound to follow the directions of these elected trustees.
- 58.4** The elected trustees, who may include the Wood Sector Secretary, shall be appointed by the Wood Sector Conference, and may be removed by the Wood Sector Conference.
- 58.5** The elected trustees shall do all things necessary to prudently manage the Wood Sector Assets, including the overseeing of the Willowhaven Holiday Camp, its staffing and budgeting, and the monitoring of any investment portfolio.
- 58.6** The elected trustees, acting unanimously, may determine and act on requests for finance assistance in accordance with guidelines for such financial assistance determined by the Wood Sector conference from time to time.
- 58.7** Subject to rule 58.5 the Union and the elected trustees, acting unanimously, shall have all the powers of trustees under the Trustee Act 1956 and its Amendment, in relation to managing the Wood Sector Assets, including the power to open, close or re-arrange bank deposits, and the power to buy and sell shares or other securities, in accordance with guidelines determined by the Wood Sector Conference from time to time.
- 58.8** The elected trustees shall not have power to sell the Willowhaven Holiday Camp, nor to transfer or dispose of any of the wood Sector Assets outside their own direct control, except any payments for financial assistance made pursuant to rule 58.6.
- 58.9** The elected trustees shall liaise with the National Secretary to ensure that the Wood Sector assets are separately audited as part of the general audit of the union accounts to be carried out pursuant to rule 47.
- 58.10** Notwithstanding the broad powers of the National Executive of the union, the NDU alone shall have power to sell or otherwise dispose of the Willowhaven Holiday Camp and/or any other of the Wood Sector assets, subject to the endorsement of the Wood Sector Conference.
- 58.11** Notwithstanding rule 52, this rule 58 may be amended or rescinded only by majority decision of the Wood Sector members, held by national secret postal ballot. Any such postal ballot shall be conducted only after the Wood Sector Conference has itself agreed upon any proposed amendment or rescinding of the rule. Rules 42 to 43 shall apply to any such ballot, where applicable and with any necessary modifications.

Schedule

1. Shares in public companies - Infrastructure & Utilities NZ, Utilco, Carter Holt Harvey Ltd., Otago Power, FCL - Forestry, Fletcher Challenge - Forestry, Fletcher Challenge - Paper - Auckland Airport, Capital Properties, Tower Ltd., Contact Energy Ltd.
2. Investments - Fletcher Building Capital Notes, Waikato District Council 2002, GPG Finance Ltd., United Network, Capital Properties Bonds.
3. Land and buildings - Affordable Willowhaven Holiday Park.
4. Address of Affordable Willowhaven Holiday Park - 2-8 Parawai Road, Rotorua.
5. Legal description of Affordable Willowhaven Holiday Park - CT 830\169.

59. CLOTHING, LAUNDRY & ALLIED WORKERS UNION OF AOTEAROA (CLAW)
--

Arrangements relating to amalgamation of NDU and CLAW

- 59.1** The purpose of this rule is to allow for arrangements relating to the amalgamation of the National Distribution Union and the clothing Laundry and Allied workers Union (“the amalgamation”), and to give effect to the Heads of Agreement agreed between the two unions.
- 59.2** In the case of any contradiction between anything contained in this rule and anything contained elsewhere in these rules, this rule shall apply.
- 59.3** Upon or following the amalgamation, employees of CLAW may be appointed as employees of the NDU. Nothing in rule 29 shall apply to such appointments.
- 59.4** From the date of amalgamation the current General Secretary of CLAW shall :
- 59.4.1 Become a full member of the National Management Group
 - 59.4.2 Shall, at the date of amalgamation, be transferred from being a permanent employee of CLAW to a permanent employee of the NDU on terms no less favourable than those that existed at CLAW. Service with CLAW shall be treated as continuous service with the NDU (except in relation to long service leave for which purpose commencement of service shall be from the date of amalgamation).
 - 59.4.3 Subject to this agreement shall have the same terms and conditions of employment as a sector/regional secretary.
 - 59.4.4 Shall have a job title and job description relating to a management role in the Textile Clothing Baking (“TCB”) and Retail Sectors and such other responsibilities as are agreed by the unions prior to amalgamation or by the National Management Group at any time following amalgamation.
 - 59.4.5 Shall have the same participation rights in the National Management Group as other members.
 - 59.4.6 Shall become a non-voting but otherwise fully participating member of the National Executive.
 - 59.4.7 Shall otherwise be covered by the NDU Staff Collective Agreement.

- 59.4.8 Shall be appointed to the position of Retail Sector Secretary or TCLAWB Sector Secretary should either position become vacant during their current term; and
- 59.4.9 Shall in that case be subject to the rules and employment agreement as if she had been elected into the position[s].
- 59.5** From the date of amalgamation the current TCLAWB and Retail Sector Secretary :
- 59.5.1 Shall be supported in undertaking her Sector Secretary responsibilities by the General Secretary of CLAW as agreed prior to the amalgamation and from time to time by the National Management Group.
- 59.5.2 Shall vacate the Retail Sector Secretary position on the resolution of the National Executive if the National Executive considers that the TCLAWB and Retail Sector Secretary roles should be undertaken separately rather than jointly.
- 59.6** Upon the amalgamation, all members of CLAW shall become members of the Textile, Clothing & Baking Sector of the NDU.
- 59.7** Upon the amalgamation, all delegates of CLAW shall become NDU delegates. For the purposes of these rules delegates shall be deemed to have been elected on the date on which they were elected as CLAW delegates.
- 59.8** A union member nominated by CLAW prior to the amalgamation may attend and speak at NDU Executive members and Central Regional Management Committee meetings until the completion of the 2007 National Executive elections. That member will not have voting rights, but will have all other rights, powers and duties of members of the National Executive and Regional Management Committee. Should that person cease to be a union member or be unable or unwilling to continue to fulfil this role, a replacement may be chosen in accordance with the process to be determined by NDU delegates at former CLAW sites.
- 59.9 Financial Arrangements**
- 59.9.1 All assets, funds and liabilities of CLAW shall become the property and responsibility of the amalgamated union from the date of amalgamation.
- 59.9.2 Sufficient funds will be paid into the NDU operating account to cover any future staff liability (e.g. for redundancy compensation under the NDU Staff Collective Agreement and accumulated leave) derived from employment with CLAW prior to the amalgamation with the NDU and the balance will be held separately in the CLAW\NDU Trust.
- 59.9.3 A CLAW\NDU Trust shall be established for the purpose of promoting workers' interests in particular in the TCF and Laundry industries and subject to the following requirements being reflected in the Trust documents.
- 59.9.4 In accordance with 59.9.3 above the Trust will compensate the NDU for the difference between the fee paid directly by members and the applicable full NDU membership fee monthly in arrears.
- 59.9.5 The Trust will reimburse the NDU for the costs associated with the continuation of the current arrangement between CLAW and the M & CW Union for a period of 6 months following the date of amalgamation, which arrangement shall then terminate or may continue if the NDU National Secretaries and M & CW wish.

- 59.9.6 The Trustees shall include two Trustees to be nominated by CLAW (with the process for replacing them to involve member's and/or delegates in the TCFL industries), the current CLAW Secretary and the National Secretary of the NDU.
- 59.9.7 In the event that Trust documents are not registered the requirements above (including the appointment and replacement of the Trustees) shall be applied to the management of the funds intended to be held in Trust, with the NDU required to act on the instruction of the Trustees in relation to the funds.
- 59.9.8 The funds shall be applied only to purposes that are consistent with the policy and strategic plan of the NDU and will not be applied to an purposes that are contrary to the interests of the NDU.

60. SAVINGS AND TRANSITIONAL PROVISIONS RELATING TO REGIONAL REPRESENTATION
--

- 60.1** Regional management committees shall be deemed to be regional organising committees.
- 60.2** Members of regional management committees shall be deemed to be members of regional organising committees.
- 60.3** Regional presidents shall chair regional organising committees and the 2007 regional conferences.
- 60.4** Local organising committees may be established. However if any such committees are established, they shall not elect members to regional organising committee until the completion of the 2007 national executive elections.
- 60.5** To qualify for election as a regional representative for the National Executive at the 2007 regional conferences, it shall be sufficient for a candidate's nomination to be endorsed by a local organising committee, and a candidate will not need to be a member of the regional organising committee.
- 60.6** Until the completion of the 2007 National Executive elections:
- 60.6.1 The regional sector representatives elected to regional management committees under previous rules shall continue to hold national executive positions; and
- 60.6.2 The regional and sector representative positions on the national executive shall be left vacant.

Private\Gaye\Registered Rules October 2007