Constitution

New Zealand Post-Primary Teachers Association Incorporated
PO Box 2119, Wellington, New Zealand

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THE TREATY OF WAITANGI

The inclusion of a third object in Rule 4(c) in 1988 stems from a 1987 Conference instruction that Executive action the following resolution which was received by that Conference:

> **THAT this National PPTA Conference makes explicit its commitment to the principles of the Treaty of Waitangi as central to the Constitution of the PPTA.**

The Māori and English translation of Te Tiriti o Waitangi are included in the Constitution as the First Schedule.

Discussion Booklet Number 1 from the Royal Commission on Social Policy 1986-88 suggested that "the Treaty of Waitangi is about two peoples entering into an agreement as equal partners. The nature of the partnership, and the manner in which it might be strengthened, has implications at several levels:

- partnership can occur at all levels of policy making by the sharing of power and decision making, satisfactory methods of consultation and the inclusion of cultural perspectives in policies

- partnership can refer to the process of drafting, implementing and monitoring legislation

- partnership is about the manner in which representation is ensured at all levels of administration

- partnership concerns the allocation of resources

- partnership extends to the provision of social services and the types of services available

- partnership challenges the diverse ethnic and cultural groups in New Zealand to consider their relationships with the tangata whenua

- partnership requires opportunity for the partners to regularly review their relationship and to plan jointly for the wellbeing of all New Zealanders."

Te Tiriti o Waitangi is an established foundation of New Zealand's society and economy. The 1987 Conference clearly recognised this in its resolution and wished PPTA to begin the process of reviewing its structure and policies by amending the Constitution to affirm its commitment to the concept of genuine partnership embodied in Te Tiriti o Waitangi. Acceptance of this commitment suggests that the PPTA will affirm and advance:

- the duty to consult about education matters

- the duty to work for improvements in education that will make good present deficiencies
- the duty to protect actively, to the fullest possible extent, Māori values
- the duty to work to make PPTA structures and policies responsive to the needs of Māori as well as non-Māori
- the duty to ensure that Māori and non-Māori have equal status in education
- Māori values where those values or where Māori taonga are at risk. (Taonga means lands, villages and precious possessions which include language and customs).

The incorporation of the values of Te Tiriti o Waitangi is something that has always been implicit in the Constitution. The effect of the constitutional amendment is to make explicit that commitment and to provide a focal point for further discussion and action.

RULES

NAME

1. The name of the Association shall be New Zealand Post-Primary Teachers Association Incorporated.

REGISTERED OFFICE

2. (i) The Association shall maintain a registered office at Level 5, 60 Willis Street, Wellington or at such other place as may from time to time be appointed by the Executive.

(ii) The Secretary shall notify the members of the Association and the Registrar of Incorporated Societies forthwith of any change in the registered or postal address.

INTERPRETATION

3. (a) In these Rules unless inconsistent with the context:

"Associated Teacher Organisation" shall mean "The New Zealand Educational Institute (Incorporated) or the Tertiary Education Union (Incorporated)".

"Association Year" shall mean "the 12 calendar months from and including the first day of February up to and including the 31st day of January in each year".

"Branch" shall mean "any Branch of the Association as constituted by Rules 13 to 20 hereof".

"Common Seal" shall mean "the Common Seal of the Association".

"Conference" shall mean "the Annual Conference of the Association as constituted by Rules 52 to 57 hereof".

"Day Relief Teacher" shall mean "a person employed on a day-to-day basis to replace temporarily a teacher appointed to a permanent or long-term relieving position".

"Establishing Teacher" shall mean "a teacher who has yet to complete 10 years of teaching service".

"Executive" shall mean "the Executive Committee of the New Zealand Post-Primary Teachers' Association (Incorporated)".

"Financial Members" shall mean in respect of each class of membership "those persons who have paid or who have contracted to pay the subscription appropriate to their membership class and shall exclude those persons whose subscription is unpaid in terms of Rule 8(ii) of these rules." The term "financial member" is not synonymous with the term "full member".

"Financial Year" shall mean "the twelve calendar months from and including the first day of April up to and including the thirty-first day of March in each year" except that for Branches and Regional Organisations the financial year shall mean "the twelve months from and including the first day of February and ending the thirty-first day of January in each year".

"Member(s)" shall mean "Member(s) of the Association and shall include full members as defined in Rule 5 hereof other classes of Members as defined in Rule 6 hereof and Life Members as provided for in Rule 7 hereof".

"Office" shall mean "the Registered Office of the Association".

"Region" shall mean "any Regional Organisation as constituted by Rules 21 to 35 hereof".

"Relieving Teacher" shall mean "a teacher employed on a long-term basis (1 month to 1 year) to replace a permanent or long-term relieving teacher granted leave for 1 month or more".

"Rules" shall mean "The Rules of the Association as herein contained or subsequently lawfully amended".

"Secretary" shall mean "the Secretary of the Association".

"Term" shall mean "a term of secondary schools".

"Tutor" shall mean "a person employed as a tutor or teacher of evening or continuing education classes offered by the governing body of any secondary school or integrated school or composite school".

"Vice-President" shall mean "the Junior Vice-President, the Immediate Past-President, the Māori Vice-President of the Association".

"Wards" shall mean "those sub-divisions of the Tāmaki Makaurau Auckland Region or any one of them established as Electoral Areas for the purposes of electing members to positions on the Executive".

"School" shall mean "a school other than a school registered under Section 214 of the Education and Training Act 2020."

(b) In these Rules unless inconsistent with the context words importing the singular or the plural shall include the plural and singular respectively.

OBJECTS

4. The objects of the Association shall be:

(a) To advance the cause of education generally and of all phases of secondary and technical education in particular.

(b) To uphold and maintain the just claims of its members individually and collectively.

(c) To affirm and advance Te Tiriti O Waitangi (The Treaty of Waitangi) as embodied in the First Schedule of these rules.

MEMBERSHIP

5. (i) The following persons shall be eligible for full membership:

(a) All teachers (including part-time or relieving teachers and including members who are on leave without pay from their teaching positions for periods of up to two (2) years who were full members immediately prior to the commencement of such leave) who are employed in:

(i) any secondary school; or

(ii) any Year 7 to 15 school or Area School; or

(iii) any state educational institution including any composite school offering education at year 7 or above where the person teaches at that level or above.

(b) All persons engaged in instruction in evening, Out of Hours Music and Art, or continuing education classes or courses offered by the controlling authorities of secondary schools, year 7 to 15 schools, area schools, composite schools and primary schools and including all persons employed as coordinators of programmes, assistant coordinators of programmes or liaison assistants for programmes and who do not already qualify for full membership in terms of rule 5(i)(a).

6. (i) There shall be the following other classes of membership:

(a) Student membership

(b) Honorary membership

(ii) (a) Student membership shall be available to all persons in training for secondary teaching.

(b) Such persons shall become student members upon payment of or contracting to pay the annual subscription provided for in these rules.

(c) Such student members shall be entitled to form branches as defined in rules 13 - 20 hereof PROVIDED that such members shall not be permitted to vote nor stand for office nor act as delegates to Annual Conference AND PROVIDED FURTHER that such student branches shall only be able to participate in the activities of their respective regions upon such terms and conditions as the regions may determine.

(iii) (a) Honorary membership shall be available to the following:

(i) all persons who have been members and who have retired or resigned from teaching;

(ii) unemployed secondary teachers who are seeking re-employment, including teachers' college graduates;

(iii) employees of the Association who retire or resign from its service;

(iv) financial members of overseas teacher associations who are exchange teachers in New Zealand (at no fee);

(v) financial members of an Associated Teacher Organisation;

(vi) all persons deemed by the Executive to be eligible for such membership.

(b) Such persons shall become honorary members upon payment of the annual subscription provided for in these Rules provided that where members in 6(iii)(a)(i) and (ii) have, in the year of application, already paid more than the honorary subscription in full membership fees they shall not be further liable in that year.

(c) Honorary members shall not be entitled to vote, nor stand for office, nor to act as delegates to any Annual Conference nor to constitute themselves as a branch.

(d) Honorary members shall not be entitled to legal or other assistance except as provided for by the Executive.

(e) For the avoidance of doubt such honorary members shall not be entitled to vote, nor stand for office nor act as delegates to any Annual Conference or Special Conference nor constitute themselves as a branch.

7. (i) Any member or former member may be elected a member for life by resolution to that effect carried by a majority of at least two thirds of those present and entitled to vote at an Annual Conference following a unanimous recommendation of the Executive.

(ii) Such life members shall be exempt from payment of the subscription hereinafter mentioned but shall otherwise have all the rights, privileges and duties of other members and shall become members upon the passing of such resolution.

SUBSCRIPTION AND LEVIES

8. (i) Each member shall pay to the Secretary an annual subscription of an amount determined each year by the Annual Conference for each class of membership.

(ii) Any member (except for members on leave without pay from their teaching positions for up to two (2) years) whose subscription for the current financial year is unpaid after the thirty-first day of March in any year or who has not contracted to pay such subscription by that date shall be debarred from the exercise of any of the privileges of membership until such subscription shall be paid unless the Executive shall otherwise determine.

(iii) Any member whose membership lapses or who resigns or is expelled from the Association and who subsequently applies for readmission shall pay a re-entrance fee at a rate established by the Executive but not exceeding ten percent of the annual subscription PROVIDED that the Executive shall have the authority to exempt an applicant from payment of such fee.

(iv) The Executive may recommend that members shall pay a levy for a specified purpose PROVIDED that such a recommendation shall only be implemented following the adoption by a majority of members of a

resolution conducted by a secret ballot taken in each Region of the Association on a proposal to raise a levy and PROVIDED FURTHER that any levy so raised shall not exceed 10% of the annual subscription.

(v) An Annual or a Special Conference called as provided for in these rules may by a resolution carried by a majority of those present and entitled to vote require members to pay a levy for a specified purpose PROVIDED that at least one month's prior notice is given to members of the purpose, terms and amount of the proposed levy and of the wording of the proposed resolution.

DURATION AND CESSATION OF MEMBERSHIP

9. A member shall cease to be such:

(i) If they shall cease to be a teacher or tutor or ceases to be eligible for membership in terms of Rules 5 or 6 hereof and shall cease to pay their subscription provided that where a member has been dismissed and appeals against that dismissal they shall be eligible to retain membership pending the determination of the appeal.

(ii) If the Executive shall at an ordinary meeting thereof by a two-thirds majority of those present and entitled to vote resolve that such member be expelled or excluded from membership by reason of:

(a) wilful disregard of any policy decided upon by the Annual Conference of the Association or decisions of the National Executive or

(b) purporting to represent the views of the Association unless authorised to do so or

(c) improperly divulging Association information classified as confidential or

(d) misappropriation or misuse of any funds or other property of the Association.

PROVIDED that charges made under rule 9(ii) b c and d above have been referred to the Executive through the Code of Ethics procedure and that charges under (a) above are laid before the Executive in writing from any member or group of members and PROVIDED FURTHER that fourteen (14) days' notice of the Executive meeting and of the proposed motion and the reasons therefore be given the member who shall be entitled to attend the meeting and make a statement thereto.

(iii) If they shall deliver to the Secretary a notice in writing stating their desire to withdraw from membership PROVIDED that such notice is a minimum of 2 weeks and provided further that any resignation shall not be effective until the member has paid all dues required under these rules.

10. (i) Subject to these rules any member shall upon ceasing to be a member forfeit all rights to claim upon the Association and its property and funds.

(ii) No persons excluded or expelled from membership under these Rules shall be capable of again becoming a member without the prior consent of the Executive.

REGISTER OF MEMBERS

11. (i) The Secretary shall cause to be maintained a register of members detailing the full names occupations the workplaces the class of membership date of joining the Association and whether such members are financial or not.

(ii) The Secretary shall from time to time purge the register by striking out the names of any members in arrears of any subscriptions or levies by a period of 12 months PROVIDED that such purging shall not free such discharged members from any arrears due.

RATIFICATION OF COLLECTIVE AGREEMENTS

12. The ratification of collective agreements (including variations of them) affecting members shall be by majority decision of the members to be bound by the proposed agreement such decision to be effected by secret ballot at meetings specially convened for the purpose or by such other form of voting by those members as the Executive may determine PROVIDED that the Executive may by a two-thirds majority resolve to ratify a proposed agreement (or variation) which accords with a previously expressed majority decision of the members to be bound by it.

SECRET BALLOTS FOR STRIKES

12A (i) Where there is any proposal to strike (within the meaning of Section 81 of the Employment Relations Act 2000) such strike shall not proceed until a secret ballot of members bound (or to be bound) by the collective agreement to which the proposed strike relates has been declared as carried.

(ii) The Executive shall ensure that the secret ballot is conducted in such a way as to enable members to whom the proposal relates to participate including conducting

the ballot at meetings convened for the purpose or by postal ballot or by secure electronic (online) voting.

(iii) The question to be voted on in any such secret ballot is whether the member of the union is in favour of the strike.

(iv) The result of any such secret ballot shall be determined by a simple majority of the members of the union who are entitled to vote and who do vote.

(v) As soon as reasonably practicable after the ballot the Executive shall declare the result to the members who were entitled to vote.

BRANCHES

13. (i) Any group of one or more members may by notice to the Secretary apply for registration as a Branch of the Association.

(ii) Subject to these Rules the Executive may in its discretion grant registration to any such branch upon such terms and conditions as Conference may approve.

14. (i) There shall not be more than one Branch at any one school except where a school operates on separate sites in two or more geographical regions as defined in Rule 21(i), in which case those separate sites shall be deemed Branches of the Region in which they are situated and the members of those branches shall also be deemed members of the appropriate Electoral Areas as constituted by Rule 62(i) hereof. For the avoidance of doubt such regional branches of a school shall also be deemed sub-branches of the overall branch of the school concerned.

(ii) Every Branch:

(a) Shall have its membership open to all members of the Association at its respective school.

(b) Shall have its membership open only to members of the Association.

(iii) Where a member is a relieving teacher or pro-rata teacher and is employed as such at more than one school that member shall nominate the branch to which they intend to belong and shall thereupon be a member of that branch and no other.

15. (i) Each Branch shall elect annually a Chairperson a Branch Secretary a Women's Contact (who shall be a woman if possible) and such other Officers as it deems fit.

(ii) The Chairperson shall be Chairperson of the Branch and shall be responsible for the general supervision of the affairs of the Branch.

(iii) The Branch Secretary:

(a) Shall act as Secretary of the Branch.

(b) Shall conduct all correspondence between the Branch and the Secretary of the Association and between the Branch and the Regional Organisation of which the Branch is a member.

(c) Shall act as returning officer for the Branch except for the position of Branch Secretary in which case the Branch Committee shall appoint another disinterested person as Returning Officer.

(d) Shall see that all notices returns and other acts and things required by the Executive are duly given and done.

16. Each Branch:

(i) Shall not later than the fifteenth day of March each year forward to the Secretary a statement of the number and names of financial members of the Branch.

(ii) Shall not later than the thirty-first day of May each year forward to the Secretary the names of the Chairperson and Branch Secretary thereof for the then current financial year.

17. No Branch shall make a statement purporting to be on behalf of the Association without the authority of an Executive member.

18. The Association shall not be responsible for any liabilities contracted or incurred by a Branch without the authority in writing of the Secretary of the Association in accordance with a resolution passed by the Executive. Should any liability be contracted or incurred by a Branch without such authority the liability shall rest solely with the person or persons responsible for the same.

19. No Branch shall become bound to or affiliated to any organisation other than the Association without the prior consent of the Executive and any affiliation effected without such prior consent shall be null and void.

20. Immediately upon the lapse cancellation or other determination of the registration of a Branch with the Association the Branch shall be deemed to be dissolved and all the property of the Branch including cash shall revert to the Association.

REGIONAL ORGANISATIONS

21. (i) Any group of Branches in the same geographical area may by notice to the Secretary apply for registration as a Regional Organisation of the Association and the following Regions shall be the Regions of the Association. (See rule 62 for definition of electoral areas.)

Aoraki
Bay of Plenty
Central Plateau
Counties/Manukau
East Coast
Hauraki Coromandel
Hawkes Bay
Manawatu/Whanganui
Marlborough
Nelson
Northland Central
Northland Lower
Northland Upper
Ōtākou
Southland
Tāmaki Makaurau Auckland. *including the 4 wards established as electoral areas in terms of rule 62 hereof*
Taranaki
Te Awa Kairangi
Waikato
Waitaha Canterbury
Wairarapa
Wellington
Te Tai o Poutini West Coast
Western Bay of Plenty

(ii) Subject to these Rules the Executive may in its discretion grant registration to any such Region upon such terms and conditions as Conference may approve.

(iii) The Executive shall from time to time as required convene a Regional Boundaries Commission comprising three members of the Executive to be elected by the Executive and three Regional Chairpersons to be elected by Regional Chairpersons and after receiving and considering the recommendations of this Commission as to amendments in the boundaries of the several Regions shall by resolution determine the boundaries of all such Regions and shall maintain in the office a map on which are clearly shown all such boundaries.

22. Every Regional Organisation:

(i) Shall have its membership open to all Branches and members thereof situated within the regional boundaries as determined by the Executive.

(ii) Shall have its membership open only to members of the Association.

23. A Regional Organisation shall have the following powers and duties:

(i) To support and assist the Association in furthering the Objects of the Association as defined in Rule 4 hereof.

(ii) To supervise the affairs and safeguard the interests of all members and Branches within its particular Region.

(iii) To form a link between its Branches and between its Branches and the Executive.

(iv) To discuss matters referred to it by the Executive.

(v) To consider Remits from Branches within its Region and to forward such Remits to the Executive if approved by the Regional Organisation.

(vi) To elect Representatives to the Annual Conference as provided for in Rule 53(ii) hereof and to Special Conferences as provided for in Rule 60 hereof.

(vii) To originate discussions and stimulate interest in all matters concerned with education in general and with secondary and technical education in particular.

(viii) To control any moneys assigned to the Regional Organisation by the Executive for the financing of its activities.

(ix) To make all necessary and consequential arrangements for the functions above mentioned and to appoint Committees and Agents and to delegate to such Committees and Agents all or any of its powers and duties without prejudice to the superior authority and responsibility of the Executive in regard to all affairs of the Association.

(x) To supply to the Executive before the thirty-first day of May each year a report on its activities for the previous year.

24. (i) The Rules of a Regional Organisation and alteration of such Rules shall not be valid unless approved by the national Executive within two (2) calendar months from the date on which such Rules or such alteration were passed or made.

(ii) The Rules of a Regional Organisation shall be subject in all respects to the Rules of the Association and shall be void and of no effect to the extent of their conflict with those Rules.

(iii) The Regional Organisation and its members shall be deemed to submit to and be bound by the Rules of the Association.

25. (i) The Regional Organisation shall meet at such times as it shall determine but not less than once in each term.

(ii) At such Meetings the Regional Organisation shall be presented with a report for its approval on the activities of its Committee.

(iii) All Meetings shall be conducted in accordance with these Rules and in particular with the Standing Orders.

26. (i) The Regional Organisation shall hold its Annual Meeting before the fifteenth day of March each year.

(ii) Before the end of the preceding Association year each region shall elect its Chairperson, Regional Secretary, Treasurer, Te Reo a Rohe, an Establishing Teachers' Representative and Women's Coordinator (who shall be a woman), and subject to Rule 27(i), a Pasifika Coordinator PROVIDED that Te Reo a Rohe shall be elected by the Māori electoral roll for the Region, the Establishing Teachers' Representative by the Establishing Teachers' Network and the Pasifika Coordinator by the Pasifika electoral roll for the Region; PROVIDED also that all such elections be conducted in accordance with the provisions of Rules 62-75 modified as necessary for such regional elections.

(iii) For the purposes of such elections each region shall appoint a returning officer who shall not be a member of the Association.

27. (i) The Committee of the Regional Organisation shall consist of a Chairperson, a Regional Secretary, a Treasurer, a Women's Coordinator (who shall be a woman), an Establishing Teachers' Representative, any Te Reo a Rohe and Te Huarahi Māori Motuhake representatives within the Region (and in the case of the Tāmaki Makaurau Auckland Region two representatives from each Ward elected by the members in the respective Wards), where there is a Pasifika network in the region a Pasifika Coordinator (who shall be of Pasifika descent), members of the Executive teaching in or representing such Region who shall be Regional Vice-chairpersons by right of office together with such other Officers as the Regional Organisation may determine.

(ii) The Committee of each Ward in the Tāmaki Makaurau Auckland Region shall consist of two Ward representatives who shall be elected annually by means of a secret ballot of all full members of the Ward conducted in Branches, the Executive member for the Ward, any Te Reo a Rohe and any Te Huarahi Māori Motuhake

member teaching in or assigned to that ward with each such Committee electing its own Convenor.

(iii) The Committee of the Regional Organisation shall normally take full responsibility for the administration of the affairs of the Regional Organisation, shall have all such powers as the Regional Organisation itself has and may appoint Committees and Agents and delegate to such Committees or Agents all or any of its powers or duties.

28. (i) The Chairperson shall be Chairperson of the Regional Organisation and Chairperson of the Committee thereof and shall be responsible for the general supervision of the affairs of the Regional Organisation.

(ii) The Regional Secretary:

(a) Shall act as Secretary of the Regional Organisation and the Committee thereof.

(b) Shall conduct all correspondence between the Regional Organisation and the Secretary of the Association and between the Regional Organisation and its member Branches and its wards in the case of the Tāmaki Makaurau Auckland Region.

(c) Shall see that all meetings notices returns and other acts and things required by these Rules or by the Executive are duly summoned given and done.

29. (i) Each Regional Organisation shall not later than the fifteenth day of February each year forward to the Secretary of the Association a statement of the names of the officers of the Regional Organisation for the then current financial year and shall also forward not later than the fifteenth day of April a statement of accounts for the previous financial year together with a budget for the then current financial year.

(ii) Upon receipt of an Auditors Bank Confirmation Report for the bank accounts held by the Regional Organisation the Executive shall assign to each Regional Organisation in each financial year such sum of money as it may deem fit to finance the activities of such Regional Organisation.

(iii) The Executive shall in assigning such moneys take into consideration the results of any internal audit undertaken by National Office the budget of each Regional Organisation as provided for in rule 29(i) hereof together with the number of financial members within the boundaries of such Region calculated from the returns of financial members from each Branch as provided for in Rule 16 hereof.

30. (i) All property including cash held or possessed by the Regional Organisation shall revert to the Association upon the dissolution of the Regional Organisation.

(ii) The Executive shall at all times be permitted and entitled to inspect the books papers and accounts of the Regional Organisation.

(iii) The Executive may effectively by resolution or regulation deal with or regulate any matter affecting the Regional Organisation or its members.

31. The Executive may at any time in such manner as it may deem fit:

(i) Conduct an examination of the affairs of the Regional Organisation or appoint a Committee to make such examination and to report thereon to the Executive.

(ii) Convene a special general meeting of the Regional Organisation for any stated purpose.

32. Each Regional Organisation shall not later than the thirty-first day of July each year forward to the Secretary of the Association a statement of the names of the representatives of the Regional Organisation for the Annual Conference of the Association as provided for in Rule 53(ii) hereof.

33. No Regional Organisation shall make a statement purporting to be on behalf of the National Association without the authority of the Executive but a Regional Organisation may issue press statements on behalf of its own Region.

34. The Association shall not be responsible for any liabilities contracted or incurred by a Regional Organisation without the authority in writing of the Secretary of the Association in accordance with a resolution passed by the Executive and should any liability be contracted or incurred by a Regional Organisation without such authority the liability shall rest solely with the person or persons responsible for the same.

35. No Regional Organisation shall become bound to or affiliated to any organisation other than the Association without prior consent of the Executive and any affiliation effected without such prior consent shall be null and void.

TE HUARAHI MAORI MOTUHAKE

36. Te Huarahi Māori Motuhake shall consist of Māori members of the Association elected according to Rule 75 and shall work in conjunction with the Executive to further the objects of the Association and to provide leadership on matters affecting Māori members and the education of Māori students.

TE ROOPU MATUA

37. (i) Te Roopu Matua shall be established as the premier partnership forum within the Association to inform both Te Huarahi Māori Motuhake and the Executive as to how to give best effect to the constitutional object of affirming and advancing Te Tiriti o Waitangi [Rule 4(c)].

(ii) The membership of Te Roopu Matua shall comprise the Kaumatua and Whaea elected as provided by Rule 81 hereof, the President, the Secretary, three members of the Executive elected by the Executive and three members of Te Huarahi Māori Motuhake elected by Te Huarahi Māori Motuhake.

THE EXECUTIVE

38. (i) Subject to the Conference the conduct and control of the business and affairs of the Association shall be vested in the Executive except as to such matters as are specifically reserved by these Rules to the Conference.

(ii) The Executive shall consist of a President a Senior Vice-president who shall be the immediate past President a Junior Vice-president a Māori Vice-President twenty-five (25) other members or twenty-four (24) other members where one of those other members is also Junior Vice-president and a Secretary.

(iii) The Executive and its members (other than the Secretary) shall hold office during the whole of one Association year.

EXECUTIVE MEETINGS

39. The Executive shall meet at such times as it shall determine but not less than once in each term.

40. (i) The President, or in the President's absence a Vice-president, or in their absence a member of the Executive appointed by the meeting on Motion called for by the Secretary or failing that, any other member of the Executive acting as temporary Chairperson for such purpose shall be Chairperson at any Executive meeting.

(ii) At any Executive meeting an attendance of not less than fourteen (14) members entitled to vote shall form a quorum competent to transact the business of the meeting.

(iii) The Chairperson at any meeting of the Executive shall have a casting vote only but shall for the purposes of a quorum be deemed to be a member entitled to vote.

41. The procedure at meetings of the Executive shall be according to the Standing Orders contained in the Second Schedule hereto which shall be and be deemed to be part of these Rules and in so far as such Standing Orders do not extend, the Executive shall have full power to determine and regulate its own procedure.

POWERS OF THE EXECUTIVE

42. (i) The Executive shall act for and on behalf of the Association between Conferences and in particular shall implement the decisions of and pursue the policies established by the Conference.

(ii) The Executive shall have and is hereby given full and complete power over and control of all the business and activities of the Association.

(iii) The Executive shall have the power to and may from time to time appoint and remove agents delegates and Committees and may delegate to them either generally or for a particular purpose or time the full powers or part of the powers of the Executive in relation to any matter without prejudice to its own superior power.

(iv) The Executive shall have the power to and may do all things deemed to be necessary and expedient for the fulfilment of any of the Objects of the Association.

(v) The Executive shall have the power to and may hear and determine in such manner as it may deem fit but subject to these rules and the Code of Ethics disputes and differences between members between regional organisations between branches between members and regional organisations between members and branches and between branches and regional organisations and all such members regional organisations and branches shall be bound by its decisions thereon.

43. (i) The Executive shall have power to and may for any purpose make contracts engage and dismiss servants control the property of the Association and acquire and dispose of property of all kinds.

(ii) The Executive shall have power to and may by agent or otherwise demand sue or enforce payment or receive and give discharges for all moneys securities for moneys debts stocks shares and all other real or personal estate now belonging or hereafter to belong to the Association or claimed so to belong to commence and carry on all actions and other proceedings touching the real or personal property of the Association or in which the Association is in any way concerned and settle compromise or submit to arbitration all accounts claims and disputes between the Association and any other person or persons.

(iii) The Executive shall have power to and may borrow for the purposes of the Association from any person or persons bank or corporation any sum or sums of money on the security of all or any of the property of the Association by mortgage charge bond overdraft or other manner upon such terms as to the Executive shall see fit.

(iv) The Executive shall have power to take a lease or tenancy of offices for the use of the Association and to surrender or assign the same and to sublet the whole or any part of such offices.

(v) The Executive may exercise all the powers of the Association to borrow money and to mortgage or charge its undertaking on any property whatsoever or any part thereof and to issue securities whether outright or as security for any debt liability or obligation of the Association or Regional Organisation or Branch thereof.

(vi) The Executive shall have power to and may by resolution authorise the affixing of the Common Seal of the Association to securities and other documents receipts releases and discharges for moneys payable to the Association or for the satisfaction or compromise of any claims or demands of the Association.

44. (i) The Executive shall control the funds of the Association and deposit the same from time to time with any bank carrying on business in Wellington either on current account or on fixed deposit or on both and to invest any part of the funds from time to time as it may think fit.

(ii) The Executive shall apply the funds of the Association in such manner as the Executive may consider desirable in order to further the objects of the Association and to enable the business of the Association to be effectively carried on.

(iii) The Executive shall determine who shall be entitled to sign on the Association's behalf receipts cheques contracts and any other documents whatsoever.

45. The Executive shall have power to invest all or any of the funds of the Association from time to time being in their hands as follows and not otherwise:

(a) By banking same in the current account of the Association, or

(b) By placing same on fixed or term deposit in any Bank in New Zealand, or

(c) By investing same upon any security authorised for Trustee investments by the provisions of "The Trustee Act 1956" and its amendments.

46. The Executive shall administer legal assistance to members as provided for in the Third Schedule hereto which schedule shall be part of these Rules.

47. (i) All resolutions of the Executive and all acts and things duly done or executed in good faith shall be binding upon all members of the Executive whether present at any such meeting or not and upon all the property and assets of the Association PROVIDED that such resolution shall not be shown to be ultra vires the Executive AND PROVIDED FURTHER that all members of the Executive have been duly notified of such meeting.

(ii) The fact that any such resolution is made in pursuance of any decision or recommendation of the Conference shall be conclusive evidence of good faith and of the absence of any improper motive.

(iii) Every such resolution shall take effect as from the date when it is passed by the Executive PROVIDED that the Executive shall have power to fix any prior or subsequent date as the date of such coming into effect.

48. The Executive may in any year appoint such Sub-committees as it sees fit.

(i) Each such Sub-committee shall have the following powers and duties namely:

(a) To investigate, inquire into, comment upon, and advise upon any matters referred to it by either the Executive or the Conference.

(b) To submit to the Executive each year a report on its activities for the then current Association year.

(ii) The President shall by right of office be a member of all such Sub-committees.

(iii) Where possible the Chairperson of each such Sub-committee shall be a member of the Executive.

(iv) Each such Sub-committee shall usually accomplish its work by correspondence PROVIDED that when any such Sub-committee considers it necessary for its members to meet for consultation such Sub-committee may apply to the Executive for authority to hold such meeting.

(v) The Executive may in its discretion grant such authority and may authorise such travelling expenses as it deems necessary.

(vi) All meetings of Association Sub-committees shall be conducted according to these Rules and in particular with the Standing Orders.

(vii) The Rules as to Minutes of Meetings of the Executive and the Rules as to vacancies on the Executive shall apply with any necessary alteration of detail to such Sub-committees.

ELECTION AND TENURE OF OFFICE OF MEMBERS OF EXECUTIVE

49. (i) The President and Junior Vice-president and members of the Executive of the Association shall be elected annually by means of a secret ballot of the full members to be conducted according to Rules 62-76, provided that no member may serve a total of more than four years as President.

(ii) The Māori Vice-President shall be elected annually by means of a secret ballot of the full members on the Māori Electoral Roll to be conducted according to Rules 62-76, provided that no member may serve a total of more than four years as President.

(iii) The Immediate Past-President shall be the member who last held the office of President of the Association (and for the purposes of this Constitution this office shall be deemed to be the office of a Vice-president of the Association).

(iv) Twenty-one (21) members of the Executive other than the Secretary shall be elected annually by means of a secret ballot of full members in branches within the electoral districts listed in rule 62(i) and conducted according to rules 62-76.

(v) Te Huarahi Māori Motuhake which is elected annually on an Iwi geographical basis by Māori members of the Association shall elect annually in accordance with agreed procedures established by Te Huarahi, three of its current members who shall become members of the Executive.

(vi) The Komiti Pasifika which is elected biennially by Pasifika members of the Association shall elect annually in accordance with agreed procedures established by that Committee one of its current members who shall become a member of the Executive.

50. (i) When a vacancy occurs during the course of the Association year in respect of the position of President or Junior Vice-President Māori Vice-President then the vacancy will be filled by a secret ballot conducted according to these rules, provided that where the vacancy occurs within six months of the end of the Association year the executive shall have power and may summarily appoint any member other than the Māori Vice-President who would be appointed by Te Huarahi and Te Reo ā Rohe and other than the Secretary to fill such vacancy for the remainder of the Association year.

(ii) When a vacancy occurs during the course of the Association year in respect of any other position on the Executive other than that of the Secretary such vacancy shall be filled for the remainder of the Association year by means of a secret ballot of

the full members in the region or regions concerned to be conducted according to the Rules provided that if such a vacancy occurs within 6 months of the end of the Association year then the executive shall appoint any member from the region concerned to fill the vacancy for the remainder of the Association year but any member so appointed shall not have voting rights on the Executive.

VACANCIES ON EXECUTIVE

51. (i) The position held by any member on the Executive shall be vacated:

(a) Upon death.

(b) If such a member ceases to be a full member of the Association.

(c) If such member gives the Secretary notice tendering their resignation.

(d) If such member is elected or appointed to any other position on the Executive other than Junior Vice-president during their term of office in the former capacity.

(e) If such member ceases to be employed at a school within the boundaries of the region or regions by whose members they were elected to their position on the Executive PROVIDED that if a period of less than three (3) months remains such member shall remain in office until the normal end of their term AND PROVIDED FURTHER that this subsection shall not apply to the positions of President or Vice-president.

(f) If a member appointed under Rule 49(iv) ceases to be a member of Te Huarahi Māori Motuhake.

(g) If the Māori Vice-President elected under 65 (ii) ceases to be on the Māori electoral roll.

(h) If a member appointed under rule 49(v) ceases to be a member of the Komiti Pasifika.

(ii) Where any member of the Executive loses office under subsection (i)(d) then such member shall be co-opted to the Executive for the remainder of the Association year and the number of members of the Executive shall be deemed to be increased accordingly for such period.

(iii) The Executive upon a resolution to that effect may suspend or remove from office any of its members including the Secretary for disability bankruptcy

misappropriation of Association funds neglect of duty or misconduct proven to the satisfaction of the Executive PROVIDED that any such person so suspended or removed may appeal to the Ethics Appeal Board as constituted under clause 24 of the Association's Code of Ethics or may exercise such other right of review lawfully available.

(iv) (a) At any meeting of a Region or electoral area a member of that Region or electoral area may by a motion carried by those present call for a special meeting of the Region or electoral area to be held within fourteen days to consider the removal of a sitting Executive member or members.

(b) Where such a meeting is called it may by a two thirds majority of those present request the Executive to conduct a ballot of those entitled to vote in the electoral area on the matter of removal from office.

(c) Such ballot shall be in the form of a motion of no-confidence in the Executive member or members shall be conducted in the same manner as Executive elections provided for under rules 62-76 and shall be held within twenty-eight days of receipt by the Secretary of the Region's request.

(d) A motion of no-confidence shall be carried where sixty percent (60%) of those who are entitled to vote support it.

(e) In the event of a no-confidence motion being carried the Executive member or members shall be deemed to have been removed from office and the Executive shall hold a by-election to fill the vacancy so created.

ANNUAL CONFERENCE

52. The Annual Conference as hereby constituted shall have supreme authority in the Association provided that where at a subsequent meeting the Executive by a two-thirds majority considers that it may review or change a decision of the Annual Conference then the Executive shall determine by means of a referendum of full members whether or not the Conference decision should be so reviewed or changed.

53. The Conference shall consist of the following:

(i) The members of the Executive so long as they shall remain members thereof in any capacity.

(ii) Representatives elected by the Regional Organisations on the basis of two (2) representatives from each Region together with one (1) additional representative from each Regional for each complete two per cent (2%) of the total number of full members of the Association within such Region.

(iii) The Kaumatua and Whaea elected in terms of rules 81(i) and 81(ii).

(iv) The members of Te Huarahi Māori Motuhake so long as they shall remain members thereof in any capacity.

54. (i) The Secretary shall prepare and keep a roll containing:

(a) The names of the members of the Executive.

(b) The names of the representatives appointed by each Regional Organisation.

(c) The names of the Kaumatua and Whaea.

(d) The names of the members of Te Huarahi Māori Motuhake.

(ii) The Roll shall be called over at the commencement of every Annual Conference and any objections as to any name included therein or omitted there from must be made immediately upon the conclusion of such calling over and upon such objection being made the Conference may direct and declare that such Roll be then altered or amended in such manner as it may deem fit and such shall thereupon be done.

(iii) Subject to any provision to the contrary in these Rules the persons whose names are so enrolled and no others shall be entitled to and may vote at any Conference. No Conference shall be invalid because of any error or omission in such Roll or any improper admission to or exclusion from membership of the Conference.

(iv) All members of the Association shall be given notice of any Annual or Special Conference and shall have the right to attend such Conferences and may speak there at but may not vote.

55. (i) Each Regional organisation shall, after calling for nominations from among the full members in its region, elect its representatives to any annual or special conference by a secret ballot conducted in branches of the region.

(ii) The Secretary of such Regional Organisation shall forthwith upon the completion of such election notify the Secretary of the Association in writing of the election of such representatives and such notification shall unless the Executive shall in any case or cases otherwise determine be conclusive evidence of every such election and of its validity.

56. (i) The Annual Conference shall be held each year during the September/October vacation; the time, date and place of such meeting to be fixed by the Executive.

(ii) At this meeting the following substantive business shall be transacted:

(a) The adoption of the Annual Report of the Executive for the then current Association year.

(b) The adoption of the Annual Balance Sheet and Statements of Accounts.

(c) The appointment of Auditors for the then current financial year.

(d) The determination of the Annual Subscription for full members and other classes of members.

(e) A declaration as to the election of the President the Vice-presidents and the members of the Executive.

(f) A decision or a recommendation if thought fit as to the date and/or place of the next Annual Conference.

(g) The consideration of remits from Regional Organisations for discussion at the Annual Conference.

(h) Any business which may be brought forward and for which special notice is not required.

57. (i) Notice of any Conference stating the date time and place thereof shall be given by the Secretary at least one calendar month before the date fixed for any such meeting.

(ii) The President, or in the Presidents absence a Vice-president, or in their absence a member of the Conference appointed by the meeting on motion called for by the Secretary or failing that, any other member of the Conference acting as temporary Chairperson for such purpose shall be Chairperson at any Conference.

(iii) At any Conference representatives from fifteen (15) Regional Organisations shall form a quorum competent to transact the business of the Conference.

(iv) Notwithstanding anything to the contrary contained in these Rules the Chairperson may in their discretion at any Conference accept any motion on any matter concerning the Association or its members and the Conference may discuss and deal with such motion.

(v) Subject to the provisions of this Rule the procedure at all Conferences shall be governed by the Rules contained in the 2nd Schedule hereto which shall be and shall be deemed to be part of these Rules.

SPECIAL CONFERENCES

58. A Special Conference may be called at any time by the Executive.

59. (i) A Special Conference shall be called by the Executive on the giving to the Secretary of a notice from ten (10) Regional Organisations requiring the Secretary or the Executive to call such Meeting and setting forth the words or effect of all motions proposed to be moved thereat.

(ii) Within seven (7) days after the receipt of such notice by the Secretary the Executive shall duly convene a Special Conference to be held on a date not later than six (6) weeks from the issuing of the notice convening the Meeting.

(iii) A Special Conference shall be called at the request of any members (numbering not less than 200) of the Association provided that a Special Conference so called shall be at the expense of those members calling for it and provided also that such a Conference shall be called and conducted according to these rules.

60. (i) The Notice convening any Special Conference shall specify the nature of the business intended to be transacted thereat in any manner sufficient to give reasonable notice of the purpose thereof and although the words of any proposed resolution be given in any such notice any amendment thereof or other motion dealing with the same matter shall be in order.

(ii) Subject to the provisions of this and the two preceding Rules the Rules as to the conduct and powers of the Annual Conference shall apply to Special Conferences.

PRESIDENT AND VICE-PRESIDENTS

61. (i) The President shall be President of the Association, Chairperson of the Conference and Chairperson of the Executive and shall be responsible for the general supervision of the affairs of the Association.

(ii) The Vice-presidents shall assist the President in the President's duties and in the absence of the President one of them shall be appointed to act as President of the Association and shall be Chairperson of the Conference and of the Executive.

ELECTION OF THE PRESIDENT, JUNIOR VICE-PRESIDENT AND MEMBERS OF THE EXECUTIVE

Electoral Areas

62. (i) For the purpose of these Rules the following Electoral Areas are hereby constituted: (see rule 21 for definition of Regions)

(a) Northland Upper, Central and Lower
(b) Tāmaki Makaurau Auckland: *the 4 Wards of the Tāmaki Makaurau Auckland Region subject to the boundaries for those Wards being ratified by the Executive*
(c) Counties/Manukau
(d) Waikato
(e) Hauraki Coromandel/Western Bay of Plenty
(f) Bay of Plenty/Central Plateau
(g) Manawatu-Whanganui
(h) Taranaki
(i) Hawkes Bay/East Coast
(j) Te Awa Kairangi/Wairarapa
(k) Wellington/Marlborough
(l) Nelson/Te Tai o PoutiniWest Coast
(m) Waitaha Canterbury
(n) Aoraki
(o) Ōtākou
(p) Southland

(ii) Full members in each such Electoral Area shall vote for one (1) position on the Executive EXCEPT that members in (k) Wellington/Marlborough and (m) Canterbury shall vote for two (2) positions thereon.

(iii) Only full members of Branches in any such Electoral Area shall be entitled to vote in elections held therein.

APPOINTMENT OF RETURNING OFFICER

63. The Executive shall appoint annually some disinterested person to be a Returning Officer for the elections PROVIDED that such appointment shall be made before elections are called and PROVIDED FURTHER that in the event of no such appointment being so made or in the absence or incapacity of such Returning Officer the Secretary shall be the Returning Officer subject to there being no conflict of interest.

DUTIES OF RETURNING OFFICER

64. (i) The Returning Officer shall be entrusted with the whole conduct of an election.

(ii) The Returning Officer shall provide the Secretary immediately upon the closing of nominations with a list of the names of the members duly nominated for each office.

(iii) The Returning Officer shall have power to and shall:

(a) appoint such deputy poll clerks scrutineers and other assistants and provide them with such powers and duties as the Returning Officer shall see fit and

(b) provide ballot papers in such number and such form as they shall deem requisite and suitable and

(c) ensure all members are afforded the opportunity to participate in the ballot and

(d) direct and regulate the manner of voting and of recording votes and

(e) arrange for and superintend the counting and recounting of the votes and disallow votes not recorded in the specified manner or not sufficiently clear in theiropinion and

(f) generally do all things necessary expedient or advisable in their opinion for the proper conduct of the election.

(iv) The Returning Officer shall comply with any regulations not inconsistent with these Rules duly made by the Executive amplifying or specifying more particularly the Returning Officer's powers and duties hereunder.

(v) All acts and things done by the Returning Officer for any such purpose shall be deemed to be done by the Returning Officer under the direction and authority of the Executive.

NOMINATIONS

65. (i) The Secretary shall during term 3 of each year circulate to all members a notice calling for nominations for the offices of President, Junior Vice-President and positions on the Executive.

(iii) The Secretary shall during term 3 of each year circulate to all members on the Māori electoral roll a notice calling for nominations for the office of Māori Vice-President.

(iv) Such nominations must be delivered to the Returning Officer by a date set by the Returning Officer provided that such date is no later than the Monday of the last week of term 3.

(v) Where any elections are required such elections shall be held as hereinafter provided during the first two weeks of term 4 and the result of such elections declared by notice circulated to members.

66. Any full member of the union shall be eligible for nomination, election and re-election to any position, except for the office of Māori Vice-President which is limited to nomination, election, and re-election from members of the Māori electoral roll.

67. (i) All nominations must be in writing made and signed by at least two full members, or in the case of the office of Māori Vice-President signed by at least two full members on the Māori electoral roll, and signed by the nominee in token of nominees acceptance and shall otherwise be void.

(ii) The Returning Officer shall accept such nominations only as appear to them or to be of persons eligible under these Rules and to comply with these Rules in all respects.

(iii) Forthwith after the closing of such nominations as hereinbefore provided the Returning Officer shall prepare a list containing under the headings of the various positions to be filled the names in alphabetical order of the persons duly nominated for each such position and shall thereupon circulate copies of such list to members.

68. (i) Where the Returning Officer has for any reason whether of want of form or eligibility or otherwise refused to accept a nomination an appeal against such refusal may be made to the Returning Officer and must be delivered to the Returning Officer within seven (7) days after the date fixed for the closing of such nominations.

(ii) Where the Returning Officer has allowed any nomination an appeal against such allowance may be made to the Returning Officer and must be delivered to the Returning Officer within fourteen (14) days after the date fixed for the closing of such nominations.

(iii) Any such appeal must be in writing must state the grounds of appeal and must be signed by at least ten (10) full members.

(iv) The Returning Officer shall after consideration of all submissions determine such appeal and shall have full power to accept or reject any nomination appeal for or against or to determine the matter in any other manner PROVIDED that if the Returning Officer does not decide such appeal the nominations shall remain in the

status quo and shall be valid for all purposes and the subsequent elections shall not thereby be invalidated.

69. (i) Where more than one member has been duly nominated for any position a ballot shall be held as provided by Rules 70-72.

(ii) Where only one member has been duly nominated for any position such member shall be and be declared to be duly elected provided that where the member is also a candidate for election to the office of President such declaration shall not be made until the election for the higher office has been declared.

(iii) Where no such nomination has been received in respect of any position a casual vacancy shall be deemed to have been created immediately and fresh nominations called for.

VOTING

70. Full members who have paid or contracted to pay the Annual Subscription provided for in Rule 8 by the Monday of the last week of term 3 in each year or such subscription payment date which immediately precedes that date and members who are on leave without pay from their teaching positions for periods of up to two (2) years who were full members prior to the commencement of such leave shall be entitled to vote in any election conducted in accordance with these rules, except for the election for any role stated in these Rules to require the member to also been the Māori Electoral Roll.

71. (i) Every member entitled to vote as herein before provided shall be entitled to exercise one vote only in each election and shall be given the opportunity to do so by the returning officer with instructions on voting including the date by which votes must be returned.

(ii) All votes must be submitted to the Returning Officer before the advertised closing time and date.

72. (i) After the conclusion of the poll the Returning Officer shall have the votes counted and recounted forthwith and shall within twenty-four (24) hours after the counting of the votes give to the President or Secretary notice stating the person elected to each such position and also containing in the case of each office a statement as to the number of valid votes cast for each candidate.

(ii) The persons who receive most votes shall be and shall be declared by the Returning Officer to be elected and in the case of an equality of votes the Returning Officer shall decide by lot the candidate who is elected.

(iii) The Secretary shall declare the results of such elections at the Annual Conference as hereinbefore provided and subsequently by notice circulated to members.

CANDIDATES FOR MORE THAN ONE POSITION

73. Where nominations have been received from candidates for any one or more of the offices of President, Junior Vice-President, Māori Vice-President, and Executive member the following rule shall apply.

74. (i) Where the candidate in any election is a candidate also for the office of President the Returning Officer shall include with the ballot instructions for preferential voting for the candidates.

(ii) At the conclusion of the poll the Returning Officer shall count the votes cast in the respective elections in the order of President Junior Vice-President, Māori Vice-President, and Executive members.

(iii) Where any candidate in an election has been declared elected to the office of President the Returning Officer shall not count the votes recorded against the name of that candidate in respect of the election of any other office.

(iv) Where in an election for any office the nominee or nominees have been declared elected to the office of President the resulting vacancy shall be deemed to be an extraordinary vacancy and the Returning Officer shall forthwith call nominations for the office and conduct a further election in accordance with the foregoing rules.

MAORI ELECTORAL ROLL

75. (i) An electoral roll of Māori members shall be maintained and shall contain the names of those members who are full members in terms of rule 5 and who elect to be placed on that roll.

(ii) Members on this roll shall be entitled to exercise one vote each for Māori Vice-President and one vote each on an Iwi geographical basis for a member of Te Huarahi Māori Motuhake and one vote each for Te Reo-a-Rohe and the Iwi geographical basis for the Te Huarahi Māori Motuhake elections shall be constituted as follows:

(a) Tai Tokerau – 1 member

(b) Tāmaki Makaurau – 3 members

(c) Waikato – 1 member

(d) Mataatua – 1 member

(e) Te Arawa – 1 member

(f) Tai Rāwhiti – 1 member

(g) Taranaki– 1 member

(h) Whanganui – 1 member

(i) Horowhenua/ Manawatū – 1 member

(j) Ngati Kahungunu – 1 member

(k) Whanganui-a-Tara ki Ōtaki – 1 member

(l) Awakairangi/Wairarapa – 1 member

(m) Ōtepoti/Murihiku – 2 members

(n) Waitaha – 1 member

(o) Te Tau Ihu o Te Waka a Māui – 1 member

(iii) Elections for Te Huarahi Māori Motuhake and Māori Vice-President shall be entrusted to the Returning Officer appointed by the Executive.

(iv) Elections for Te Reo-a-Rohe shall be entrusted to the Returning Officer appointed by the Region.

MEMBERS FROM TE HUARAHI MAORI MOTUHAKE AND KOMITI PASIFIKA

76. (i) The Secretary shall no later than the Monday of the last week of term 3 of each year write to Te Huarahi Māori Motuhake and to the Komiti Pasifika notifying them of the provisions of rules 49 and 50 respectively and requesting the names of their Executive members for the three positions provided for in Rule 49(iv) and the one position provided for in Rule 49(v) of these rules.

(ii) Such shall be delivered to the Secretary who shall include them in the declaration of Executive elections as hereinbefore provided.

(iii) Where such a position becomes vacant because a member becomes ineligible in terms of either Rule 51(i)(f) or Rule 51(i)(g) of these Rules the Secretary shall invite either Te Huarahi Māori Motuhake or the Komiti Pasifika to name a replacement for the respective vacancy for the remainder of the current year.

PRESERVATION OF VOTING PAPERS

77. All nomination forms, voting records and other papers connected with any ballot or for any election for any officer in any branch, region or for the Executive shall be kept by that branch, region or by the Association's National Office for a minimum of one year.

DISPUTED BALLOTS

78. Where a claim is made of an irregularity in, or in connection with, a ballot conducted under these rules by not less than 10% or 50 members of the Association covered by that ballot then they may lodge an application for an Inquiry. Upon receipt of such an application the Returning Officer shall establish a Committee of Inquiry consisting of 3 regional chairpersons or their nominees who shall be independent of the subject of inquiry and who shall investigate the claim, call such witnesses as they may require and report their findings to the Executive.

SPECIAL VOTES

79. (i) Any person eligible to vote in a ballot may apply to the Returning Officer for a special vote and such application shall be made at least 21 days before the day on which the ballot closes and shall set out the reasons for such application.

(ii) If satisfied that the application is justified in the circumstances the Returning Officer shall issue a ballot to the applicant.

SECRETARY OF THE ASSOCIATION

80. (i) The Secretary shall not be elected but shall be appointed and removed by resolution of the Executive either from among the members of the Association or otherwise and upon such terms as to remuneration and duration of employment and otherwise as the Executive may see fit.

(ii) The Secretary shall act as Secretary of the Association the Conference and the Executive and of all Committees of the Executive to which the Secretary has been appointed as Secretary and shall be responsible for the operation of the Association's National Office.

(iii) The Secretary shall keep all necessary or usual Minute Books and Books of Account copies of all correspondence and such other books papers and records as may be required by these Rules or by the Executive shall retain in the Office an authentic copy of the map on which are clearly shown the boundaries of regions as determined by the Executive as provided for in Rule 21 hereof and shall also retain in the Office an authentic copy of this Constitution and at the time of filing alterations additions or amendments will annotate and re-index this copy to be

known as "the authentic copy" and mark therein the date at which such alterations additions or amendments were made and a reference to the Minutes of the Conference recording same.

(iv) The Secretary shall see that all meetings notices and other acts and things required by these Rules are duly summoned given and done and shall do all things in their power to carry into effect the provisions of these Rules.

(v) The Secretary shall act as Returning Officer when appointed in that capacity (PROVIDED that the Executive may appoint some other person to be Returning Officer) and the provisions of these Rules relating to Returning Officers shall so far as is reasonable or possible apply to the Secretary when so acting.

(vi) The Secretary as such shall not vote or be entitled or permitted to vote whether in the Conference the Executive any Committee of the Executive or when acting as temporary Chairperson as provided in these rules PROVIDED that where the voting is evenly divided the Secretary shall decide by lot when acting as Returning Officer or as temporary Chairperson.

(vii) The Secretary shall not be counted in estimating whether a quorum is present in the Conference or Executive.

(viii) The Secretary shall be deemed to be a member of the Association during their tenure of office as such but shall not during such time be liable to pay any subscription in respect of such membership.

(ix) The Secretary shall not exercise any of the following powers:

(a) Determining matters of Association policy;

(b) Determining financial policies or allocations, other than secondary allocations related to the efficient and effective operation of the Association's National and Field Offices;

(c) Taking disciplinary action against members or officers of the Association;

(d) Removing of elected officers of the Association and the filling of any vacancies.

KAUMATUA AND WHAEA

81. (i) Te Huarahi Māori Motuhake shall elect as Kaumatua of the Association a Māori member of the Association who shall previously have held elected office within the Association.

(ii) Te Huarahi Māori Motuhake shall elect as Whaea of the Association a Māori member of the Association who shall previously have held elected office within the Association.

(iii) The Kaumatua and Whaea shall hold office while they remain members of the Association or until such time as they resign their office or are replaced by a further person elected by Te Huarahi.

MINUTES AND RECORDS

82. (i) The Secretary shall keep two Minute Books in one of which shall be recorded all the transactions and decisions of all conferences and in the other shall be recorded the transactions and decisions of the Executive.

(ii) In respect of each such meeting the Secretary shall record in the appropriate Minute Book:

(a) The nature of such meeting.

(b) The date time and place of such meeting.

(c) The number and names of the members present and an indication as to the name of the member of the Chair.

(d) The fact of the confirmation of any Minutes.

(e) The text of every motion and amendment which was duly moved and seconded thereat.

(f) A statement or note showing whether such motion or amendment was lost or carried and showing also the name of any member who has expressly desired that their dissent thereto be recorded.

(g) The fact and details of any adjournment.

(h) The fact of the giving of any notice of motion.

(i) Details of the declaration of all elections required to be declared at such meeting.

(j) The receipt discussion adoption nature and effect of any notice resignation report letter or any other document discussed or adopted thereat.

(k) All such other matters and things as are or may be usually conveniently or properly recorded in Minutes of any proceedings.

83. It shall be the duty of the Secretary to see that the Minutes of any meeting are duly confirmed by the next succeeding meeting and are signed as correct by the Chairperson of such next succeeding meeting.

84. The Secretary shall upon request furnish to any full member a copy of any motion passed and recorded as such in either of the two Minute Books.

ANNUAL REPORT AND BALANCE SHEET

85. (i) At some time before the Annual Conference the Secretary shall prepare a report dealing briefly with the activities of the Association and the Association sub-committees during the then current Association year.

(ii) Such report shall then be placed before the Executive for its approval before being presented to such meeting for adoption and a copy of such report shall be sent to all members at or before the time of giving notice of such Conference.

86. (i) As soon as possible after the close of each financial year and before the Annual Conference the Secretary shall prepare a Balance Sheet showing the assets and liabilities of the Association as at the last day of such financial year and a Statement of Income and Expenditure and a Statement containing particulars of all mortgages charges and other securities affecting any of the property of the Association at the close of the said year.

(ii) Such Balance Sheet Statement and other accounts shall then be submitted with the books of account to the Auditors for Audit they shall then be placed before the Executive for its approval (together with the Auditors' certificate and comments if any) before being presented to such Conference for adoption and a copy of such duly audited Balance Sheet shall be sent to all members at or before the time of giving notice of such Conference.

(iii) Every member or previous member having an interest in the funds of the Association may inspect the books and accounts of the Association at its registered office during normal working hours upon giving the Secretary 48 hours notice.

AUDITORS

87. The books of the Association shall be audited at the end of each financial year by the Association's Auditors who shall be members of the Chartered Accountants New Zealand and Australia who shall be appointed annually at the Annual Conference.

REPRESENTATION

88. The Association may be represented in any proceedings before a mediator, disputes or grievance hearing, the Employment Relations Authority, the Employment Court or any other formal proceedings by any person or persons so authorised by any Annual or Special Conference, the Executive, President or General Secretary or by persons appointed to act in their place.

COMMON SEAL

89. (i) The Common Seal of the Association shall be that appointed by the Executive and shall be kept in the custody of the Secretary and shall be affixed to any deed document or instrument only in pursuance of a resolution of the Executive and in the presence of the Secretary and two members thereof who shall thereupon sign such deed document or instrument as attesting witnesses.

(ii) The Common Seal shall not be altered or removed from the custody of the Secretary except by resolution of the Executive.

NOTICES

90. (i) All notices required or authorised by these Rules to be given shall be given in writing.

(ii) All notices required or authorised by these Rules to be given to the Secretary shall be so given:

(a) by delivery thereof to the Secretary or

(b) by delivery thereof at the Office addressed to the Secretary.

(iii) All notices required or authorised by these Rules calling for nominations, general meetings, secret ballots or the holding of elections to be given to any individual member whether as such or as a member of the Executive or of any Committee thereof or otherwise shall be so given:

(a) by delivery thereof to such member or

(b) by delivery thereof at the last known private or school address of such member or

(c) by the posting thereof in a prepaid letter addressed to such member at their last known or usual private or school address and any notice so posted shall be deemed to have been delivered notwithstanding anything contained in these Rules to the contrary at the time when the letter would in the ordinary course of post be delivered.

(iv) All other notices required or authorised by these Rules to be given shall be so given by the posting thereof to the Secretaries of Branches and to the Secretaries of Regional Organisations.

WINDING UP

91. (i) The Association may be dissolved at any time following a secret postal ballot among full members that is conducted for that purpose and which results in two-thirds of those registered as full members being in favour of such action.

(ii) In the event of such dissolution all the real and personal property of the Association after payment of all costs debts and liabilities and after audit shall be disposed of in such manner as a special general meeting called for that purpose shall determine by resolution or resolutions to that effect carried by a majority of at least two-thirds of those present and entitled to vote.

(iii) Any resolution for the dissolution of the Association under Rule 91(i) may contain provision for the amalgamation of the Association with any other registered union.

(iv) In the event of such amalgamation all the real and personal property of the Association after payment of all costs debts and liabilities shall become the property of the amalgamated Association or disposed of in such other manner as the special general meeting may deem fit.

CONSTITUTION

92. (i) Every full member of the Association shall be entitled to a copy of these Rules and any amendments on request PROVIDED that new full members shall be furnished with a copy of these Rules by the Secretary or other officer of the Branch upon joining the Association.

(ii) Any amendments to these rules shall be furnished to full members within 30 days after the day upon which the amendments were made.

93. Where any dispute arises as to the interpretation or construction of these Rules such dispute shall be determined by the Executive subject to appeal to Conference.

94. (i) These Rules or any of them may be added to deleted from repealed rescinded amended or altered (hereinafter collectively referred to as an alteration) by resolution of any Annual Conference or Special Conference of the Association PROVIDED that at least one calendar month's notice in writing of intention to propose such alteration shall have been given to each Branch before the meeting at which the proposal is made.

(ii) No proposal for the alteration of any Rule or Rules shall be deemed to have been carried at any such meeting unless it shall have been approved by a majority of at least two-thirds of those present and entitled to vote.

(iii) The Executive is empowered to approve any further amendments required by the Registrar of Incorporated Societies to the revised constitution to enable re-registration under the 2022 Act.

TRANSITIONAL RULES

95. (i) All Rules previously in force are hereby repealed and (except as otherwise provided in these Rules) these Rules shall henceforth constitute the only Rules of the Association.

(ii) All Acts of Authority which originated under the Rules hereby repealed shall endure for the purposes of these Rules as fully and effectually as if they had originated hereunder and accordingly where necessary be deemed to have so originated.

(iii) All matters and proceedings commenced under any such Rules or pending or in progress on the coming into operation of these Rules may be continued completed and enforced under these Rules.

FIRST SCHEDULE
TE TIRITI O WAITANGI

Maori Version

Ko te tuatahi
Ko nga rangatira o te Wakaminenga, me nga rangatira katoa hoki, kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga katoa o tona ratou wenua.

Ko te tuarua
Ko te Kuini o Ingarangi ka wakarite ka wakaae ki nga rangatira, ki nga hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga rangatira o te Wakaminenga me nga rangatira katoa atu, ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua, ki te ritenga o te utu e wakaritea ai e ratou ko te kaihoko e meatia nei e te Kuini hei kaihoko mona.

Ko te tuatoru
Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarangi nga tangata maori katoa o Nu Tireni. Ka tukua ki a ratou nga tikanga katoa rite tahi ke ana mea ki nga tangata o Ingarangi.

Ko te tuawha
E mea ana te Kawana ko nga whakapono katoa o Ingarani, o nga Weteriana, o Roma, me te ritenga Maori hoki e tiakina ngatahitia e ia.

English Version

Victoria, the Queen of England, in her concern to protect the chiefs and the subtribes of New Zealand and in her desire to preserve their chieftainship[1] and their lands to them and to maintain peace[2] and good order considers it just to appoint an administrator[3] one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands[4] and also because there are many of her subjects already living on this land and others yet to come. So the Queen desires to establish a government so that no evil will come to Māori and European living in a state of lawlessness. So the Queen has appointed 'me, William Hobson a Captain' in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents[5] to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.

The first
The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government[6] over their land.

The second
The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise[7] of their chieftainship over their lands, villages and all their treasures.[8] But on the other hand the Chiefs of the Confederation and all the Chiefs will sell[9] land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

The third
For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties[10] of citizenship as the people of England.[11]

[signed] William Hobson Consul & Lieut Governor

So we, the Chiefs of the Confederation of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and our marks thus.

Was done at Waitangi on the sixth of February in the year of our Lord 1840.

SECOND SCHEDULE

INTERPRETATION

1. (i) In these Standing Orders unless inconsistent with the context:

"Leave" shall mean "Leave granted by the meeting by a motion carried by a majority of at least two-thirds of the members".

"Majority" shall mean "a majority of the members excluding the Chairperson except where required to cast".

"Meeting" shall mean "any ordinary or special general meeting or any ordinary or emergency meeting of the Executive".

"Member" shall mean "any member present at a meeting and entitled to vote and shall include the Chairperson except in the counting of a majority (unless required to cast)".

"Motion" shall mean "a proposition beginning with the word 'that' proposed at any meeting by one member and thereupon seconded by another member".

"Orders" shall mean "these Standing Orders".

"Resolution" shall mean "motion passed or agreed to at any meeting by the requisite majority".

"Rules" shall mean "the Rules of the Association including Agenda Rules, where such rules exist".

GENERAL CONDUCT OF BUSINESS

2. (i) The business of every meeting shall be conducted in accordance with the Rules of the Association and subject only to such Rules in accordance with these Standing Orders.

(ii) Any matter or question of order or procedure not provided for or not fully provided for by the Rules or Standing Orders shall be determined by the Chairperson by a Ruling.

(iii) All business (unless otherwise provided by the Rules or Standing Orders) shall be brought forward, discussed and dealt with in the form of a motion and no such business shall be discussed or dealt with until so brought forward.

(iv) Any Standing Order may, by leave, be suspended at any meeting in respect of such meeting or any part of it.

3. (i) The Chairperson shall maintain order in the meeting.

(ii) The Chairperson shall not permit to be discussed and shall rule out of order all matters that do not pertain to the question before the meeting or to the business of the meeting.

(iii) The Chairperson shall by ruling determine any matter, dispute or question as to order and procedure.

(iv) The appointment where necessary of a Chairperson shall take precedence of all other motions whether formal or substantive and of all other business whatsoever.

MOTIONS

4. (i) Any motion may be moved without notice but such motions will be placed before the meeting in accordance with the Agenda Rules.

(ii) No notice shall be taken of any motion proposed unless such motion shall be seconded upon its being proposed or moved.

5. (i) When any motion has been moved and seconded it shall be placed before the meeting by the Chairperson for discussion in accordance with the Agenda Rules.

(ii) When any motion has been placed before the meeting it shall not be withdrawn except by leave of two-thirds majority of the meeting and with the consent of the mover and seconder.

(iii) Only one motion shall be placed before the meeting at a time except that any formal motion moved and seconded must be dealt with as stated for that formal motion.

(iv) Any member may foreshadow a motion which shall be placed before the meeting according to Agenda Rules.

6. (i) When a motion has been lost, either for lack of a seconder or on a vote, a motion to the same effect or the same in substance shall not be moved at the same meeting without leave of two-thirds majority of the meeting to recommit the matter.

(ii) When a motion has been withdrawn by leave it may be again moved at the same or any subsequent meeting.

(iii) Where a motion has been passed, such resolution and any consequential business shall not be rescinded at the same meeting without leave to recommit the matter. If leave is granted by two-thirds majority of the meeting the motion to rescind shall then be put and discussed. Any other consequential motions shall be taken in accordance with the Agenda Rules.

(iv) Where a motion has been passed, such resolution and any consequential business may be rescinded without leave at any subsequent meeting.

AMENDMENTS

7. (i) At any time during the debate or discussion on any motion an amendment may be moved without notice provided:

(a) that the mover and seconder have not moved or seconded the motion being discussed; and

(b) that the mover and seconder have not already spoken to the motion being discussed; and

(c) that such proposed amendment shall not be ruled as unreasonable by the Chairperson; and

(d) that such proposed amendment shall not constitute a direct negative of the motion; and

(e) that only one such proposed amendment shall be before the meeting at any time; and

(f) that no amendment may be moved to a formal motion except the motion to adjourn and then only to alter time and place of a subsequent meeting, if such information is included in the adjournment motion.

(ii) Any amendment shall be moved, seconded, proposed, discussed, put and decided upon in the same manner as if it were a motion provided that no amendment may be moved to an amendment.

8. (i) When any amendment is passed the original motion shall thereby be amended to incorporate such amendment and the motion as so amended shall then be further discussed, debated and dealt with as if it were the original motion. Movers and

seconders of amendments may, if they have not already done so, speak to the motion, amended or otherwise.

(ii) Formal or consequential alterations or amendments rendered necessary by any amendment may be made by the Chairperson or Secretary.

VOTING

9. (i) When the discussion if any on any motion is concluded the Chairperson shall put the motion to the meeting.

(ii) Those in favour of the motion shall first be called on by the Chairperson and shall say "Aye" and those of the contrary opinion shall then be similarly called on and shall say "No". The Chairperson will then ask if there are any abstentions.

(iii) The Chairperson shall then declare the motion carried or lost.

(iv) Except as provided in the next two succeeding orders such declaration shall be final.

10. (i) The Chairperson may, after putting the motion to the voices (and the Chairperson shall if any member immediately disputes their declaration on the voices) call for a show of hands, first from those in favour of the motion and then from those of the contrary opinion.

(ii) The Chairperson shall by themself or with the assistance of tellers nominated by the Chairperson for that purpose, count the votes on each side, shall declare the figures and declare the motion carried or lost accordingly and such declaration shall be final, except as provided in the next order.

11. (i) The Chairperson may, following Standing Orders (9) and (10) and on the demand of twenty (20) voting members present, call for any motion at Conference to be voted upon by Ballot.

(ii) When a Ballot is held each regional delegation shall be entitled to exercise a total number of votes equal to the number of financial members in that region and the votes so cast shall be such in their proportions for and against the motion as to reasonably reflect the proportions for and against the issue expressed by the members in meetings of the region. Te Huarahi delegates will vote in the same manner representing financial members on the Māori Electoral Roll on the Iwi geographical basis described in Rule 75 herein.

(iii) When a Ballot is held the votes shall be counted and a declaration of the result made as is provided by 10(ii).

12. (i) Except in Ballots as provided for in (11), every full member other than the Chairperson may have and exercise one vote.

(ii) Except in Ballots as provided for in (11), all votes shall be exercised in person only.

(iii) Except in Ballots as provided for in (11), where a bare majority is required and the votes for and against are equal in number then the Chairperson shall have and shall exercise a casting vote and shall decide and declare the result accordingly.

13. (i) The Chairperson may rule that a complicated motion be put to the meeting in parts and it shall then be so put by the Chairperson.

(ii) Where error or confusion arises in connection with any vote the Chairperson may rule that another vote be taken and such shall then be done.

SPEAKING

14. (i) Any question of order that may arise during a debate shall be decided by the Chairperson by a ruling.

(ii) Any member called to order by the Chairperson shall immediately cease to speak and shall resume their seat unless permitted by the Chairperson to explain.

15. (i) Any member may speak to a motion or upon moving or seconding a proposed motion or raise a question of order arising in debate.

(ii) No member may speak to a motion after voting has actually commenced.

(iii) No member may speak to any motion more than once provided:

(a) that the mover of any substantive motion may speak on moving the motion and again in reply at the conclusion of the debate and before the motion is put; there is no right of reply for amendments and formal motions; and

(b) that the seconder of any motion may first formally second such motion and speak to the motion later in the debate if they so desire; and

(c) that the Chairperson may permit any member who has spoken to explain themself in regard to any material part of their speech.

(iv) Any member may speak for five minutes but no longer unless with leave, provided:

(a) that the mover of any substantive motion may speak for ten minutes but no longer unless with leave; and

(b) that no discussion or debate whatsoever shall be allowed on any formal motion except as provided by these Orders.

(v) The Chairperson may speak to a motion only in order to make a personal explanation, or an explanation as to the matter under debate; and if the Chairperson shall desire to take further part in any debate they shall first leave the chair and shall cease to be Chairperson until such motion has been disposed of and shall then resume the chair. In the interim the chair shall be filled or taken in such manner or by such persons as if the Chairperson were absent from the meeting.

16. (i) A point of order may be raised by any member. Such a point of order must deal with the conduct of the meeting and must not seek or give information which is not related to the order of the meeting.

(ii) A point of order may be raised at any time and may interrupt a speaker.

(iii) A seconder is not required.

(iv) There is no debate on a point of order. When a point of order is raised, the Chairperson shall immediately rule on that point of order.

FORMAL MOTIONS

17. (i) Motions shall be, and be deemed to be, formal motions if they are any of the following propositions:

(a) that the meeting do adjourn

(b) that the meeting do now proceed with the next business

(c) that the meeting do now move into committee

(d) that the motion be put

(e) that a named member be heard

(f) that leave be granted for any of the purposes for which leave is required or allowed by these Rules

(g) that the ruling of the Chairperson be disagreed with

(h) that the matter or motion do lie upon the table

(i) that we proceed with urgency

(j) that Standing Orders be suspended

(k) that an extension of time be granted.

(ii) All other motions shall be, and be deemed to be, substantive motions.

MOTION TO ADJOURN

18. (i) A motion to adjourn may be made at any time, on any substantive motion or amendment, during the meeting.

(ii) This motion shall not interrupt a speaker.

(iii) A seconder is required.

(iv) The mover and seconder may have already spoken to the motion or amendment.

(v) This motion may not be debated unless it includes time and place for a subsequent meeting. In that case only amendment to time or place may be moved, debated and put.

(vi) Any debate interrupted by such adjournment shall be adjourned until the meeting is resumed, in accordance with Agenda Rules.

MOTION FOR NEXT BUSINESS

19. (i) A motion to proceed with the next business may be made during the debate on any substantive motion but shall not be proposed until any amendment before the meeting has been disposed of: this motion may not be moved while a formal motion is before the meeting.

(ii) This motion shall not interrupt a speaker.

(iii) A seconder is required.

(iv) The mover and seconder must not have already spoken on the motion.

(v) The mover and seconder of such a motion and the Chairperson only, are entitled to speak.

(vi) If such motion be carried the substantive motions shall lapse.

MOTION TO MOVE INTO COMMITTEE

20. (i) At any time during the debate on any substantive motion or on any amendments but not on a formal motion a motion may be moved that the meeting move into committee.

(ii) This motion may interrupt a speaker.

(iii) A seconder is required.

(iv) The mover and seconder may have already spoken to the motion or amendment.

(v) The mover and seconder of the motion and the Chairperson only, are entitled to speak.

(vi) If this motion is carried, the meeting shall continue discussion in committee. All people present are obliged to treat the discussion in confidence and the proceedings shall not be reported or recorded. At the conclusion of the discussion the Chairperson shall accept a motion that the meeting move out of committee. When out of committee the Chairperson shall report to the open meeting in a statement which can be adopted or rejected by the meeting.

MOTION FOR CLOSURE

21. (i) At any time during the debate on any substantive motion or on any amendment, but not on any formal motion, a motion may be moved to the effect “that the motion be put”.

(ii) This motion shall not interrupt a speaker.

(iii) A seconder is required.

(iv) The mover and seconder must not have already spoken to the motion or amendment.

(v) The mover and seconder of the motion and the Chairperson only shall be entitled to speak.

(vi) The Chairperson may refuse to accept such motions if they are of the opinion that discussion of the motion has been insufficient for a proper understanding of the matter under discussion or that any party to the discussion has not had reasonable or equal opportunity to present a case.

(vii) If such motion be carried the substantive motion or amendment shall be put immediately except that the mover of a substantive motion shall first have a right of reply.

(viii) If such motion be lost the debate on such substantive motion or amendment shall be resumed at the point where it was interrupted by the closure motion.

MOTION TO HEAR MEMBER

22. (i) At any time during the debate on any substantive motion or on any amendment, a motion may be made that a particular person to be mentioned by name, be heard.

(ii) This motion shall not interrupt a speaker.

(iii) A seconder is required.

(iv) The mover and seconder must not have already spoken to the motion or amendment.

(v) The mover and seconder of the motion and the Chairperson only shall be entitled to speak.

(vi) If such a motion be passed the Chairperson shall call on such person to speak whether the person has previously spoken or not.

MOTION TO GRANT LEAVE

23. (i) At any appropriate time, on any substantive motion or amendment, but not while any formal motion is before the meeting, a motion may be moved for the purpose of granting leave in any case where these Orders provide that leave may be given for any purpose.

(ii) This motion shall not interrupt a speaker.

(iii) A seconder is required.

(iv) The mover and seconder must not have already spoken to the motion or amendment.

(v) The mover and seconder of such motion and the Chairperson only shall be entitled to speak to such motion.

(vi) If it is provided for in these Standing Orders, leave may be requested of, and granted by, the Chairperson. Such leave carries the same authority as if granted by the meeting. However, any member may object to this procedure in which case the leave becomes void. The matter may then go to the meeting for a decision.

(vii) No record need be kept of any leave granted summarily by the Chairperson and where it appears that any act, matter or thing has been made or done which could not have been made or done without leave, then such leave shall in all cases be conclusively presumed to have been granted.

MOTION TO DISAGREE WITH RULING

24. (i) Immediately after the giving of any ruling by the Chairperson and whether or not any motion, substantive or formal, or any amendment thereto is before the meeting, but not if any motion under this Order is before the meeting, a motion may be moved to the effect that the Chairperson's ruling be disagreed with.

(ii) This motion shall not interrupt a speaker.

(iii) A seconder is required.

(iv) The mover and seconder may have already spoken in the debate.

(v) The mover and the seconder of such motion but no other shall be entitled to speak to it.

(vi) The Chairperson shall then reply and explain their ruling and shall then put the motion to the meeting.

(vii) If such a motion be carried the Chairperson shall give a different ruling in regard to the subject matter of the original ruling.

MOTION TO PLACE UPON THE TABLE

25. (i) A motion to place a matter or motion upon the table, may be made at any time on any substantive motion or amendment but not while any formal motion is before the meeting.

(ii) This motion may not interrupt the speaker.

(iii) A seconder is required.

(iv) The mover and seconder must not have already spoken to the motion or the amendment.

(v) The mover and seconder of the motion and the Chairperson only, shall be entitled to speak.

(vi) If the motion is carried, debate on the matter or motion shall cease. If an amendment is being discussed, the amendment and the original motion shall both be laid on the table.

(vii) Any matter or motion and amendments may be lifted from the table at the same meeting with two-thirds leave of the majority of the meeting. The procedures for this are the same as for placing a matter upon the table. [25 (i), (ii), (iii), (iv)]

MOTION TO PROCEED WITH URGENCY

26. (i) A motion to proceed with urgency may be made at any time on any substantive motion or amendment but not while any formal motion is before the meeting.

(ii) This motion may not interrupt the speaker.

(iii) A seconder is required.

(iv) The mover and seconder must not have already spoken to the motion or the amendment.

(v) The mover and seconder of the motion and the Chairperson only, shall be entitled to speak.

(vi) If the motion is carried the speaking time shall be reduced by half.

MOTION TO SUSPEND STANDING ORDERS

27. (i) A motion to suspend Standing Orders may be moved at any time on any substantive motion or amendment but not while any formal motion is before the meeting.

(ii) This motion may not interrupt the speaker.

(iii) A seconder is required.

(iv) The mover and seconder may have already spoken to the motion or the amendment.

(v) The mover and seconder of the motion and the Chairperson only, shall be entitled to speak.

(vi) If the motion is carried Standing Orders except order 3 shall be suspended until such time as they are resumed.

(vii) While Standing Orders are suspended the Chairperson shall maintain order as provided for in 3(i) and shall determine when Standing Orders are to be resumed as provided for in 3(iii).

MOTION TO GRANT AN EXTENSION OF TIME

28. (i) A motion to grant extension of time may be moved to allow a speaker extra time, to allow a motion, an amendment or an item of business to be completed, providing Order 26 (Motion to Proceed with Urgency) has not been passed.

(ii) This motion may not interrupt the speaker.

(iii) A seconder is required.

(iv) The mover and seconder may have already spoken to the motion or the amendment.

(v) The motion may not be debated unless it includes the time for the extension. In that case only amendments to the time may be moved, debated and put.

(vi) If the motion is carried the extension of time shall apply only to the speaker, motion, amendment or item of business named in the motion.

THIRD SCHEDULE
LEGAL ASSISTANCE

1. The Executive shall ensure that monies are allocated annually for the purpose of providing legal assistance to members.

2. Legal assistance shall be administered by the Executive according to these Rules and this schedule.

3. (i) Any Branch or Regional Organisation may apply to the Executive for any member to be given legal assistance.

   (ii) Such application must be made before any such Branch or Regional Organisation make any commitment to the said member or undertake any responsibility on the members behalf PROVIDED that in case of emergency such Branch or Regional Organisation may take such preliminary steps as may be immediately necessary to safeguard the interests of such member.

4. (i) Any application for assistance shall include full particulars of the facts connected with the matter in hand together with all relevant documents and written statements of witnesses where possible.

   (ii) Where any Branch or Regional Organisation has taken such preliminary steps provided for in Rule 3 hereof the Executive will reimburse such Branch or Regional Organisations any expenses thereby incurred unless in the opinion of the Executive the Branch or Regional Organisation has been culpably negligent.

5. Except as provided the Executive will not accept responsibility for payment of legal expenses if such expenses have been incurred without the consent or direction of the Executive.

6. In the event of a Branch or Regional Organisation not making an application to the Executive for legal assistance on behalf of a member such member may themself forward such application to the Executive.

7. A member shall have the right to legal assistance either by means of a grant or by the Association assuming liability either in whole or part or either absolutely or contingently depending on the result of the proceedings for the legal costs incurred by such member in defending any legal proceedings brought against such member as a result of any act done or omitted by such member during and in the course of their employment as and in performing their duties as a teacher.

FOURTH SCHEDULE
CODE OF ETHICS

INTRODUCTION

It is the responsibility of all members of NZPPTA to encourage ethical conduct by all secondary teachers in terms of this Code. This responsibility includes the support maintenance and defence of the Code which is binding upon all members in all classes of membership.

RESPONSIBILITIES OF MEMBERS

1. The teacher should:

    a) be concerned for the quality of the service rendered to and for the welfare of students

    b) help all pupils to develop their potentialities for personal growth

    c) deal justly and without prejudice with students.

2. The teacher should

    a) respect the basic responsibility of parents for the child and seek to establish a co-operative relationship with them

    b) encourage community participation in the school.

3. The teacher should

    a) recognise an obligation as a member of the teaching profession to maintain a high standard of conduct and performance

    b) be concerned for the welfare of colleagues

    c) submit to the Association all disputes arising from professional relationships with colleagues which cannot be resolved at the local level.

UNETHICAL CONDUCT

4. The following practices abuse the trust that a student can expect to have in a teacher. Accordingly it shall be held unethical for a teacher:

a) to punish a student excessively or unfairly

b) to show any form of prejudice in dealing with any student

c) to use authority as a teacher to compel any student to participate in any extra-curricular activities

d) to use authority as a teacher to compel any student to participate in any curricular activity which may reasonably be held to be offensive to the student's cultural or moral practices or beliefs

e) to use authority as a teacher to persuade any student to pay for extra tuition in any course taught by the teacher

f) to criticise any student to anyone not directly concerned with the welfare or education of the student

g) to divulge personal or domestic information obtained from students parents or guardians except when required by law or in accordance with the best interests of the student

h) to supply to any person other than the students concerned or their parents or guardians copies of school reports written for students or their parents or guardians

i) to engage in any form of sexual or any other type of harassment of any student

j) to discriminate on the grounds of sex race religion political belief marital or parental status sexuality or age

k) to engage in any form of sexual relationship with a student.

5. The following practices abuse the trust that teachers can expect to have in each other. Accordingly it shall be held unethical for a teacher:

(a) to compel any other teacher to carry out extra-curricular activities

(b) to compel any other teacher to undertake professional duties for which the teacher is not trained or qualified or has not at the time of application agreed to undertake

(c) speak in derogatory terms of any other teacher or criticise the work or conduct of any other teacher in the presence of pupils or in public

(d) to coach a student of any other teacher in any course of study without consulting that teacher

(e) to advertise availability as a member of or to promote any commercial coaching activity

(f) to offer or accept appointment to a basic scale position before the advertised closing time for that position or to offer or accept appointment to a senior position before the time allowed for return of referees' reports has elapsed

(g) to be a party to any request or agreement to withdraw an application for appointment

(h) to delay advertising an actual vacancy or delay allocating a school's full entitlement to units

(i) to engage in any form of comparative advertising or to make any public comment which is derogatory of any other school

(j) to be party to any breach of an enrolment scheme

(k) to show any form of prejudice in dealing with any other teacher

(l) to engage in any form of sexual or other type of harassment of any other teacher

(m) to discriminate on the grounds of sex race religion political belief marital or parental status sexuality or age.

6. The following practices damage the Association. Accordingly it shall be held unethical for a teacher:

(a) to wilfully disregard any policy decided on by Annual Conferences of the Association or decisions reached by the National Executive

(b) to purport to represent the views of the Association unless authorised to do so

(c) to divulge Association information classified as confidential

(d) to refuse to participate in any lawful industrial action of the Association without exemption.

PROCEDURES FOR DEALING WITH INFRINGEMENTS

7. In setting out procedures for dealing with infringements of the Code of Ethics the Association accepts the legal obligations and duties of principals.

8. In all cases the rule of natural justice shall apply. The teacher concerned must be advised of the charge given the chance to defend the charge orally and/or by written submission and any member of any Ethics Committee or the National Executive who is likely to appear to be biased by interest or connection must withdraw.

9. Any member may lodge a complaint. A formal complaint must be in writing and lodged with the chairperson of the branch where the teacher alleged to have breached the code is a member. If the chairperson is a party to the complaint the complaint must be lodged with the regional chairperson. If the regional chairperson is a party to the complaint then the complaint must be lodged directly with the Executive.

10. In addition any member of the National Executive may lodge a complaint against any other member of the Association in writing with the General Secretary for direct referral to the National Executive.

11. Upon receipt of a written complaint from any person eligible to lodge a complaint the branch chairperson shall within seven days refer the matter to the regional chairperson and notify the teacher complained against of that action such notification to be in writing.

REGIONAL ETHICS COMMITTEE

12. Each region shall have a Regional Ethics Committee set up at its annual general meeting. This committee will consist of five members at least three of whom shall investigate each complaint. It is to this committee that the regional chairperson shall refer all complaints received. Should any of its members be a party to a specific complaint they must withdraw from membership while that complaint is considered.

13. The Regional Ethics Committee shall within seven days and in writing inform the teacher concerned of the nature of the complaint of its intention to meet within twenty-one days to investigate the complaint and of the teacher's rights.

14. The teacher shall have the right to respond in writing and/or appear before the Regional Ethics Committee. In the latter case the teacher shall have the right to be accompanied by another member.

15. The Regional Ethics Committee after consideration of all the evidence before it shall adopt one or more of the following measures

    (a) take no further action

(b) caution reprimand or censure the teacher

(c) refer the case to the National Executive.

16. No matter what decision is made by the Regional Ethics Committee all parties and the National Office of the Association shall be notified within 14 days in writing of the decision and the reasons for that decision.

17. Each year the region shall receive a report from its Ethics Committee specifying the number of cases it has handled and setting out the nature and results of its investigations in general terms.

18. The respondent shall have the right to lodge an appeal against the decision of the Regional Ethics Committee with the General Secretary for referral to the National Executive.

EXECUTIVE ETHICS COMMITTEE

19. The Executive shall set up at the first Executive meeting each year an Executive Ethics Committee which shall investigate all ethics complaints referred to the Executive and report its findings to the Executive. This committee shall consist of five Executive members at least three of whom shall investigate each complaint.

20. The Executive delegates to the Executive Ethics Committee the power to conduct investigations or enquiries into complaints and the Committee shall determine its own procedures and practices subject to the rules of natural justice.

21. When it has completed its investigations into a complaint lodged directly with the Executive the Executive Ethics Committee shall adopt one or more of the following measures

(a) take no further action

(b) caution reprimand or censure the teacher

(c) recommend to the Executive that it withdraw the teacher's right to Association membership as provided for in Rule 9(ii) of the Constitution.

22. The Executive Ethics Committee will also review appeals against the decision of a Regional Ethics Committee. In such a case after considering all the evidence before it the Committee shall adopt one of the following decisions

(a) annul the decision of the Regional Committee

(b) uphold the decision of the Regional Committee

(c) change the decision of the Regional Committee.

23. Any decision of the Executive Ethics Committee or of the Executive acting in terms of Rule 21(c) shall be communicated to all parties concerned in writing within 14 days giving the reasons for the decision.

ETHICS APPEAL BOARD

24. The respondent shall have the right to lodge an appeal against a decision of the Executive Ethics Committee except a decision made by the Committee under Rule 21(c) provided it is in writing to the General Secretary within one calendar month of the date of the decision. The General Secretary will refer such appeals to the Association's Ethics Appeal Board.

25. The respondent shall have the right to lodge an appeal against a decision of the Executive provided it is in writing to the General Secretary within one month of the date of the decision. The General Secretary will refer such appeals to the Association's Ethics Appeal Board.

26. The Executive shall appoint and may re-appoint a person to chair an Ethics Appeal Board. Such a person not being a member of the Executive will hold office for one year. In addition for each appeal except an appeal lodged under Rule 25 the Executive will appoint one of its members who was not a member of the Ethics Committee involved in the case and elect by lot three regional chairpersons none of whom shall have been involved in the case to this stage. These five will hear the appeal.

27. For each appeal lodged under Rule 25 the Executive will elect by lot four regional chairpersons none of whom shall have been involved in the case to this stage. These four together with the chairperson of the Appeal Board will hear the appeal.

28. The Appeal Board may require the Ethics Committee or the Executive to present its case to it through one of its members and shall inform the teacher of the right to furnish evidence in support of the appeal and to appear before the Board on a date to be specified provided that at least 14 days' notice shall be given. The teacher may be accompanied by another member who may speak on the teacher's behalf at the appeal.

29. After considering all the evidence before it the Appeal Board shall adopt one of the following measures:

(a) annul the decision of the Executive Ethics Committee or the Executive

(b) uphold the decision of the Executive Ethics Committee or the Executive

(c) change the decision of the Executive Ethics Committee or the Executive.

30. No matter what decision is reached all parties shall be informed within 14 days in writing of the decision and the reasons for it.

31. Each year in its Annual Report to Conference the Executive will include a report on the activities of the Executive Ethics Committee specifying the number of cases it has handled and setting out the nature and results of its investigations in general terms. It will also include a report on cases dealt with by the Executive.

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