

**Rules
of the
New Zealand
Educational Institute
Te Riu Roa
Incorporated**

As amended by the Institute's Annual Meeting – 26 September 2023

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New Zealand Educational Institute Te Riu Roa Incorporated

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A: About these Rules

This document sets out the rules of the New Zealand Educational Institute Te Riu Roa Incorporated, more commonly known as NZEI Te Riu Roa.

NZEI Te Riu Roa is New Zealand's largest education union, representing principals, teachers and support staff in primary, area and secondary schools, early childhood centres, special education and school advisory services nationwide. It is a democratic, treaty-based organisation, whose members work in every community in New Zealand advocating for quality public education.

NZEI Te Riu Roa is registered under the Incorporated Societies Act 1908 and is registered as a union and operates under the Employment Relations Act 2000.

Every incorporated society is required to have a set of rules. The rules apply to all NZEI Te Riu Roa members, for as long as they remain members of the Institute. Any member can propose that the rules should be amended, or that new rules should be added, or redundant rules repealed. There are processes set out in the rules for these changes to occur.

If you have any questions about these rules, phone 0800 693 443. For more information about NZEI Te Riu Roa or to obtain a copy of these rules, please visit: www.nzei.org.nz

B: Interpretation

Aronui Tōmua: an official Branch of the Institute established under these rules. Aronui Tōmua represent mainly Māori members within a defined geographical area.

Branch: an official Branch of the Institute established under these rules. Branches represent members within defined geographical areas. They include Aronui Tōmua and Komiti Pasifika. See Schedule 1A of these rules for a list of the Institute's current Branches.

Area Council: an official Area Council of the Institute established under these rules. Area Councils represent members on district-wide issues and are made up of representatives from all Branches within their area. See Schedule 1B of these rules for a list of the Institute's current Area Councils.

Komiti Pasifika: an official Branch of the Institute established under these rules. Komiti Pasifika represent mainly Pasifika members within a defined geographical area.

Majority: a majority in the context of a vote means a simple majority of voters (50% plus 1), unless stated otherwise.

Members: an enrolled member of the Institute, whether a full, provisional or Hoa Pumahana member.

National Executive: the Institute's managing body, elected under these rules.

National Officer: any member of the National Executive, whether or not they hold a specific office.

Section: all references to sections mean sections of these rules, unless stated otherwise.

Subscription: the annual membership fee paid by members, inclusive of GST.

Support Staff: an employee in a state or state-integrated school, an educational institution or educational agency, whose function is to support administration, teachers or pupils in the state education sector or a licensed early childhood centre, including kindergartens.

Tauwi: Non-Māori New Zealanders.

Te Reo Areare: The Institute's National Māori Council.

The Institute: The New Zealand Educational Institute Te Riu Roa (Incorporated).

Rules: the rules of the New Zealand Educational Institute Te Riu Roa (Incorporated), as required by the Incorporated Societies Act 1908.

C: About the Institute

1 Institute's Name

- 1.1 The Institute's full name is The New Zealand Educational Institute Te Riu Roa Incorporated. Its short name, which it also operates under, is NZEI Te Riu Roa. In these rules, it will be referred to as the Institute.

2 Institute and Te Tiriti o Waitangi

- 2.1 The Institute is a tiriti-based organisation that provides pathways for member participation through the structures of NZEI Te Riu Roa. These structures have been premised on Te Tiriti o Waitangi and the tongi:-

*Kotahi te kohao o te ngira e kuhuna ai
Te miro ma, te miro pango, te miro whero. I muri, kia mau ki te aroha, kite ture,
ki te whakapono.
(Potatau Te Wherowhero)*

A tiriti-based organisation in practise demands that parties work closely together for one purpose based on respect and trust."

3 Institute's Registration as a Union

- 3.1 The Institute is registered as a union under The Incorporated Societies Act 1908 and under the Employment Relations Act 2000.
- 3.2 Registration under the Incorporated Societies Act 1908 means that all of the Institute's members (see Section 8) are bound by these rules, regardless of when they became members, and for as long as they remain members.
- 3.3 The Incorporated Societies Act 1908 also contains provisions about the internal management of incorporated societies, which the Institute must comply with, and makes the Institute's actions subject to review by the High Court.
- 3.4 Registration under the Employment Relations Act 2000 means the Institute must be democratic, independent and operate at arm's length from any employer.

4 Institute's Goals

- 4.1 To advocate for quality public education and the rights of learners
- 4.2 To give honour and effect to Te Tiriti o Waitangi (see the Third Schedule of these rules) with Māori and Tauīwi being equal parties in Institute operations
- 4.3 To support members' collective and individual employment interests
- 4.4 To be an influential, member driven, democratic union
- 4.5 To facilitate full and active member participation in the activities of the Institute

- 4.6 To respect and uphold members' professional status and wellbeing
- 4.7 To promote and protect workers professional, economic, political, social and educational interests including working with other unions and like-minded organisations. This may involve representing workers who are not members of NZEI Te Riu Roa including people who may be covered by a proposed or applicable Fair Pay Agreement.

5 Institute's Offices

- 5.1 The Institute's National Office and registered office is at RedShield House, Level 6, 79 Boulcott Street, Wellington.
- 5.2 The National Executive may, from time to time, change the location or postal address of the registered office to another place in Wellington city. It must immediately notify the Registrar of Incorporated Societies and the Institute's members of the change and the date from which it occurred.

6 Affiliation

- 6.1 The Institute may associate or affiliate itself with any other educational body whose purposes are to advance the cause of education generally and whose activities are not for gain. The Institute may be a member of the New Zealand Council of Trade Unions.

7 Dissolution of the Institute

- 7.1 The Institute can be dissolved at any time, if a secret postal ballot of its full members, conducted for that purpose, results in a majority in favour of its dissolution. The National Secretary must give every full member notice, before the ballot, of the intention to seek the Institute's dissolution.
- 7.2 The dissolution will not take effect until the National Secretary has applied to cancel the Institute's registration under The Incorporated Societies Act 1908, and notice confirming the cancellation has been received from the Registrar of Incorporated Societies.
- 7.3 If the Institute is dissolved it will be subject to a final audit. The remaining property left after the payment of all costs, debts and liabilities be distributed to other New Zealand-based unions.
- 7.4 Section 7.3 will not be applied if the Institute is removed from the register due to amalgamation with other organisation(s).

7.5 Amalgamation with another union

- 7.5.1 A resolution for the Institute's dissolution may make provision for it to be amalgamated with another union registered under the Incorporated Societies Act 1908, provided that all of the Institute's members are given notice that a resolution seeking amalgamation has been passed.

- 7.5.2 In an amalgamation, all the Institute's property (after the payment of all costs, debts and liabilities) will become the property of the amalgamated union or be disposed of in a manner that a special meeting of the Institute deems fit (see Section 7.3).

D: Membership and Honours

8 Categories of Membership

- 8.1 Members of the Institute may be full (see Section 9), provisional (see Section 10), Hoa Pumahana (see Section 11) or life members (see section 13.5).
- 8.2 The Institute also distinguishes between financial and non-financial members (see Section 18) and may award honours (see Section 13) to members and non-members that support its work and objects.
- 8.3 Existing members who do not fall within any of the membership categories set out in Section 9 to 11 will continue as members.

9 Full Membership

- 9.1 Full membership of the Institute is open to every person employed, or engaged to be employed, other than those eligible to be provisional members (see Section 10), Hoa Pumahana members (see Section 11) or life members (see Section 13.5), throughout New Zealand as:
- a) a teacher in a state or state integrated school
 - b) an early childhood teacher or educator
 - c) a teacher, educator or support worker, other than those defined in parts (a) or (b) of this rule, working in the education sector
 - d) an employee in a state or state-integrated school, an educational institution or educational agency, whose function is to support administration, teachers or pupils in the state education sector or a licensed early childhood centre, including kindergartens (referred to as Support Staff)
 - e) a registered teacher or support worker in a service fully funded through the state education system
 - f) a reliever in any of the positions in parts (a) to (e) of this rule
 - g) a relieving member is a person who has been employed in any position in parts (a) – (e) above for more than 10 working days in any preceding 12-month period. A relieving member who has not been employed for more than 10 days in any preceding 12-month period shall no longer be entitled to vote and may not hold any elected or representative position in the Institute.

- 9.2 Section 9.1 does not apply to employees in private, fully registered schools; except where these employees are working in early childhood education services within those schools.
- 9.3 The Institute can extend full membership to include any categories of workers already included in the membership of another union. This must be done by changing the rules (see Section 86).
- 9.4 Full members are entitled to:
- attend, speak and vote at all meetings of the Branch they are enrolled in
 - be elected to any position within their Branch, and to represent the Branch or the Institute, if so appointed
 - receive assistance from the Institute's advisory services
 - receive a free copy of these rules, and all subsequent amendments to them (see Section 56)
 - receive a free copy of the collective employment agreement that they are employed under
 - receive a free copy of the Institute's Annual Report and Financial Statement
 - apply for assistance from the Institute's Legal Assistance Fund.

9.5 Resignation and termination of full membership

- 9.5.1 A member can resign as a full member of the Institute by giving the Institute 14 days' notice of their intention to resign.
- 9.5.2 Resignation will not be accepted from a third party unless the member is incapacitated and unable to notify their resignation themselves.
- 9.5.3 Any full member who stops being eligible for full membership under Section 9.1, will be deemed to have their full membership terminated.
- 9.5.4 The Institute will continue to act on behalf of any member affected by Section 9.5.3 in proceedings initiated while the member was still a full member.

10 Provisional Membership

- 10.1 Provisional membership of the Institute is open to:
- a) every student enrolled, more than 0.5 full-time-equivalent, in a training or education course intended to lead to employment in any of the roles eligible for full membership, as set out in Section 9.1
- This shall include students who are studying towards an under-graduate degree in early childhood education and for whom centre-based training, on either a paid or unpaid basis, is a course requirement.
- b) every person who has completed a teacher education course, is provisionally registered, and is seeking employment in any of the roles eligible for full membership, as set out in Section 9.1.

- 10.2 Provisional membership is valid until 30th November each year at which time it may be renewed in writing or electronically for a further 12 months subject to the provisions of Section 10.1 continuing to be met.
- 10.3 Provisional members have the same entitlements as full members, as set out in Section 9.4, unless otherwise provided for in these rules. (see Section 66)

11 Hoa Pumahana

- 11.1 Hoa Pumahana membership is open to former full members who are no longer employed in any of the roles set out in Section 9.1.
- 11.2 Hoa Pumahana members shall have access to the HealthCarePlus scheme offered by the Institute.
- 11.3 Hoa Pumahana members are entitled to participate in the activities of, and attend and speak at, any meeting of their Branch, Aronui Tomua, Komiti Pasifika or Area Council but do not have the right to vote.
- 11.4 Hoa Pumahana members may not hold any elected or representative position in the Institute.

12 Applying for Membership

- 12.1 Any person who fulfils the criteria for full (see Section 9), provisional (see Section 10) or Hoa Pumahana (see Section 11) membership can apply to become a member of the Institute. The application is made to the National Office.
- 12.2 An applicant for membership declares that there are no employment-related legal, ethical, or disciplinary matters in progress or outstanding against them at the time of their application. A false declaration will be deemed to cancel any subsequent membership based on it, and the Institute will not be liable for any support to the applicant in respect of such matters.
- 12.3 A person's membership is effective from the date that their application is accepted. The member must then pay all subscriptions, levies, and other contributions due (see Sections 16 and 17).
- 12.4 The National Executive may object to a person becoming a member of the Institute. If a membership application is declined, the affected person has the right to object to the decision through the complaint procedure (see section N).
- 12.5 A full member may object to a person becoming a member of any of the Institute's branches, on the grounds that the person:
- has been expelled from a Branch
 - has not fulfilled any conditions imposed by the Institute's Disciplinary Committee
 - is not fit to be registered as a member due to a Court conviction
 - has breached the Institute's Code of Ethics.

13 Honours Awarded by the Institute

13.1 The Institute awards honours to members and non-members who support its work and objectives. The honours are Associate (see Section 13.2), Fellow (see Section 13.3), Honorary Fellow (see Section 13.4), and Life Membership of the Institute (see Section 13.5). Nominations for honours are considered by the Institute's Honours Committee (see Section 14), which makes recommendations to the National Executive on the awards.

13.2 Associate

13.2.1 The Institute awards the honour of Associate to acknowledge the work of individuals at a workplace, local or area level. There are two categories for the award: professional contribution and union activism.

13.2.2 To be eligible, the nominee must have demonstrated:

- **Associate (Professional):**
 - support for the Institute's ethics, objects and goals
 - a high level of effectiveness and credibility as a practitioner
 - that he or she is held in high regard by, and has excellent relationships with, learners, colleagues, caregivers and other members of the education community
- **Associate (Union Activism)**
 - support for the Institute's ethics, objects, goals and activities
 - a high level of effectiveness, activism and credibility as a union member
 - that he or she is held in high regard by, and has excellent relationships with, colleagues, NZEI members and other members of the education community.

13.2.3 It is also advantageous if nominees are involved in community activities, outside education.

13.2.4 Nominees for the award of Associate must have held provisional or full membership of the Institute or a kindred organisation for at least 10 years (earlier in exceptional circumstances) to be eligible.

13.2.5 The award can also be made to a member within one year of their resignation or retirement from the Institute.

13.3 Fellow

13.3.1 The Institute awards the honour of Fellow to acknowledge the work of individuals at a regional and national level. There are two categories for the award: professional expertise and contribution, and union activism.

13.3.2 To be eligible, the nominee must have demonstrated:

- **Fellow (Professional):**
 - all of the requirements for Associate (Professional) to a higher level

- outstanding leadership, and active promotion of excellence in education in his or her field
 - ongoing quality contributions to a range of Institute activities
 - a special contribution to the wider educational community
 - service to the wider community.
 - **Fellow (Union Activism):**
 - all of the requirements for Associate (Union Activism) to a higher level
 - outstanding leadership and active promotion of excellence in his or her field
 - ongoing quality contributions to a range of Institute activities
 - a special contribution to the wider educational community
 - service to the wider community.
- 13.3.3 In general, nominees for the award of Fellow should have held full membership of the Institute or a kindred organisation for approximately 15 years. A nominee must also be an Associate or hold an Education Service Para-professional Association or NZEI Te Riu Roa Special Service Award.
- 13.3.4 The award of Fellow can be made within up to one year of the date that a member resigns or retires from the Institute.
- 13.4 Honorary Fellow**
- 13.4.1 The award of Honorary Fellow is made to individuals who are generally acknowledged as being worthy of this high honour and who do not otherwise qualify for the award of Fellow.
- 13.4.2 Nominees for Honorary Fellow must have demonstrated:
- eminence in their field of education, a kindred discipline, or the union movement nationally or internationally
 - significant service to education and the wellbeing of learners
 - support, in principle, for the Institute's objects, goals and activities.
- 13.5 Life Member of the Institute**
- 13.5.1 Life Members of the Institute are entitled to:
- inclusion in the Institute's Roll of Life Members, published as part of the Institute's report and proceedings on its annual meeting
 - free copies of the Institute's current newsletter
 - attend all general meetings of the Institute or any of its Branches, and to have speaking, but not voting, rights.
- 13.5.2 To be eligible, nominees for Life Membership must have demonstrated distinguished service in the cause of the Institute's members and education. The honour is the highest honour awarded by the Institute. It is given only when the service rendered has been of nationwide and outstanding nature.

13.5.3 The Award of Fellow or Honorary Fellow is a prerequisite for eligibility for Life Members of the Institute.

13.5.4 If a union amalgamating with the Institute has a rule providing for life membership similar to this rule, then Hoa Pumahana life membership of the union may transfer to the Institute, subject to the recommendations of the Institute's Honours Committee.

13.6 Life Member of a Branch

13.6.1 The Institute's Branches may elect suitable people to be Life Members of the Branch.

13.6.2 Life Members of a Branch are entitled to attend all meetings of that Branch and to have speaking, but not voting, rights.

14 Honours Committee

14.1 The Institute's National Executive will appoint an Honours Committee.

14.2 The Honours Committee's function is to:

- consider nominations for the honours in Sections 13.2 – 13.5 of these rules and make recommendations to the National Executive about them
- consider and report to the National Executive on any matter relating to the Institute's rules on awarding honours.

14.3 The Honours Committee will consist of:

- a Fellow of the Institute, appointed by the Institute's National President to chair the committee
- four Fellows of the Institute, appointed for a four-year term
- two members nominated by Te Reo Areare, for a four-year term, provided that if the nominees are members of the Institute they shall be Fellows of the Institute, and if not members of the Institute, they shall be kaumātua or pakeke
- up to four others, determined by the National President in conjunction with the committee Chairperson, to provide the balance of skills and knowledge needed. These are appointments for up to four years.

14.4 Honours Committee members cannot also be members of the National Executive.

14.5 A quorum is a simple majority of the current committee members.

15 Nominations and Decision-making for Honours

15.1 Nominations for Associates and Fellows (Professional or Union Activism) can be made by any Branch, Area Council or National Leadership Group. The nominations will be referred to the Honours Committee, which will consider them and make recommendations to the National Executive. The National Executive decides who the honours will be awarded to.

- 15.2 Nominations for Life Members of the Institute and Honorary Fellows will be made by the National Executive, which may act on the recommendation of a Branch, Area Council or National Leadership Group. The nominations will be referred to the Honours Committee, which will consider them and make recommendations to the National Executive. The National Executive decides who the honours will be awarded to.
- 15.3 The format for nominations for all honours will be prescribed by the Institute, which will advise members annually.

E: Membership Subscriptions and Levies

16 Membership Subscriptions

- 16.1 All full and Hoa Pumahana members must pay a membership subscription to the Institute and become liable for paying subscriptions upon their application for membership being accepted.
- 16.2 The rate of the membership subscriptions will be adjusted each year to reflect movements in the Consumer Price Index during the previous year except for every third year. On the third year, members will vote at the Annual Meeting whether this increase should happen after discussion and presentation of the Financial Report by National Executive. Membership subscription fee increase anniversary is 1 April each year aligning with the financial year cycle of the organisation.
- 16.3 The National Executive can propose an additional increase to subscriptions for a particular year, beyond the increase allowed for in Section 16.2. Any additional increase will be set by majority decision at the Institute's annual meeting.
- 16.4 Members who earn less than certain income thresholds only pay part of the full subscription rate. The income thresholds will be adjusted each year in the same manner as set out in section 16.2.
- 16.5 The income thresholds and reduced proportions will be set by majority decisions at the Institute's annual meeting.
- 16.6 The National Executive will decide how subscriptions can be paid and will let members know through the Institute's website and communications to workplaces.
- 16.7 Full members who are on leave without pay from a permanent position can apply to the National Secretary to suspend their subscription payments during their leave. Members in this situation retain their full membership entitlements (see Section 9.4).

16.8 Non-payment of subscriptions

- 16.8.1 The Institute shall notify members of the non-payment of any subscription payment due.
- 16.8.2 The Institute may terminate the membership of any member whose subscriptions are more than 3 payments or 90 days in arrears and attempts to remedy the situation have failed.

- 16.8.3 The Institute may terminate the membership of any member who regularly defaults on their subscription payments and remains in arrears. The Union shall notify the member of the termination and the reason for it.
- 16.8.4 Rule 9.1 does not apply to non-financial members who are on leave under rule 16.7.

17 Emergency Levies

- 17.1 In emergencies, the Institute can require full members to pay an additional levy. The levy will not exceed 10 per cent of each full member's subscription for the year.
- 17.2 An emergency levy must receive the prior approval of the majority of members at the Institute's annual meeting or at a special meeting of the Institute, or of full members in a postal ballot. Members will be notified of the Institute's intention to seek an emergency levy before the meeting or ballot is held.

18 Register of Financial Members

- 18.1 A financial member is any member of the Institute (full, provisional or Hoa Pumahana) who is not in arrears for more than 90 days for any subscription, levy or other contribution that they are required to be pay under these rules.
- 18.2 The Institute will keep a register of its financial members, including each member's:
- full name
 - workplace address
 - occupation
 - employment agreement that applies to them
 - date of joining the Institute.

F: The National Executive

19 National Executive's Functions

- 19.1 The Institute is managed on a day-to-day basis by its National Executive. In particular, the National Executive has the following roles and functions:
- a) to direct the Institute's policy when the Institute is not in session
 - b) to fix the date of, and order of business at, the Institute's annual meeting (see Section 50)
 - c) to prepare and circulate to National Executive members the minutes of the National Executive's and its Standing Committee's meeting

- d) to meet together, adjourn and otherwise regulate its business as it thinks fit
 - e) to appoint a National Secretary and such other staff as are required
 - f) to submit a report of its proceedings during the year
 - g) to administer and control all of the Institute's financial matters (see Part L), and submit financial statements for audit by a chartered accountant who will be elected by the Institute for the purpose
 - h) to operate the Institute's bank accounts (see Section 62), and use its funds in a lawful manner, in the interests of members and in line with the objects of the Institute
 - i) to enter into investments, loans and overdrafts as required to further the Institute's business (see Section 62)
 - j) to control, acquire and dispose of property
 - k) to summon special meetings of the Institute when necessary (see Section 51)
 - l) to hold a referendum of Institute members on important changes in Institute policy, or on other matters that it or an annual meeting considers require a referendum
 - m) at the request of the Chairperson of an Area Council, a Branch President or the Member Assist team, to appoint an Institute representative to provide advice, assistance and / or appear at any informal, statutory or other inquiry, or other legal action instituted by an employing authority, which involves an Institute member
 - n) to confer on members such honours as may be recommended by the Honours Committee (see Sections 13 and 14)
 - o) to take disciplinary action, when necessary, against members, officers and other position holders in the Institute (see Part N)
- 19.2 The National Executive may have other functions, as specified elsewhere in these rules.

20 National Officers

- 20.1 The Institute's National Officers are:
- the National President
 - the National Immediate Past-President, or where applicable, the Senior Executive Member
 - the National Vice-President
- 20.2 In affairs of the Institute and National Executive, the National President has seniority, followed by the National Immediate Past-President or where applicable, the Senior Executive Member

21 National Executive Membership

21.1 The Institute's National Executive consists of:

- a National President
- a National Immediate Past-President or where applicable, a Senior Executive Member (see section 25.5)
- a National Vice-President
- eight other members of the Institute:
 - one from the early childhood sector
 - one from the primary teaching sector
 - one from the support staff sector
 - one from among the school principals
 - one who is an employee of the Ministry of Education, and who is either an education support worker, a behaviour support worker, a communication support worker, a service manager or a field staff member
 - three from among the general membership
- three members selected biennially from current members of Te Reo Areare, in accordance with procedures established by Te Kāhui Whetū (see Section 54).

21.2 See Sections 25 and 26 for rules governing the nomination and election of National Executive and National Officers.

21.3 All National Executive members will be indemnified for liabilities (other than criminal liability) for a failure to comply with their duties or costs (relating to Institute business) incurred by them for any claim or proceeding relating to those liabilities.

22 National Executive Meetings

22.1 The National Executive will meet as often as is needed to fulfil its functions (see Section 19). Meetings are called by the National President.

22.2 Voting methods and the quorum required for National Executive meetings are the same as those set out in the standing orders for the Institute's annual meeting (see Section 53).

23 Relationship between the National Executive and the National Secretary

23.1 The National Secretary is the Institute's Chief Executive and is responsible for its efficient and effective operation.

- 23.2 The National Secretary will carry out the duties specified in these rules and any other duties delegated by the National Executive that are consistent with her or his conditions of employment.
- 23.3 The National Secretary attends the meetings of the Institute and National Executive but cannot vote on any matter.
- 23.4 For the purpose of clarity, the National Secretary cannot exercise any of the following powers:
- a) set Institute policy
 - b) determine financial policies or allocations (other than secondary allocations related to operating the Institute's offices)
 - c) take disciplinary action against Institute members or officers
 - d) remove elected officers of the Institute or fill vacancies.

24 National President's Role

- 24.1 The National President's role includes:
- acting as Chairperson at meetings of the Institute, and the National Executive and its subcommittees
 - exercising a deliberative, as well as a casting vote, where necessary at all meetings over which she or he presides
 - ensuring the Institute's rules and policy are observed and promoted wherever possible.

25 Nominations for National Officer & National Executive Positions

- 25.1 Only full or provisional members of the Institute are eligible to be nominated, elected or serve as National Officers or National Executive members.
- 25.2 Nominations made prior to annual meeting for the offices of National President, where applicable, the Senior Executive Member (see section 25.5) and National Vice-President must be made in the form set out in the Fifth Schedule of these rules. Nominations must be received by the National Secretary at least 10 weeks before the first day of the Institute's annual meeting.
- 25.3 Where the current President is eligible (see Section 25.1) and available to hold the office of National Immediate Past-President, no nomination is necessary, and that person is automatically appointed to the office for the next term.
- 25.4 Where the current President is not eligible or available to hold the office of National Immediate Past-President, the current National Immediate Past-President shall automatically continue to hold that office for the next term.
- 25.5 In the event of the application of clause 25.4 and where the current National Immediate Past-President is not eligible or available to hold the office, nominations shall be called from those entitled to attend, speak and vote at annual meeting, for the office of Senior Executive Member. The Senior Executive

- Member can only be nominated from among currently elected National Executive members.
- 25.6 Where there is only one nomination for any National Officer position, that nominee shall be declared elected.
- 25.7 If no nominations are received for a National Officer position in accordance with section 25.2, then nominations shall be called from those entitled to attend, speak and vote at annual meeting (see section 52.1).
- 25.8 Nominations made prior to annual meeting for the eight additional members (see section 25.1) of the National Executive must be made in the form set out in the Fifth Schedule of these rules. Nominations must be received by the National Secretary at least 10 weeks before the first day of the Institute's annual meeting.
- 25.9 Where there is only one nomination received for the early childhood sector, primary teaching sector, support staff sector, school principal sector, or the Ministry of Education position (see section 21.1) that nominee shall be declared elected.
- 25.10 If no or insufficient nominations are received in accordance with section 25.8, then nominations shall be called from those entitled to attend, speak and vote at annual meeting (see section 52.1).
- 25.11 Nominations for the eight additional members should be clearly marked as follows:
- for the three members from the general membership – GENERAL MEMBERSHIP BALLOT
 - for the member from the early childhood sector – EARLY CHILDHOOD SECTOR BALLOT
 - for the member from the primary teaching sector – PRIMARY TEACHING SECTOR BALLOT
 - for the member from the Support Staff sector – SUPPORT STAFF SECTOR BALLOT
 - for the member from among the school principals sector– SCHOOL PRINCIPALS BALLOT
 - for the member from among the Ministry of Education sector– MINISTRY OF EDUCATION BALLOT.
- 25.12 At least 3 months before the annual meeting, the National Secretary will write to Te Reo Areare seeking names from the Aronui Tōmua electoral regions of those who will form Te Reo Areare. The names must be delivered to the National Secretary at least six weeks before the start of the Institute's annual meeting.
- 25.13 Where possible, the National Secretary will circulate details of all candidates nominated for National President, National Vice-President and the eight additional National Executive members, to Institute members, at least four weeks before the first day of the annual meeting.

26 Elections for National Executive and National Officers

- 26.1 Elections from among the nominated candidates will be held at the Institute's annual meeting.
- 26.2 The order of elections is:
- The National President
 - The Senior Executive Member, where applicable (see sections 25.5 & 29.4)
 - The National Vice-President
 - early childhood sector, primary teaching sector, support staff sector, school principal sector, and Ministry of Education (see section 21.1) representatives
 - general membership representatives.
- 26.3 In any ballot for the election of the National Executive & National Officers:
- a) where the ballot is for a single position, the highest polling candidate will be elected
 - b) where the ballot is for the general membership positions, the highest polling candidates will be elected
 - c) in the event of a tie, new ballot(s) between the tied candidates must be run until the tie is broken. The highest polling candidate(s) will be elected in accordance with sections 26.3 (a) and 26.3 (b)
- 26.4 The election ballot will be taken of all those entitled to attend, speak and vote at annual meeting (see section 52.1). The National President will appoint the scrutineers for the ballot. Each candidate is also entitled to appoint a scrutineer.
- 26.5 A ballot will be invalid if it contains votes for more candidates than are required to fill a vacancy. See Section 60.2 for provisions on disputed ballots.

27 Term of Office for National Executive and National Officers

- 27.1 The term of office for all positions is 2 years (24 months) Newly elected or appointed National Officers and National Executive Members take office from 1 January in the year following annual meeting.
- 27.2 Incumbent National Executive Members and National Officers remain in office until their successors take office.

28 Vacancies for National Executive Positions

- 28.1 Where there is a vacancy during the term, or where a vacancy was not filled at the most recent annual meeting, the National Executive can fill the vacancy by appointment, without calling for nominations. The method for making the appointment is described in Sections 28.4 and 28.5.
- 28.2 The exception to the rule in Section 28.1 is when the vacancy is for a representative of Te Reo Areare, in which case the National Secretary will invite

Te Reo Areare to nominate a replacement representative for the remainder of the current term.

- 28.3 A vacancy is deemed to occur where a National Executive member resigns their position, is removed from their position (see section 30.2), ceases to be a member of the Institute, is no longer a member of the sector of the Institute that they were elected to represent or is otherwise unavailable or unable to continue in their position.
- 28.4 In filling a vacancy, the National Executive will appoint the next highest polling candidate for that office in the ballots held at the most recent annual meeting of the Institute where elections were held. Such appointees will have full voting rights on the National Executive.
- 28.5 Where there is no next highest polling candidate (as described in Section 28.4) the National Executive can fill the vacancy in either of the following ways.
- a) It can appoint a member from among the relevant sector or general membership group (see Section 25.6). Such a person will not have voting rights on the National Executive.
 - or
 - b) Where the vacancy occurs before the mid-term annual meeting, it can call for nominations from members of the appropriate sector or general membership in order to fill the vacancy. Elections will then be held at the mid-term annual meeting, following the provisions in Section 26. The successful candidate will take office for the balance of the two-year term and will have full voting rights on the National Executive.

29 Vacancies for National Officers

- 29.1 A vacancy is deemed to occur where the National Officer member resigns their position, is removed from their position (see section 30.2), ceases to be a member of Institute, is no longer a member of the sector of the Institute that they were elected to represent or is otherwise unavailable or unable to continue in their position.
- 29.2 In filling a vacancy, the National Executive will appoint the next highest polling candidate for that office in the ballots held at the most recent annual meeting of the Institute where elections were held. Such appointees will have full voting rights on the National Executive.
- 29.3 Where there is no next highest polling candidate for the office of President, the National Immediate Past-President (or where applicable, the Senior Executive Member) shall assume the office and have full voting rights.
- 29.4 Where the National Immediate Past-President or the Senior Executive Member (where applicable) vacates (see section 29.1) their office, National Executive will appoint a member from the current National Executive as the Senior Executive Member who will assume the office and have full voting rights.
- 29.5 Where there is no next highest polling candidate for the office of National Vice-President and the vacancy occurs before the mid-term annual meeting, elections will be held at the mid-term annual meeting, following the provisions in Section 26. The successful candidate will take office for the balance of the two-year term and will have full voting rights on the National Executive.

- 29.6 Where there is no next highest polling candidate for the office of National Vice President and the vacancy occurs after the mid-term annual meeting, the vacancy will remain unfilled for the balance of the two-year term.

30 Suspension and Removal of National Executive Members and National Officers

30.1 Suspension following vote by the National Executive

- 30.1.1 The National Executive can vote to suspend a National Executive Member or National Officer from office for serious breach of duty, disability, bankruptcy or misappropriation of Institute funds. The vote to suspend is by simple majority. The National Executive can then authorise another member to act on behalf of the National Executive Member or National Officer until the matter is resolved.
- 30.1.2 The National Executive must establish a Committee of Inquiry within seven days of the suspension, to determine whether the National Executive Member or National Officer should be removed from office. The Committee of Inquiry will consist of three members of the Institute: only one can be a member of the National Executive.
- 30.1.3 Once the Committee of Inquiry has been established, the National Executive must immediately provide it with a written statement setting out the reason or reasons for the suspension, and the facts supporting it. The committee will then send a copy of the statement to the suspended National Executive Member or National Officer.
- 30.1.4 The Committee of Inquiry will call a meeting within 14 days of its establishment to hear the matter.
- 30.1.5 The suspended National Executive Member or National Officer and a representative of the National Executive will have the right to address the meeting.
- 30.1.6 The suspended National Executive Member or National Officer, National Executive representative and the Committee of Inquiry will have the right to call witnesses.
- 30.1.7 The Committee of Inquiry will decide within seven days of the hearing whether the National Executive Member or National Officer should be removed from office.
- 30.1.8 The National Executive Member or National Officer will have the right to appeal the Committee of Inquiry's decision to the National Executive as a whole.

30.2 Removal at the request of members

- 30.2.1 Where 20 or more financial members want a National Executive Member or National Officer removed from office, for the reasons in Section 30.1.1 or any other reason, they must give a written statement to their Branch Secretary:
- setting out the reason for removal and the facts supporting it
 - requesting a special meeting of the Branch to be called to consider the matter.

- 30.2.2 The Branch Secretary will call a special meeting of the Branch to consider the matter (see Section 37.3) and notify the National Officer of the meeting. The National Executive Member or National Officer has the right to address the meeting or make a written statement responding to the call for his or her removal.
- 30.2.3 If the special meeting passes a resolution that the National Executive Member or National Officer should be removed, the Branch Secretary will deliver a written copy of the resolution to the National Secretary. The National Secretary will circulate a copy of the resolution to each Branch.
- 30.2.4 Upon receipt of the resolution, the Branch Secretary of each Branch will call a special meeting of the Branch to discuss the resolution.
- 30.2.5 The National Executive Member or National Officer has the right to present a written statement to every Branch meeting called to discuss the resolution.
- 30.2.6 Where the special meeting of 15 or more Branches, representing at least two Area Councils, support the resolution, the question of whether the National Executive Member or National Officer should be removed shall be submitted to a secret postal ballot of all the Institute's financial members.
- 30.2.7 If the secret postal ballot confirms the resolution, the National Executive Member or National Officer will be removed.

G: Branches of the Institute

31 Branches

- 31.1 The Institute's Branches are listed in Schedule 1A of these rules.

32 Objects of the Institute's Branches

- 32.1 The main objects of any Branch of the Institute are to:
- a) advance the cause of education
 - b) promote the welfare of its members by:
 - upholding their just claims, individually and collectively
 - giving them frequent opportunities to express their views
 - encouraging networking, communication and membership loyalty
 - c) enable members to work together for a special purpose or to represent a community of interest

33 Establishing New Branches

- 33.1 Members must ask the National Executive if they want to establish a new Branch of the Institute.
- 33.2 Before granting approval, the National Executive must be satisfied that:

- a) there is sufficient demand for a new Branch
- b) the views of surrounding branches and the relevant Area Council have been considered, and that they generally support the proposal
- c) the proposed Branch's boundaries have been well defined
- d) the proposed new Branch will have at least 25 members, or 15 members in the case of a proposed new Aronui Tōmua or Komiti Pasifika
- e) an inaugural Managing Committee has been selected for the proposed branch and is ready to take office
- f) the proposed Branch would further the objects of the Institute's Branches (see Section 32).

33.3 Where National Executive resolves to establish a new Branch, that Branch's name is automatically added to Schedule 1A of these rules.

34 Disestablishing Branches

34.1 Whenever a Branch ceases to meet its objects or operational requirements, or asks to be disestablished, the National Executive will decide the matter.

34.2 The National Executive will either:

- a) confirm the Branch's continued existence
- b) agree by way of resolution to the disestablishment
- c) convene a Branch Review Panel, to consider the matter further.

34.3 The Branch Review Panel will be made up of:

- one member of the National Executive (appointed by the National President),
- the President of the Branch under review (or their nominee),
- where they choose, a representative from each surrounding branch,
- and the President (or their nominee) of the relevant Area Council(s).

34.4 The Review Panel will consider all information presented to it and recommend to the National Executive whether or not the Branch should be disestablished.

34.5 If the National Executive resolves to disestablish the Branch, the decision takes effect immediately, and the Branch name is automatically removed from Schedule 1A of these rules.

34.6 When a Branch is disestablished, all of its assets are transferred to the National Executive for redistribution as it sees fit.

35 Branch Membership

35.1 Anybody who joins the Institute (see Part D) becomes a member of the Branch of their choice.

35.2 People joining the Institute can become a member of any Branch they have an interest in.

35.3 Institute members can attend the meetings of any Branch, but they can only vote and hold office in the Branch they are a member of.

35.4 When a Branch member wishes to transfer to another Branch, they must advise the National Office.

35.5 Annual statements of membership

35.5.1 The National Office will let the Secretary of each Branch know how many members their Branch has, as at 30 November each year. This number will determine each Branch's share of the membership subscriptions for the coming financial year (see Section 64).

35.5.2 The National Office will let the Secretary of each Branch know how many members their Branch has, as at a date determined by the National Executive. This number will be used to determine how many representatives each Branch is entitled to send to the Institute's annual meeting (see Section 39.1).

36 Branch Administration and Operation

36.1 Branch address

36.1.1 Every Branch will maintain an official mailing address and an email address. All of the Branch's members and the National Office will be notified of these.

36.1.2 Any change in these addresses will be advised immediately to all of the Branch's members and the National Office.

36.2 Branch affiliation and restrictions on representation

36.2.1 All Branches are subject to the Institute's general directions and governance, and to these rules.

36.2.2 No Branch may bring any matter before the Minister of Education, the Ministry of Education or the Education Review Office, without the specific consent of the National Executive.

36.2.3 No Branch can bring any matter that affects members of its district as a whole before an employer organisation, except through its Area Council.

36.3 Branch financial powers

36.3.1 See Part L for details of how Branches can manage their financial affairs.

37 Branch Meetings

37.1 Branch meetings and Branch Managing Committee meetings

37.1.1 Branch meetings and Branch Managing Committee meetings may be held face-to-face or by electronic means.

37.1.2 All meetings shall have minutes kept, which will be available on request to Branch members and the National Office. Minutes will be approved as true and correct at the next meeting of the Branch or Branch Managing Committee.

37.2 Branch annual meetings

- 37.2.1 Every Branch must hold an annual meeting each 12 months. The date set for the meeting will be consistent with the method chosen to elect the Branch officers that year (see Section 38.3). Branch members will be notified of the date, time and venue of the meeting.
- 37.2.2 The Branch annual meeting will:
- a) consider the Branch Managing Committee's report for the past year
 - b) consider the Branch's finalised financial reports for the previous 12 months
 - c) declare the results of the election for officers for the coming 12 months, where the election was by postal ballot
 - d) hold the election for officers for the coming 12 months, where the election is to occur at the annual meeting
 - e) elect an auditor or auditors if required
 - f) conduct any other business, provided one month's notice of the intention to include the business in the meeting is given to the Branch's Managing Committee
 - g) conduct such other business as is agreed to by two-thirds of the members present at the meeting.
- 37.2.3 Immediately following the meeting, the Secretary will forward to the National Office a list of the elected Branch officers who will take office in the coming 12 months.

37.3 Branch special meetings

- 37.3.1 A special meeting of a Branch can be called at any time:
- on the motion of the Branch President or Secretary (or both of them)
 - at the written request of any three members of the Branch Managing Committee
 - at the written request of any 10 members of the Branch.
- 37.3.2 Members will be given at least seven days' notice of special meetings, except where a meeting is called under Section 30.2 for the removal of a National Officer, in which case they will be given 21 days' notice.

37.4 Quorum at Branch annual and special meetings

- 37.4.1 The quorum for a Branch annual or special meeting will be 10 members, except where the Branch has less than 30 members, in which case the quorum will be one-third of the total Branch membership.

37.5 Adjournment of Branch annual and special meetings

- 37.5.1 Any Branch annual or special meeting can be adjourned until such time as the members present at the meeting think fit.

38 Branch Managing Committee officers

38.1 Branch Managing Committee powers and quorum

38.1.1 Subject to these rules, and any decisions of the Branch, a Branch's Managing Committee can take all measures that it considers advisable in carrying out the objects of the Branch.

38.1.2 A quorum at a Branch Managing Committee meeting is one-third of the committee's officers.

38.2 Branch Managing Committee officers

38.2.1 Any full or provisional member of a Branch is eligible to be elected as a Branch Managing Committee officer, or as a representative of the Branch (see Section 39). See Section 38.3.1 for the method of election.

38.2.2 Every Branch will elect a Managing Committee made up of:

- a President
- a Vice-President
- where they are willing, a Past-President (who is the retiring President)
- a Secretary and a Treasurer (alternatively, these offices may be held by one person as Secretary–Treasurer)
- any additional number of officers as it sees fit.

38.2.3 At least two officers of the Managing Committee should be from the support staff sector, and at least one from the early childhood sector.

38.2.4 Where a Branch resolves not to elect a Secretary or Secretary–Treasurer, the Managing Committee may appoint a person to the position, whether or not they are a member of the Institute.

38.2.5 The appointment will be for an honorarium and on such terms as the committee sees fit. A Secretary or Secretary–Treasurer appointed in this way will not be a member of the Managing Committee but will be entitled to be present at all its meetings.

38.2.6 The Managing Committee has the power to co-opt, for consultation purposes, any Institute workplace representative from any workplace within the Branch (see Section 49).

38.2.7 The Branch can elect or, subject to confirmation by the Branch, the Managing Committee can appoint such other officers as the Branch deems necessary.

38.3 Election of Branch Managing Committee officers

38.3.1 Branch Managing Committee officers can be elected either by postal ballot, using a secure online voting system (see Section 38.4), or at the annual meeting of the Branch (see Section 38.5).

38.3.2 The method to be used will be determined, by way of resolution, at the Branch's annual meeting (see Section 37.2.1). The resolution takes effect in the following year.

38.4 Election by postal ballot

38.4.1 Where Branch Managing Committee officers are to be elected by postal ballot, nominations must be made in writing, in the form set out in the Fourth Schedule to these rules. Nominations must reach the Secretary by the specified date.

- 38.4.2 The Managing Committee will issue a ballot paper to each Branch member, with the names of the nominees for the respective offices. Papers will be issued at least 21 days before the ballot closes.
- 38.4.3 Ballot papers must be returned by the start of the Branch's annual meeting, when the Chairperson will declare the ballot closed. The members present at the meeting will appoint scrutineers who will count and report to the meeting the result of the ballot. The Chairperson will declare the result.
- 38.4.4 Where there are no nominations, or fewer nominations than the number required to fill the positions, the remainder of the Managing Committee officers will be nominated and elected at the annual meeting, in accordance with Section 38.5.

38.5 Election at the annual meeting

- 38.5.1 Where the election of Branch Managing Committee officers is at the Branch's annual meeting, nominations can be made in writing or from the floor. All nominations will require a mover and seconder, and the consent of the nominee.
- 38.5.2 Voting is by ballot paper, or using a secure online voting system, issued at the meeting. Ballots may be organised in advance (with members required to cross out the names of the candidates they do not want to vote for) or blank (with members required to write the names of the candidates they want to vote for on them).
- 38.5.3 Special voting is allowed when requested by individual members and will occur by postal ballot, in accordance with Section 38.4. Any special votes received will be included in the count, in accordance with Section 38.5.4.
- 38.5.4 The Chairperson of the meeting will appoint two or more scrutineers who will count and report to the meeting the result of the ballot. The Chairperson will declare the result.

38.6 Invalid ballot

- 38.6.1 Regardless of the election method used, a ballot will be invalid if it contains more names than the number of candidates required to be elected.
- 38.6.2 See Section 60.2 for provisions on disputed ballots.

38.7 Term of office for Branch Managing Committee officers

- 38.7.1 All Branch Managing Committee officers will take office at the start of the calendar year following their election and remain in office until their successors are elected.

38.8 Vacancies in the Branch Managing Committee

- 38.8.1 Where there is a vacancy on the Managing Committee, the members of the committee must fill it from members of the Branch.
- 38.8.2 If a Managing Committee member is absent, without leave, from three consecutive committee meetings, this will be deemed to create a vacancy, which the committee must fill.

38.9 Suspension and removal of Branch Managing Committee officers

- 38.9.1 The Branch Managing Committee can vote to suspend any of its officers from office, for serious breach of duty, disability, bankruptcy or misappropriation of funds. The vote to suspend is by simple majority. The Managing Committee can

then nominate another Branch member to act in that position until the matter is resolved.

38.9.2 The process to be used in deciding whether the suspended Branch Managing Committee officer should be removed from office is the same as that used for the suspension and removal of National Executive Members and National Officers, as set out in Section 30. All references in Section 30 to the National Executive Member or National Officer should be read as meaning the Branch Managing Committee; and references to the National Executive Member or National Officer should be read as meaning the Branch Managing Committee officer.

38.9.3 The suspended Branch Managing Committee officer retains the right (as set out in Section 30.1.8) to appeal the Committee of Inquiry's decision to the National Executive as a whole.

38.10 Removal of Branch Managing Committee officers at the request of members

38.10.1 Where 20 or more financial members of a Branch want a Branch Managing Committee officer removed from office, for the reasons in Section 38.9.1 or any other reason, they must give a written statement to their Branch Secretary or Branch President:

- setting out the reason for removal and the facts supporting it
- requesting a special meeting of the Branch be called to consider the matter.

38.10.2 The Branch Secretary or President will call a special meeting of the Branch to consider the matter (see Section 37.3) and notify the Branch Managing Committee officer of the meeting. The Branch Managing Committee officer has the right to address the meeting or make a written statement responding to the call for his or her removal.

38.10.3 If the special meeting passes a resolution that the Branch Managing Committee officer should be removed, the question of their removal will be submitted to a secret postal ballot of all the Branch's financial members.

38.10.4 If the secret postal ballot confirms the resolution, the Branch Managing Committee officer will be removed.

39 Branch Representatives

39.1 Branch representatives for the Institute's annual meeting

39.1.1 Each Branch will elect representatives to attend the Institute's annual meeting. The number of representatives required is based on the Branch's membership (see Section 35.5.2).

39.1.2 Branch representatives can be elected either by postal ballot, at a meeting of the Branch, face-to-face or by electronic means as determined by the Branch Managing Committee (See section 37.1.1).

39.1.3 Election procedures for Branch representatives will follow the procedures in Sections 38.4 to 38.6 for election of Branch officers.

- 39.1.4 Where the election is at a meeting of the Branch, members will be given at least 21 days' notice that the meeting and election will take place. Notification will be by circular to all members in their workplaces.
- 39.1.5 Where fewer than the required number of nominations is received, the Branch Managing Committee can appoint other NZEI Te Riu Roa members (other than Hoa Pumahana or life members) to make up the balance.
- 39.1.6 Branch Secretaries must advise National Office of the names of their representatives at least 12 weeks before the annual meeting, or within a shorter timeframe where approved by the National Secretary.
- 39.2 Official observers for the Institute's annual meeting**
- 39.2.1 Branches that are entitled to only one representative at the Institute's annual meeting are also entitled to have one official observer. The Branch Secretary will advise National Office of the name of its observer.
- 39.3 Branch Representatives for the Institute's special meetings**
- 39.3.1 When there is a special meeting of the Institute, Branches are entitled to send the same number of representatives as they were entitled to send to the Institute's last annual meeting.
- 39.3.2 Branches can either send their currently elected or appointed representatives for the Institute's annual meeting or elect new representatives. Elections will be held by postal ballot or at a general meeting of the Branch either face-to-face or by electronic means, as set out in Sections 37.1.1, 39.1.2 and 39.1.3.
- 39.4 Other Branch representatives**
- 39.4.1 Branches can elect representatives to attend Area Council meetings, with the number of representatives determined by the Area Council concerned (see Section 44).
- 39.4.2 Branches can elect, or subject to confirmation by their Managing Committee, appoint such other representatives as they consider necessary.
- 39.5 Term of office for Branch representatives**
- 39.5.1 All Branch representatives will remain in office until their successors are elected.
- 39.6 Suspension and removal of annual meeting representatives**
- 39.6.1 The reasons and process for the suspension and removal of a Branch's annual meeting representatives is the same as for the suspension and removal of a Branch Managing Committee officer. See Sections 38.9 and 38.10.

H: Area Councils of the Institute

40 Current Area Councils

- 40.1 The Institute's current Area Councils are listed in Schedule 1B of these rules.

41 Functions of Area Councils

41.1 The functions of the Institute's Area Councils are to:

- make representations to local employers, and district offices of the Ministry of Education and Education Review Office, on matters raised by its constituent Branches that only affect members within its district.
- recommend to its constituent Branches the adoption, and occasional alteration, of their Branch boundaries
- consider and report on any matters referred to it by the National Executive
- discuss and stimulate interest among constituent Branch members about matters affecting them
- accept nominations from constituent Branches and select (by any manner the Area Council decides), the teachers' and other representatives on any committees set up within its district. The exception is teachers' college councils and other committees with national jurisdiction, in which case the National Executive will consult the Area Council about representation.

42 Establishing New Area Councils

42.1 Any group of contiguous Branches can request the establishment of a new Area Council. The request must be made in writing to the National Executive.

42.2 Before granting approval, the National Executive must be satisfied that:

- there has been a meeting about the issue for all interested members, including representatives from all the affected Branches and any existing Area Councils
- the proposed new Area Council's boundaries have been satisfactorily defined
- the Steering Committee of the proposed new Area Council includes enough members to form a Managing Committee
- the new Area Council's establishment will further the objects of the Institute
- all other relevant information has been considered.

42.3 Where a new Area Council is approved, its establishment will take effect from the date of the next round of Area Council funding grants (see Section 64).

42.4 Upon the establishment of a new Area Council, any existing Area Councils whose boundaries are affected by the establishment will be re-established, with new boundaries and funding, at the same time.

42.5 Area Councils shall be named in Schedule 1B of these rules.

42.6 Where National Executive resolves to establish a new Area Council, that Area Council's name is automatically added to Schedule 1B of these rules.

43 Disestablishing Area Councils

43.1 Whenever an Area Council ceases to meet its objects or operational requirements, or asks to be disestablished, the National Executive will decide the matter.

The National Executive will either:

- a) confirm the Area Council's continued existence
- b) agree by way of resolution to the disestablishment
- c) convene an Area Council Review Panel, to consider the matter further.

43.2 The Area Council Review Panel will be made up of:

- one member of the National Executive (appointed by the National President),
- the Chairperson of the Area Council under review (or their nominee),
- where they choose, a representative from each branch forming the Area Council,
- the Chairperson (or their nominee) of each adjoining Area Council.

43.3 The Review Panel will consider all information presented to it and recommend to the National Executive whether or not the Area Council should be disestablished.

43.4 If the National Executive resolves to disestablish the Area Council, the decision takes effect immediately, and the Area Council name is automatically removed from Schedule 1B of these rules.

43.5 When an Area Council is disestablished, all of its assets are transferred to the National Executive for redistribution as it sees fit.

44 Composition of Area Councils

44.1 Area Councils will be made up of:

- one or more representatives from every Branch within the Area Council's district (see Section 39.4)
- three representatives from the Support Staff sector
- two representatives from the early childhood sector
- two representatives who are provisional members.

44.2 The number of representatives that each Branch is entitled to is decided by the Area Council.

44.3 Where there is only one Branch in an Area Council's district, that Branch will determine the composition of the Area Council.

45 Election of Area Council representatives

45.1 Each Branch will decide how it elects its representatives on the Area Council. The Branch must advise the Area Council of its representatives' names before

31 March each year. Branches may fill their casual Area Council representative vacancies.

- 45.2 Other representatives on the Area Council will be elected using the procedures in Sections 38.4 to 38.6 for election of Branch officers.

46 Election of Area Council Officers

- 46.1 Area Councils can elect any officers, including a Chairperson and Secretary, that they determine they need. Officers will be elected at the Area Council's annual meeting. The Area Council will then advise National Office of the officers' names.

47 Area Council Meetings and Financial Powers

- 47.1 Area Councils will hold an annual meeting and any other meetings they decide they need. Area Councils annual meetings will be held face-to-face or by electronic means.
- 47.2 See Section 51.3 for meetings on matters of regional and national urgency.
- 47.3 See Part L for details of an Area Council's ability to invest, borrow and otherwise manage financial matters.

48 Restrictions on Area Council Representations

- 48.1 No Area Council can bring any matter before the Minister of Education, the head office of the Ministry of Education or the head office of the Education Review Office, except at the direction of the National Executive.

I: Workplace Representatives

49 Representation at workplace level

- 49.1 The Institute can also be represented at a workplace level. There may be more than one representative at each workplace. Election of workplace representatives is by secret ballot.

J: Institute Meetings

50 Institute's Annual Meeting

- 50.1 The Institute's annual meeting (along with any special meetings) is the highest authority within the Institute. The Institute's annual meeting will be held face-to-face or by electronic means.
- 50.2 The functions of the annual meeting are to:
- consider the National Executive's report
 - consider the financial report, note the Consumer Price Index adjustment to the subscription rates and income thresholds (see Sections 16.2 & 16.6), and consider any further subscription increases needed (see Section 16.5)
 - elect the members of the National Executive (see Sections 21.1 and 26)
 - debate and determine issues of interest to the Institute, and set Institute policy accordingly (see Section 50.3)
 - amend or repeal these rules (see Section 86)
 - receive and consider the report from Te Kāhui Whetū (see Section 54)
 - receive a written report from the National Executive detailing all policy decisions that it or the Institute has made since the previous annual meeting.
- 50.3 Issues of interest to the Institute, debated during the annual meeting, will be determined by way of resolutions to amend policy. Any Institute member can submit a resolution to amend policy, for discussion at the meeting, provided it has the prior sanction of the National Executive or a meeting of their Area Council or Branch. The National Executive will, subject to any direction on this matter from an Annual Meeting, advise Branches of the correct procedures for proposing and making resolutions to amend policy.
- 50.4 The National President will establish an advisory Steering Committee, which will receive suggestions from representatives, during the annual meeting, about the nature and order of the meeting agenda. Any changes to the agenda will be at the discretion of the National President.
- 50.5 Branches will be given at least 3 months' notice of the date of the Institute's annual meeting.

51 Institute's Special Meetings

- 51.1 The National Executive may call a special meeting of the Institute at any time and for any purpose face-to-face or by electronic means.
- 51.2 Special meetings may also be called by a group of members, provided that the decision to call the meeting is supported by at least 15 Branches, from at least two Area Councils. Such meetings may be called at any time and for any purpose that the group considers necessary and will be at the expense of the group.
- 51.3 Matters of national or regional urgency**
- 51.3.1 Online or meeting-based ballots of members on issues of regional or national urgency shall be in accordance with the following principles:

- when a question is put, it shall be decided by a simple majority by representatives voicing their support or opposition to the motion
- the Chairperson or meeting facilitator will rule on the voice vote
- where a show of hands is then called for, a count of all votes cast by a show of hands will occur
- the Chairperson or meeting facilitator will rule on the show of hands, if it shows a simple majority or more
- if the show of hands shows no simple majority, then a division will proceed and every registered representative present at the meeting must record a vote using a ballot paper or record a vote on a secure online voting system
- the result of the vote will be recorded in the minutes for the session
- the Chairperson will then have a deliberative vote, and in cases where the votes are equal, will also have a casting vote
- where used, ballot papers, or online vote results must be kept in accordance with Section 60.

52 Composition of Institute Meetings

- 52.1 The following people are entitled to attend, speak and vote (electronically or on paper) at the Institute's Annual and special meetings:
- all members of the National Executive and Te Reo Areare
 - Branch representatives (see Section 39)
 - Area Council Chairpersons, Dual Chairpersons or representatives elected in their place
 - two representatives from each Area Council that has provisional member representation (see Section 44)
 - at the sole discretion of the President, a maximum of 10 other members (other than Hoa Pumahana or life members) who are appointed national or regional leaders and who have exhausted all other means of being elected or appointed to attend annual meeting.
- 52.2 For the Institute's annual meeting, Branches are entitled to one representative for every 95 full-time-equivalent members that they have. Branches with fewer than 95 full-time-equivalent members are entitled to one representative. The National Executive will set a date each year when the Branches' membership will be calculated for this purpose and will send the Branches a written membership statement based on this (see Section 35.5.2).
- 52.3 For special meetings of the Institute, Branches are entitled to the same number of representatives that they were entitled to at the preceding annual meeting.
- 52.4 All attendees as defined in section 52.1 must be registered in order to speak and vote. Substitute representatives can be registered, where a representative cannot attend or continue to represent a Branch.

53 Standing Orders for Institute Annual or Special Meetings

53.1 These standing orders apply at all times during Institute annual or special meetings whether it's face-to-face or online; except the hui session of the annual meeting, when tikanga Māori applies.

53.2 Chairperson

53.2.1 Institute meetings will be chaired by the National President unless he or she appoints someone else to act as Chairperson

53.2.2 If the Chairperson rises to speak, all other representatives must sit down.

53.3 Hours of session

53.3.1 The hours of session for Institute meetings will be determined by formal resolution.

53.4 Quorum

53.4.1 The quorum for any Institute meeting is half the representatives registered for that meeting.

53.4.2 If, half an hour after the start of any session, a quorum is not present, the Chairperson will postpone the session and set a time for reconvening the meeting.

53.4.3 Representatives' attendance will be recorded in a register.

53.4.4 Registered representatives must get the Chairperson's leave to be absent from a session.

53.5 Record of proceedings

53.5.1 The National Secretary, or another person acting in that capacity, will keep minutes of the meeting proceedings.

53.5.2 The draft minutes will be circulated to representatives as soon as possible after the meeting, so that they can identify any errors and advise the National Secretary.

53.5.3 The draft minutes will then be considered by the National Executive, with any discussion being limited to their accuracy. The National Executive will correct any inaccuracies and pass a motion: 'That the minutes of annual meeting be signed as a correct record'.

53.6 Proposing motions and amendments

53.6.1 All motions and amendments to motions must be delivered to Chairperson in writing and include the names of the mover and seconder.

53.6.2 The Chairperson will not accept any motion or amendment that is substantively the same as a matter already resolved earlier in the meeting.

53.6.3 The Chairperson will not accept any motion that deals with a matter that could have been raised using other annual meeting procedures, unless three-quarters of the registered representatives at the meeting agree to accept the motion.

53.6.4 Only one amendment will be considered at a time. When an amendment is accepted, debate on the motion will be suspended until the amendment has been disposed of.

- 53.6.5 A further amendment will only be considered when the previous amendment has been lost or carried. Where an amendment is carried it becomes the substantive motion.
- 53.6.6 No representative can move or second more than one amendment to any motion.
- 53.6.7 The Chairperson may order a complicated motion or amendment to be divided.
- 53.6.8 If an amendment is proposed that clarifies or strengthens the effect or intent of a motion, the Chairperson can, with the approval of the motion's original mover and seconder, deem it to be a friendly amendment.
- 53.6.9 Where the Chairperson deems an amendment to be friendly, it proceeds as the substantive motion, without the need for a vote. However, any representative can challenge the Chairperson's ruling, and request that the amendment proceeds as a normal amendment.

53.7 Withdrawing motions and amendments

- 53.7.1 Any move to withdraw a motion or amendment must come from the original mover. Withdrawal requires the majority consent of the registered representatives at the meeting.

53.8 Speaking to motions and amendments

- 53.8.1 Any representative who wants to speak during a meeting must stand and address the Chairperson. The representative can only speak when called on to by the Chairperson and must give their name and Branch.
- 53.8.2 The mover of a motion has a right to reply but loses that right by speaking to an amendment. The seconder of a motion may reserve the right to speak later.
- 53.8.3 The mover of an amendment has no right of reply. The seconder of an amendment may not reserve the right to speak later.
- 53.8.4 No representative can speak more than once to a resolution, except to:
- ask a question
 - reply to a question
 - explain a point
 - reply to a misrepresentation.

In these circumstances, the representative may speak only when called on by the Chairperson.

- 53.8.5 Debate may be interrupted by:
- a point of order
 - expiry of the time allocated to the debate
 - a motion that the question be put
 - a motion to proceed to the next business.

- 53.8.6 No representative can interrupt a speech, except to make a point of order.

53.8.7 The Chairperson can call any representative to order for irrelevance, repetition, unbecoming language, or other breach of order, and may direct such representative to stop speaking.

53.9 Motions to proceed

53.9.1 At the end of any speech, a representative who has not already spoken on the motion can move: "That the question be put to a vote". If the Chairperson accepts the motion to put the question to the vote, and it is seconded and carried, the original motion shall be put to the vote straight away, unless the original mover wants to exercise his or her right of reply.

53.9.2 When a motion of closure is made and carried during a discussion about an amendment, the closure applies only to the amendment and not the original motion.

53.9.3 At the end of any speech, a representative who has not already spoken on the motion can move: "That the Institute proceed to the next business". If this motion is seconded and carried, the Chairperson will proceed to the next item of business.

53.9.4 When a question is put to the vote, it will be decided by a simple majority, with the vote cast by representatives voicing their support or opposition to the motion, unless these rules require otherwise.

53.9.5 The Chairperson will rule on the voices, unless a show of hands, a count of all votes cast by a show of hands, or a division is called for. The Chairperson's decision is final in all these circumstances, except where there is a division (see Section 53.10).

53.10 Divisions

53.10.1 The procedure where a division is called for is as follows:

- it will be preceded by a count of all votes cast by a show of hands
- if the show of hands shows a clear majority either way, the Chairperson will rule that a division is not necessary
- if the show of hands shows no clear majority, then the division will proceed and every registered representative present at the meeting must record a vote
- the National Secretary will record the votes in a register, in alphabetical order for all representatives
- the result of the division will be shown in the minutes for the session
- the Chairperson will have a deliberative vote, and in cases where the votes are equal, will also have a casting vote.

53.11 Suspension of a representative

53.11.1 The Chairperson can suspend a representative for persistently disregarding the Chairperson's authority. When this happens, the Chairperson will state the length of the suspension and the representative will not have access to the meeting during that time.

53.12 Institute in committee

53.12.1 The Institute can, by unanimous decision during a meeting, resolve into a committee of the whole. When the Institute is in a committee of the whole, the standing orders about seconding motions and restrictions on speaking do not apply.

53.13 Suspension and breach of standing orders

53.13.1 Any standing order can be suspended by a unanimous decision during a meeting.

53.13.2 Where any representative considers that a Chairperson's ruling on a particular matter breaches these standing orders, the representative can raise a point of order by stating: "I challenge that ruling". The following procedures then apply:

- the Chairperson will ask the representative their reasons for disagreeing with the ruling
- the Chairperson will state the reasons for the ruling
- the Chairperson will put the motion: "That the ruling be accepted"
- if the vote is carried, the business of the meeting will proceed
- if the vote is lost, the Chairperson will withdraw the ruling and issue a new one.

53.13.3 The Chairperson will rule on any matters of order or procedure that are not provided for in these standing orders or rules.

54 Te Kāhui Whetū

54.1 Te Kāhui Whetū will be held annually face-to-face or by electronic means. Its purpose is to formulate Institute policy on Māori issues, and to nominate three Te Reo Areare representatives on the National Executive.

54.2 The date for Te Kāhui Whetū will be different than those set for the Institute's Annual and special meetings but must be within 12 weeks of the start of the annual meeting.

55 Te Reo Areare

55.1 Te Reo Areare shall meet as required face-to-face or by electronic means. It is made up of:

- 12 regional members nominated by Aronui Tōmua members: the rohe that regional members are selected from are listed in Schedule 1C of these rules
and
- a support staff representative selected by Te Kāhui Whetū
- a provisional member representative selected by Te Kāhui Whetū
- three early childhood representatives selected by Te Kāhui Whetū.

K: Institute Administration

56 Copies of the Rules and Amendments

- 56.1 A copy of these rules will be available to all members when they join the Institute.
- 56.2 Amendments to these rules will be registered with the Registrar of Incorporated Societies.
- 56.3 The institute's contact person whom the Registrar may contact about matters relating to the Institute is the National Secretary.

57 Copies of Other Institute Documents

- 57.1 The Institute will make available any of the following documents to any financial member who requests them:
- the Institute's annual report
 - the Institute's most recent annual income and expenditure account and balance sheet, together with the auditor's report on the accounts
 - any resolution passed at any general or special meeting of the Institute or any meeting of the National Executive.

58 Common Seal

- 58.1 The Institute's common seal will be held by the National Secretary, and only used, altered, or removed with the National Executive's authority.

59 Legal Documents and Hearings

- 59.1 The National Executive will designate who should draw up the Institute's legal documents.
- 59.2 The Institute's legal documents will be executed by the National President, together with one of either, the National Immediate Past-President, the Vice-President, or the National Secretary.
- 59.3 The National Executive will decide how the Institute will be represented at any legal or other formal hearings.

60 Ballot

- 60.1 Ballot papers or online vote results used in any ballot conducted under these rules can be destroyed 28 days after the ballot's results have been announced, except where a ballot is subject to a judicial review under Section 60.2.
- 60.2 Where 10 per cent of, or 50, Institute members covered by a ballot claimed there is an irregularity in the ballot, they can seek a judicial review of the ballot within

28 days of its results being announced. The ballot papers, or online vote results for a disputed ballot will not be destroyed until after the judicial review is complete.

L: Institute Finances

61 Financial Year

61.1 The Institute's financial year runs from 1 April to 31 March each year.

62 Banking

62.1 The National Executive will appoint a registered bank as the Institute's bank. All monies received by the Institute will be paid into its general account held with this bank.

62.2 The National Executive can also use facilities at other registered banks, as it sees fit.

62.3 The Institute will keep sufficient funds in its bank account to meet its current obligations. The balance will be invested (see Section 63).

62.4 All payments will be made using common banking technology. Signatories will be approved by the National Executive.

63 Investing and Borrowing

63.1 The National Executive can invest any of the Institute's funds that are not currently required in:

- securities authorised by law for trust fund investments
- a single-premium investment policy.

63.2 In addition to Section 63.1, the National Executive can invest any of the Institute's funds that are not currently required in:

- purchasing land of any tenure, either with or without buildings, for the purpose of accommodating the Institute's administration
- erecting, improving and maintaining buildings on any land it acquires, where the buildings are to be occupied in whole or part by the Institute
- promoting or acquiring shares in a limited liability company formed for the previous two purposes.

63.3 For the purposes in Section 63.2, the Institute can raise or borrow money from its bankers by way of overdraft, or by issuing bonds to its members, Branches or associate bodies, on such terms and conditions (including power of redemption in whole or part) as the National Executive thinks fit.

- 63.4 In addition to the investments in Sections 63.1 and 63.2, the National Executive can from time to time invest in other professionally managed funds, but only when acting on the advice of an accredited financial planner.
- 63.5 Any areas of the buildings in Section 63.2 that are not occupied by the Institute can be leased to tenants.
- 63.6 Any investments made by the Institute can be varied or transposed from time to time.

63.7 Investments by Branches and Area Councils

- 63.7.1 The Institute's Branches and Area Councils may invest any funds, which they do not require for their current expenses in Bank term deposits.

64 Financial Grants to Branches and Area Councils

64.1 Payment of Grants

- 64.1.1 The National Secretary will pay each Branch and Area Council a share of the subscriptions collected from those members who are on the Branch's or Area Council's roll as at 30 November each year. These payments are referred to as grants.
- 64.1.2 The grants in Section 64.1.1 will be made annually, or at shorter intervals as determined by the National Executive.
- 64.1.3 Grants will only be paid in a current financial year where:
- a) the Branch's or Area Council's finalised financial reports from the previous year have been received by National Office; and
 - b) a costed activity plan has been approved by the appropriate Area Council (for Branches) or the National Executive (for Area Councils); and
 - c) either:
 - the total net funds held by a Branch or Area Council at the end of the previous financial year, when expressed as a percentage of the forecasted funding entitlement for the current financial year, are equal to or less than the funding threshold percentage rate determined by the National Executive (see Section 64.2); or
 - the total net funds held by a Branch or Area Council during the current financial year become equal to or less than the funding threshold percentage rate determined by the National Executive (see Section 64.2).

64.2 Funding threshold percentage

- 64.2.1 The National Executive will set a funding threshold percentage rate. The purpose of the rate is to maximise use of the Institute's available funds.
- 64.2.2 At the start of each financial year, the funding threshold percentage rate will be compared with the total net funds held by each Branch or Area Council at the end of the previous financial year (with the total net funds expressed as a percentage of that Branch's or Area Council's funding entitlement amount for the new financial year).

64.2.3 The effect of the comparison in Section 64.2.2 on a Branch's or Area Council's entitlement to a grant is as set out in Section 64.1.3(c).

64.3 Calculation of Branch Grants

64.3.1 The amount of a Branch's grant is based on its share of its members' annual subscriptions (see section 64.4 for additional Aronui Tōmua establishment entitlements). A Branch's share of these subscriptions is:

- for full and provisional members – 2.9 per cent of their annual subscription (less a collection commission)
- for Hoa Pumahana members – \$1.00 per annum (less a collection commission).

64.3.2 In addition to the Branch share in Section 64.3.1, each Branch is entitled to receive:

- a grant based on the number of full members on the Branch roll at 30 November each year, calculated as follows:
 - under 50 full members – the grant is five times the annual subscription set under Section 15 of these rules
 - 50 to 99 full members – the grant is six times the annual subscription set under Section 15
 - 100 to 149 full members – the grant is seven times the annual subscription set under Section 15
 - 150 to 224 full members – the grant is eight times the annual subscription set under Section 15
 - 225 or more full members – the grant is nine times the annual subscription set under Section 15, with an additional amount equal to the annual subscription set under Section 15 paid for every complete additional 75 members.
- a grant of \$350 per annum for each representative that the Branch sends to the Institute's annual meeting that year.

64.4 Calculation of Aronui Tōmua Grants

64.4.1 For an Aronui Tōmua, the annual grant is as calculated for a Branch under Sections 64.1 and 64.3; with the exception that for the first whole year of the Aronui Tōmua's operation, its grant will be increased by an additional 9 per cent of the total, and for the second whole year, by an additional 3 per cent.

64.5 Calculation of Area Councils' Grants

64.5.1 Every year, the National Secretary will pay each Area Council the following grants:

- a) An administration grant, which is equal to a weighted factor times the annual subscription set under Section 16 for these rules, plus an additional 1 per cent of the annual subscription for each full-time-equivalent member in the Area Council's area at 30 November every year. (The weighted factor will be the thousands value of the Institute's total full-time-equivalent membership, rounded to the next thousand, minus the thousands value of the total full-

time-equivalent membership within the Area Council's area, rounded to the next thousand.)

- b) A further grant equal to two times the annual subscription set under Section 16 for each representative sent by the Area Council to the New Zealand Council of Trade Unions district councils
- c) A further grant of \$350 per annum for the representative that the Area Council sends to the Institute's annual meeting that year.

64.5.2 Area Council grants will be paid annually or at shorter intervals at the discretion of the National Executive.

64.5.3 Any additional expenses that an Area Council incurs must be met through a levy paid by the Branches that the Area Council represents. The Area Councils will determine the amount of the levies and the proportions that each Branch should pay.

65 Branch Financial Management

65.1 Branches that meet acceptable standards of accountability can self-manage their finances. Any Branch can have its finances managed by the Institute's National Office, on an imprest basis, by advising National Office. before 1 February in the year that it wants the transfer to take place.

65.2 Any Branch that does not forward its finalised financial reports, for the previous financial year, to National Office before 1 July (see Section 69.2.1), may be transferred to imprest accounting by National Office. Should such a transfer occur, it will take effect from the year after the year for which National Office last received finalised financial reports for the Branch.

65.3 Imprest accounting allows Branches to hold and operate a \$500 imprest fund. All other accounting functions will be managed by National Office. Guidelines for how imprest accounting is managed will be issued from time to time.

65.4 Any Branch transferring to imprest accounting under Sections 65.1 and 65.2 will retain \$500 in their Branch imprest fund. Any funds held above this amount will be remitted to National Office for deposit in the Branch fund.

65.5 Any Branch that has been using imprest accounting, but wishes to return to self-management, must demonstrate its ability to self-manage its finances by providing parallel financial statements for one year and attending treasurer's training, before it can revert to self-management in the following year.

66 Legal Assistance Fund

66.1 The National Executive will maintain and administer a Legal Assistance Fund for providing legal assistance to members.

66.2 Only full members are entitled to benefit from the fund.

66.3 Assistance from the fund is restricted to legal proceedings brought against a member, or that a member is involved in, as a result of his or her employment.

- 66.4 The National Executive will decide whether assistance should be in the form of a grant or through the Institute accepting liability in whole or part for the legal expenses incurred.
- 66.5 The National Executive will not pay legal expenses that were incurred without its consent or direction.

67 Death Benefit Fund

- 67.1 The National Executive will maintain and administer a Death Benefit Fund.
- 67.2 On the death of any full or provisional member, that member's Branch will pay an approved recipient four times the annual subscription, as set under Section 16.
- 67.3 The National Executive will issue guidelines to help Branches decide who the approved recipient should be.
- 67.4 The National Executive will immediately reimburse Branches for death benefit payments made.

68 NZEI Te Riu Roa Reserves Fund

- 68.1 The National Executive will maintain a NZEI Te Riu Roa Reserves Fund for the purpose of supporting and furthering the aims and objects of the Institute, by such means as the National Executive thinks fit.
- 68.2 Payments from the fund are at the National Executive's sole discretion. Branches will not make any commitment in respect to the fund without the National Executive's approval.
- 68.3 Payments from the fund may be made to members, Branches, or other people, corporations, or organisations that the National Executive thinks fit, in accordance with the fund's purposes.

69 Institute Accounting Records

- 69.1 The Institute will keep accounting records, which will set out, in a way that enables them to be properly audited, full, true and complete accounts of the Institute's financial affairs and transactions.
- 69.2 Annual return of finalised financial reports for Branches and Area Councils**
- 69.2.1 The Secretary of each Branch and Area Council shall forward to the National Secretary:
- a) before 1 April each year, a copy of the finalised financial reports for the previous calendar year and
 - b) a copy of the Branch or Area Council's bank statements, showing its bank account and investment balances as at 31 December the previous year, together with details of any unpaid accounts or un-presented debits outstanding on that date.
- 69.3 Audits of National, Branch and Area Council financial statements.

- 69.2.2 Where required, the Institute will arrange for its National, Branch and Area Council statements of financial position and financial performance to be audited by a member of the Institute of Chartered Accountants of New Zealand at the end of each financial year, as follows:
- a) for the national consolidated financial statements, including those of any Branch accounts that are managed by National Office (see Section 65), by an auditor appointed at the Institute's annual meeting
 - b) for the financial statements of Branches who continue to manage their own finances (see Section 65), either:
 - (i) by an auditor appointed at the Branch's annual meeting (see Section 37.2.2), or
 - (ii) by an auditor contracted by National Office for Branches that are unable to secure appropriate local audit services
 - c) for Area Council financial statements, by an auditor appointed at the Area Council's annual meeting (see Section 47.1).
- 69.2.3 The National Secretary will sign the annual national consolidated statements of financial performance and financial position, and will present them, together with the auditor's report on the statements, at the next Institute annual meeting held after the date of the report.
- 69.2.4 Within six months after the end of the financial year, the National Secretary will deliver a copy of the accounts for that financial year to the Registrar of Incorporated Societies, together with a certificate signed by the auditor. The certificate will state that the auditor:
- has audited the Institute's accounts
 - is satisfied with the Institute's control of its membership records, collection of its members' subscriptions and payment of the national subscription to the National Office
 - has reported on those accounts to the Institute.
- 69.3 Inspection of accounting records and registers**
- 69.3.1 Every financial member or previous financial member of the Institute is entitled to inspect its accounting records and register of officers.

M: Institute's Member Assist team

70 Member Assist Team's Functions

- 70.1 The personnel who make up the Institute's Member Assist team have the following functions:
- to help and guide members
 - to represent and uphold members' rights

- to help resolve differences between members, and between members and other people.

71 Members' Rights to Assistance

71.1 Any Institute member who is subject to an inquiry, whether formal or informal, or any other process or legal action instituted by an employing authority, has the right to:

- receive a summary of the matter under inquiry before the inquiry can proceed
- request the assistance of a Member Assist team member, subject to the team member's agreement.

72 Appointment of Member Assist personnel

72.1 Member Assist personnel are appointed by a delegated committee of the National Executive. Branches will be advised what the appointment procedures are. Appointments are for a specified term. The delegated committee has the right to terminate an appointment at any time.

73 Method of Working and Powers

73.1 In carrying out their functions, Member Assist personnel will have regard to the general education and welfare of children, the Institute's Code of Ethics (see Section 74) and such other matters as they think fit.

73.2 Member Assist personnel will work cooperatively with field staff and other Member Assist personnel.

73.3 Member Assist personnel can recommend to members or other people that they take certain actions to help resolve the differences or complaints between the parties.

73.4 In no situation will Member Assist personnel divulge to any other body or person any information received while giving assistance, except where they have the express permission of the members concerned.

73.5 Member Assist personnel may meet, and make recommendations to the Institute's National Executive, as they consider necessary. The exception is individual cases where the National Executive is exercising an appellate function: personnel cannot make recommendations in these situations.

N: Complaint Procedure

74 Institute's Code of Ethics

74.1 All Institute members are bound by the Institute's Code of Ethics, as set out in the Second Schedule to these rules.

75 Complaint Procedures

- 75.1 These procedures apply where a complaint involves an allegation that a member, an officer, or the Institute has:
- a) engaged in misconduct; or
 - b) breached or is likely to breach a duty under the rules of the Institute or the Incorporated Societies Act; or
 - c) damaged the rights or interests of a member or members generally.
- 75.2 Complaints will be dealt with by the Institute in a fair, efficient, and effective manner.
- 75.3 The rules of natural justice will be applied to all complaints.
- 75.4 The Institute will, as soon as reasonably practicable after receiving or becoming aware of a complaint made in accordance with these Rules, ensure that the complaint is investigated and determined.

76: How Complaint is made

- 76.1 A member, an officer, or the Institute may make a complaint against another member, officer, or the Institute, by giving the National Secretary of the Institute and the member or officer concerned, notice in writing that:
- states that the member, officer, or the Institute is starting a procedure for resolving a complaint in accordance with the Institute's rules; and
 - sets out the allegation to which the complaint relates and whom the allegation is against, in sufficient detail to ensure that the party against whom an allegation has been made is fairly advised of all the allegations; and
 - sets out other information that the Institute would require to consider the complaint

77: Rights

- 77.1 Without limiting the manner in which a member, an officer, or the Institute is given the right to be heard, they will be taken to have been given the right if:
- they have a reasonable opportunity to be heard in writing; and
 - an oral hearing is held by the decision maker who considers that an oral hearing is needed to ensure an adequate hearing; and
 - the member's, officer's, or Institute's written statement or submissions (if any) are considered by the decision maker.
 - they have had sufficient time given to prepare a response

78: Institute May Decide Not to Proceed Further with a Complaint

- 78.1 Despite the above, the Institute may decide not to proceed with a complaint further if:
- the complaint is trivial; or
 - the complaint does not appear to disclose or involve any material misconduct and/ or any material damage to a member's rights or interests; or
 - the complaint does not appear to disclose or involve any allegation of a material breach or likely material breach of a duty under the rules of the Institute or the Incorporated Societies Act; or
 - the complaint appears to be without foundation or there is insufficient evidence to support it; or
 - the person bringing the complaint has an insignificant interest in it; or
 - the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with in accordance with the rules of the Institute; or
 - there has been an undue delay in making the complaint

79: Institute May Refer Complaint

- 79.1 The Institute may, refer a complaint to:
- a) a subcommittee of National Executive to investigate and resolve the complaint; or
 - b) an external person for investigation and resolution; or
 - c) with the consent of all parties, to mediation for resolution.

80: Decision Maker

- 80.1 A person may not act as a decision maker in relation to a complaint if 2 or more members of the subcommittee consider there are reasonable grounds to believe that the person may not be impartial or able to consider the matter without a predetermined view.

O: Collective Agreements and Bargaining

81 Negotiation and Ratification

- 81.1 All agreements that the Institute negotiates on behalf of its members will be ratified by the members bound by the agreements before the Institute signs them.
- 81.2 The methods used to ratify collective agreements (excluding variations to agreements: see Section 82) will be:

- by a majority decision of the team negotiating the agreement; and
 - by a majority decision of the members entitled to vote, who do vote.
- 81.3 The Institute's National Executive will decide whether voting to ratify collective agreements will occur at meetings of members entitled to vote by electronic means, paper-based ballot, or by postal ballot.
- 81.4 For the following national collective employment agreements (and their successors), the National Executive will verify, before the agreements are ratified by Institute members, that the proposed settlement is consistent with Institute policy.
- Primary Teachers' (including Deputy Principals, Assistant Principals and other Unit Holders) Collective Agreement
 - Primary Principals' Collective Agreement
 - Area School Teachers' Collective Agreement
 - Area School Principals' Collective Agreement
 - Support Staff in Schools' Collective Agreement
 - Kaiarahi i te Reo, Assistants to Teachers of Students with Severe Disabilities and Special Education Assistants' Collective Agreement
 - Kindergarten Teachers, Head Teachers and Senior Teachers' Collective Agreement
 - Early Childhood Education Collective Agreement
 - Education Support Workers, Behaviour Support Workers and Communication Support Workers' Collective Agreement (Ministry of Education)
 - Field Staff Collective Agreement (Ministry of Education)
 - Ministry of Education Service Managers' Collective Agreement.

82 Variations

- 82.1 The terms and conditions in an agreement may be varied at any time by written agreement between the Institute, acting on behalf of its members, and the employer parties to the agreement.

83 Secret Ballots

- 83.1 Where the Employment Relations Act 2000 requires a secret ballot to be held in relation to proposed bargaining, the following procedures will be used:
- the National Executive will agree on questions for the ballot
 - the National Executive will decide whether voting should occur at meetings using electronic means, paper-based ballot, or by postal ballot

- the result of the ballot will be determined by a majority of the members employed by each employer that is intended to be a party to the bargaining who are entitled to vote and who do vote.
- 83.2 Where the Employment Relations Act 2000 requires a secret ballot to be held in relation to a proposed strike, the following procedures will be used:
- the question for the ballot will be whether the member is in favour of the proposed strike
 - the National Executive will determine the processes for voting.

P: Status of and Changes to These Rules

84 Status of the Rules

- 84.1 These rules are the only rules of the Institute. All previous rules are repealed.

85 Matters Arising Under Previous Rules

- 85.1 All acts undertaken within the authority of previous versions of the Institute's rules will continue unless overridden by the current rules.
- 85.2 Matters pending or in progress when the current rules came into operation may be continued and enforced under the current rules.

86 Power to Amend or Repeal the Rules

- 86.1 The Institute's annual meeting can amend, add to or repeal these rules, subject to any changes required by the Registrar of Incorporated Societies.
- 86.2 Any full or provisional Institute member can submit a resolution, for discussion at the Institute's annual meeting, proposing that the rules should be amended, added to or repealed, provided that the resolution has already been sanctioned by the National Executive or a meeting of the member's Area Council or Branch.
- 86.3 Except as provided in Section 86.4, resolutions to amend, add to or repeal these rules must be:
- submitted on the correct form, in duplicate
 - accompanied by a supporting argument
 - received by the National Secretary at least 3 months before the date of the Institute's annual meeting
 - forwarded by the National Secretary to the Branches at least 2 months before the date of the Institute's annual meeting.
- 86.4 The provisions in Section 86.3 will not apply where new legislation or another extraordinary event might adversely affect members' welfare, or the security of

their conditions of employment, or the Institute's ability to fulfil its obligations to members. In these circumstances, the National Executive can propose protective and technical amendments, additions or repeals to these rules at any time up to and during the annual meeting. The amendments, additions or repeals will be considered at the annual meeting, provided the National Secretary:

- immediately informs all Branches and annual meeting representatives about the nature of the new legislation or extraordinary event and its implications for members
- forwards any resulting resolutions to amend, add to or repeal these rules to all Branches and annual meeting representatives as soon as is practicable after the meeting.

86.5 Any section of these rules can be amended or repealed, and any new section added, by a three-fifths majority of the votes recorded at the annual meeting. There is no need for any consequential amendments to the rules contents pages or schedules to be considered as separate resolutions.

86.6 No resolution to amend, add to or repeal these rules can be amended.

86.7 No amendment, addition or repeal of these rules will come into force until it has been recorded by the Registrar of Incorporated Societies.

First Schedule

1A: The Institute's Current Branches

A T - Hukurangi ki Te Tairāwhiti
A T - Hokianga ki Taumarere
A T - Kahungunu ki Te Wairoa
A T - Kahuranaki
A T - Manaakitia o Potiki
A T - Manaia ki Tutamoe
A T - Manawatu
A T - Manukau Whanui
A T - o Mataatua
A T - o Otepoti
A T - Parininihi ki Taipake
A T - Rotorua
A T - ki Ruapehu
A T - Tamaki Makaurau
A T - Tauranga-Moana
A T - Te Hiku o Te Ika
A T - Te Mangai Māori Waikato
A T - o Te Rohe Potae
A T - Te Ropu Manawatahi o Murihiku
A T - Te Whanau-a-Apanui
A T - Te Whanganui a Tara
A T - Tokoroa
A T - Turanga
A T - Waitaha
A T - Whakatu
A T - Whanganui
A T - Whanganui a Orotu
Ashley
Auckland
Bay of Islands
Buller
Cambridge
Central Hawkes Bay
Central King Country
Central Otago
Christchurch
Coromandel Peninsula
Ellesmere
Feilding

Far North
Franklin
Golden Bay
Grey
Hastings
Heretaunga
Hibiscus Coast
Hokianga
Hokonui
Horowhenua
Howick
Huntly
Hutt Valley
Kaipara
Kapiti
Komiti Pasifika (Auckland)
Komiti Pasifika (Wellington)
Komiti Pasifika (Murihiku)
Mackenzie
Malvern
Mana
Manawatu
Maniapoto
Manurewa
Marlborough
Matamata
Mid Canterbury
Motueka
Napier
Nelson
North Shore
Northern Wairoa
Otago
Otago
Otago
Otago
Papakura
Papatoetoe
Poverty Bay
Rangitikei
Rodney-Otamatea
Rotorua
South Canterbury
South Otago
South Wairarapa
Southern Hawkes Bay

South Taranaki
Taihape
Takitimu
Taranaki
Taupo
Tauranga
Te Aho o Te Kura Pounamu – The Correspondence School
Te Puke
Te Tai o Poutini
Thames
Turangi
Waihi
Waikato
Wainuiomata
Waipa
Wairarapa
Wairoa
Waitaki
Waiuku
Wellington
Wellington North
West Auckland
Whakatane
Whanganui
Whangarei

1B: The Institute’s Current Area Councils

Auckland
Central East
Counties Manukau
Murihiku Southland
Otago
Pipiri Mananui o Nga Tataha a Maui
Tai Tokerau
Taranaki
Te Haunui Central
Te Rohe o Te Waiariki – Bay of Plenty
Top of the South Te Tau Ihu o Te Waka a Maui
Waikato
Waitaha Canterbury
Wellington

1C: Aronui Tōmua Electoral Regions

Kahungunu

Manawatu ki Whanganui

Mataatua

Murihiku

Otautahi ki Wairau

Tairāwhiti

Taitokerau

Tamaki Whānui

Taranaki

Te Arawa

Te Upoko o te Ika

Waikato

Second Schedule

NZEI Te Riu Roa Code of Ethics

Preamble

The main object of NZEI Te Riu Roa is “to advance the cause of education generally while upholding and maintaining the just claims of its members individually and collectively”.

Purpose of the Code of Ethics

The NZEI Te Riu Roa Code of Ethics will assist all members in supporting the objects of the Institute by clearly stating the core values that guide the commitments, responsibilities and conduct of NZEI Te Riu Roa members.

The Code aims to maintain the highest standards of ethical behaviour by NZEI Te Riu Roa members.

The Code operates within a belief that:

- Quality public education, a pillar of a democratic society, has the task of providing equality of education opportunity for all children and youth and the well-being of society through its contribution to social, cultural, and economic development
- Members of NZEI Te Riu Roa shall give honour and effect to the Treaty of Waitangi, with Māori and Tauīwi being equal partners in Institute operations by paying particular attention to the rights and aspirations of Māori as tangata whenua
- Members are committed to the promotion of quality public education from the early years, helping to develop a person’s capacity to live a fulfilled life and to contribute to the well-being of society.

Coverage

All members will accept a commitment to the NZEI Te Riu Roa Code of Ethics on joining the union.

Professional ethics expected of all members are complementary to the principles of Education International Declaration on Professional Ethics, and to the codes of other bodies and groups to which they individually belong.

These values guide our commitment, our responsibilities, and our conduct as members of NZEI Te Riu Roa, a treaty-based organisation.

1. **Collectivity**

Within a quality education framework, we will strive to demonstrate collective responsibility by:

- (a) Acting in ways which respect and promote the collective interests and status of members

- (b) Promoting collegiality among colleagues and respecting their professional opinions
- (c) Taking responsible action around issues of collective concern to make a positive difference
- (d) Advocating for collective consideration of work that benefit members and allow them to fulfil their responsibilities.

2. Responsibility

In leading, promoting and contributing to quality teaching and learning environments for all learners, we will strive to act responsibly by:

- (a) Supporting the development of fair practices
- (b) Engaging in personal learning which advances professional knowledge and practice
- (c) Developing positive parent / caregiver / whānau partnership whilst respecting their lawful authority
- (d) Taking action to safeguard and promote the interests and well-being of learners
- (e) Accepting responsibility for our own actions and judgments.

3. Honesty and integrity

In justifying public trust and confidence and enhancing the esteem in which the Institute is held, we would strive to act with honesty and integrity by:

- (a) Interacting with fairness and dignity in relationships with members
- (b) Exercising due care, diligence and confidentiality
- (c) Exercising authority with justice and empathy
- (d) Declaring all relevant information relating to competency and qualifications.

4. Equity and social justice

In seeking equal opportunities and fair sharing of social benefits for individuals, we would strive to promote equity and social justice by:

- (a) Being supportive of fairness at work
- (b) Removing discrimination and preventing the abuse of power
- (c) Operating within a framework of values consistent with New Zealand's human rights obligations
- (d) Honouring, advocating and defending the entitlements of all members to equitable remuneration and conditions.

Third Schedule

Te Tiriti o Waitangi

HE KUPU WHAKATAKI

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga rangatira me nga hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua a kia mau tonu hoki te rongu ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi rangatira hei kai wakarite ki nga Tangata Māori o Nu Tirani kia wakaaetia e nga rangatira Māori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu - na te mea hoki he tokomaha ke nga tangata o tona lwi kua noho ki tenei wenua a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Māori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua ahau a Wiremu Hopihono he Kapitana i te Roiara Nawi he Kawana mo nga wahi katoa o Nu Tirani i tukua aianeia a mua atu ki te Kuini e mea atu ana ia ki nga rangatira o te wakaminenga o nga hapu o Nu Tirani me era rangatira atu enei ture ka Korerotia nei.

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 o 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 Māori katoa o Nu Tirani. Ka tukua ki a ratou nga tikanga katoa rite tahi ke ana mea ki nga tangata o Ingarangi.

Na, ko matou ko nga rangatira e te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu. Ka tangohia ka wakaaetia katoatia e matou. Koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

ENGLISH TRANSLATION

PREAMBLE

VICTORIA, the Queen of England, in her kind (gracious) thoughtfulness to the Chiefs and Hapus of New Zealand, and her desire to preserve to them their chieftainship and their land, and that peace and quietness may be kept with them, because a great number of the people of her tribe have settled in this country, and (more) will come, has thought it right to send a chief (an officer) as one who will make a statement to (negotiate with) Māori people of New Zealand. Let the Māori chiefs accept the governorship (KAWANATANGA) of the Queen over all parts of this country and the Islands. Now, the Queen desires to arrange the governorship lest evils should come to the Māori people and the Europeans who are living here without law. Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy to be Governor for all places of New Zealand which are now given up or which shall be given up to the Queen. And she says to the Chiefs of the Confederation of the Hapus of New Zealand and the other chiefs, these are the laws spoken of.

THIS IS THE FIRST

The Chiefs of the Confederation, and all these chiefs who have not joined in that Confederation give up to the Queen of England for ever all the Governorship (KAWANATANGA) of their lands.

THIS IS THE SECOND

The Queen of England agrees and consents (to give) to the Chiefs, hapus, and all the people of New Zealand the full chieftainship (rangatiratanga) of their lands, their villages and all their possessions (taonga: everything that is held precious) but the Chiefs give to the Queen the purchasing of those pieces of land which the owner is willing to sell, subject to the arranging of payment which will be agreed to by them and the purchaser who will be appointed by the Queen for the purpose of buying for her.

THIS IS THE THIRD

This is the arrangement for the consent to the governorship of the Queen. The Queen will protect all the Māori people of New Zealand and give them all the same rights as those of the people of England. WILLIAM HOBSON, Consul and Lieutenant-Governor.

Now, we the Chiefs of the Confederation of the Hapus of New Zealand, here assembled at Waitangi, and we, the chiefs of New Zealand, see the meaning of these words and accept them, and we agree to all of them. Here we put our names and our marks.

Done at Waitangi, this sixth day of February in the year of Our Lord, one thousand eight hundred and forty.

Fourth Schedule

Nomination paper for Branch officers and representatives

Nomination Paper for Election of Branch Officers or Representatives

To the Secretary of the _____ Branch of the NZEI.

We nominate _____

For the position of _____

For the year ending _____ in accordance with the rules of the Institute.

Signed: _____ Proposer

_____ Seconder

Date: _____

I consent to the above nomination _____ Nominee

Fifth Schedule

Nomination paper for National Officers / National Executive

Nomination of National Officer / National Executive

To the National Secretary NZEI,

We nominate _____ for the position of:

NATIONAL PRESIDENT	<input type="checkbox"/>
NATIONAL VICE-PRESIDENT	<input type="checkbox"/>
NATIONAL EXECUTIVE	<input type="checkbox"/>

of the NZEI for the year following annual meeting 20 ____

Signed: _____ Proposer

_____ Seconder

I consent to the above nomination _____ Nominee

Date: _____

Where a nomination is endorsed by resolution of a Branch the nomination should be signed by the Branch President as proposer and Branch Secretary as seconder and the Branch name entered below:

(Name of Branch)

A nomination must be received by the National Secretary for the no later than 10 weeks before the first day of annual meeting.

If this nomination is for a non-officer National Executive position, please clearly mark which ballot this nomination is for (✓)

GENERAL MEMBERSHIP	<input type="checkbox"/>
EARLY CHILDHOOD SECTOR	<input type="checkbox"/>
PRIMARY TEACHING SECTOR	<input type="checkbox"/>
SUPPORT STAFF SECTOR	<input type="checkbox"/>
SCHOOL PRINCIPALS'	<input type="checkbox"/>
MINISTRY OF EDUCATION POSITION	<input type="checkbox"/>