

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

**Adopted by NZEI Te Riu Roa on Annual General Meeting 22  
September 2025**

*Kotahi ano te kohao o te ngira, E kuhu ai te miro whero, te miro ma, te miro  
pango.  
A muri i a au kia mau ki te aroha, ki te whakapono ki te ture. Hei aha te aha! hei  
aha te aha!*

**(King Potatau Te Wherowhero)**

**2025**

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# A: About this Constitution

This document outlines the rules governing the operation of the largest education union in Aotearoa New Zealand, the New Zealand Educational Institute Te Riu Roa Incorporated, commonly called NZEI Te Riu Roa.

This Constitution defines how the union operates, its structure, and the rights and responsibilities of members. As a democratic organisation based in Te Tiriti o Waitangi, NZEI Te Riu Roa advocates for quality public education and fair employment conditions for educators and support staff.

NZEI Te Riu Roa is registered as a union and operates under the Incorporated Societies Act 2022 and the Employment Relations Act 2000. All members are bound by this Constitution and the associated Code of Ethics for as long as they remain in the union. See the Code of Ethics in the Second Schedule of this Constitution.

The Constitution can be amended through the processes detailed in this document and in compliance with the law.

Mōku te Ao, a Māori-first based approach, underpins the structure and philosophy of this Constitution and NZEI Te Riu Roa as an organisation. Mōku te Ao is based on eight Māori principles, referred to as Ngā Pou. Mōku te Ao and Ngā Pou are an integral part of how members and staff are empowered to work towards system change.

## Ngā Pou:

- **Whakamana:** Honouring identity, language, and whenua to give power and authority to others by maintaining mana.
- **Whanaungatanga:** Obligations based on relationships linking individuals to generations based on kin and non-kin and built on experience and place which is practice whakawhanaungatanga.
- **Rangatiratanga:** The right to autonomy by controlling your own aspirations and destiny.
- **Whakapapa:** Genealogy, lineage, descent, kinship and status.
- **Manaakitanga:** Duty of care to support and uplift others with kindness, generosity and respect.
- **Wairuatanga:** The spiritual dimensions of thinking, being, doing and connecting through time and space.
- **Kaitiakitanga:** A connection between humankind and the natural world which is a role of guardianship.
- **Tikanga:** To follow tikanga is to follow processes that are right and based on rites.

For questions, call 0800 693 443. For more information, and to download a copy of this Constitution please visit [www.nzei.org.nz](http://www.nzei.org.nz)

## B: Definitions and interpretation

**Aronui Tōmua:** A rūpū of NZEI Te Riu Roa established under this Constitution. Aronui Tōmua primarily represents Māori members linked by whakapapa and whanaungatanga to a rohe. See Schedule 1C for a list of the current Aronui Tōmua.

**Area Council:** A regional rūpū of NZEI Te Riu Roa established under this Constitution. Area Councils represent members on issues within their rohe and consist of representatives from all rūpū within a takiwā | area linked by whakapapa and whanaungatanga. See Schedule 1B for a list of the current Area Councils.

**Branch:** A rūpū of NZEI Te Riu Roa established under this Constitution. Branches represent members within a takiwā | area linked by whakapapa and whanaungatanga. They include Aronui Tōmua and Komiti Pasifika. See Schedule 1A for a list of the current Branches.

**Democratic:** NZEI Te Riu Roa has democratic frameworks that empower members to actively participate in shaping the union's direction and priorities. This includes by direct vote, by representative models and through local and national election and selection processes.

**Clear days:** Means complete days, excluding the first and last-named days. For example, excluding the date a notice of the meeting is sent to members and the date of the meeting.

**Consensus:** NZEI Te Riu Roa operates, as far as is reasonably practical, under a process of consensus decision making. Within NZEI Te Riu Roa, and for the purposes of this Constitution, consensus is defined as a decision-making process in which members strive for general agreement among participants rather than a simple majority vote. Operating by consensus means discussion continues until most (if not all) stakeholders accept a decision. In practice, this approach encourages collaboration and collective ownership of decisions.

**Constitution:** the Constitution of the New Zealand Educational Institute Te Riu Roa (Incorporated), as required by the Incorporated Societies Act 2022.

**Hoa Pūmahana:** Hoa Pūmahana membership is a membership category which is open to former full members who are no longer employed in any role covered by NZEI Te Riu Roa.

**Hui-ā-Tau:** One of the two national meetings held by NZEI Te Riu Roa. This meeting, including the timing and format, is organised by Te Kahu Kiwi and usually includes NZEI Te Riu Roa's Annual General Meeting.

**Komiti Pasifika:** A rūpū of NZEI Te Riu Roa established under this Constitution. Komiti Pasifika represent mainly, but not exclusively, Pasifika members within one or more rohe linked by whakapapa and whanaungatanga.

**Life member:** An honorary member recognised for exceptional service to NZEI Te Riu Roa and education in general. A person conferred life membership who continues to meet the criteria for full membership under Section 9.1 shall retain all rights, responsibilities, and privileges of a full member for as long as they remain eligible. For the purposes of voting, holding office, and participating in Institute business, such



members shall be treated as full members until their eligibility under Section 9.1 ceases. Upon ceasing to be eligible for full membership, they will retain the status of life member only.

**Members:** An enrolled member of NZEI Te Riu Roa, whether a full, provisional or Hoa Pūmahana member.

**Officer:** All members of Te Kahu Kiwi are officers of NZEI Te Riu Roa along with the National Secretary. For the purposes of the Incorporated Societies Act 2022, Te Manuhua are the named officers whose contact details will be registered with the Companies Office.

**Pakeke:** Pakeke are the kaumātua who provide cultural guidance and support and will lead tikanga Māori aspects of the Annual General Meeting, including karakia, mihi whakatau, and pōwhiri.

**Section:** All references to sections mean sections of this Constitution, unless stated otherwise.

**Simple majority:** Within NZEI Te Riu Roa, and for the purposes of this Constitution, a simple majority is defined as at least fifty percent of any vote when rounded to one decimal place, plus one additional vote. The scope of the vote is the number of people eligible to vote who do vote.

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

**Super majority:** Within NZEI Te Riu Roa, and for the purposes of this Constitution, a super majority is defined as at least seventy five (75) percent of any vote when rounded to one decimal place. The scope of the vote is the number of people eligible to vote who do vote.

**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.

**Specified support employee:** An employee in a school whose function is to support administration, teachers, or pupils in the education sector.

**Tauiwi:** Non-Māori New Zealanders.

**Te Kahu Kiwi:** The paramount governance and strategic leadership rūpū of NZEI Te Riu Roa. Te Kahu Kiwi comprises:

- **Te Reo Areare:** A rūpū, selected by Māori members, to govern and lead NZEI Te Riu Roa and maintain tino rangatiratanga as tangata whenua in Te Kahu Kiwi.
- **National Executive:** A rūpū, elected under this Constitution, to govern and lead NZEI Te Riu Roa as tangata Tiriti in Te Kahu Kiwi.
- **Te Manuhua:** A rūpū, comprising three National Executive leaders - the President, Immediate Past President, and Vice President - and three Kaihautū from Te Reo Areare, who are tasked with the shared leadership of Te Kahu Kiwi.

**Te Kāhui Whetū:** One of the two national meetings held by NZEI Te Riu Roa. This meeting is organised by the local Aronui Tōmua in the selected rohe. The timing and format of this conference is agreed by Te Kahu Kiwi.

**Te Tiriti o Waitangi:** NZEI Te Riu Roa is an organisation fully committed to meeting its obligations under Te Tiriti of Waitangi. The union has a dual governance model consisting of National Executive and Te Reo Areare.

**Tikanga:** Tikanga Māori guides NZEI Te Riu Roa practices and meetings, with implementation reflecting the contexts and relationships of respective rohe.

## C: About NZEI Te Riu Roa

### 1 NZEI Te Riu Roa name

- 1.1 The full name of NZEI Te Riu Roa is The New Zealand Educational Institute Te Riu Roa Incorporated. Its short name, which it also operates under, is NZEI Te Riu Roa. In this Constitution, it will be referred to as NZEI Te Riu Roa.

### 2 NZEI Te Riu Roa and Te Tiriti o Waitangi

- 2.1 NZEI Te Riu Roa is a union based in Te Titiri that empowers its members to actively participate and shape the future through its structures. These structures are deeply rooted in the principles of Te Tiriti o Waitangi and guided by the wisdom of the tongi:

*Kotahi ano te kohao o te ngira, E kuhu ai te miro whero, te miro ma, te miro pango.  
A muri i a au kia mau ki te aroha, ki te whakapono ki te ture. Hei aha te aha! hei aha te aha!  
(Potatau Te Wherowhero)*

In practice, an organisation based in Te Tiriti means embracing Mōku te Ao, and forging close relationships based on Ngā Pou: whakamana, whanaungatanga, rangatiratanga, whakapapa, manaakitanga, wairuatanga, kaitiakitanga and tikanga. We value relationships in which all voices are respected, and collective strength drives meaningful change.

### 3 NZEI Te Riu Roa registration as a union

- 3.1 NZEI Te Riu Roa is registered as a union under both the Incorporated Societies Act 2022 and the Employment Relations Act 2000.
- 3.2 By being registered under the Incorporated Societies Act, all NZEI Te Riu Roa members are required to follow this Constitution and the associated Code of Ethics for as long as they remain members.
- 3.3 The Incorporated Societies Act 2022 also sets rules for how incorporated societies must be managed. NZEI Te Riu Roa must follow this Constitution, and its actions can be reviewed by the High Court if necessary.
- 3.4 Under the Employment Relations Act 2000, NZEI Te Riu Roa must be democratic, independent, and operate separately from any employer.

### 4 NZEI Te Riu Roa goals

- 4.1 To advance the cause of education generally while upholding and maintaining the just claims of NZEI Te Riu Roa members individually and collectively.
- 4.2 To advocate for quality public education and the rights of ākonga and tamariki.
- 4.3 To give honour and effect to Te Tiriti o Waitangi, with Māori and Tauīwi being equal in NZEI Te Riu Roa leadership and operations.

- 4.4 To support members' collective and individual employment interests.
- 4.5 To be an influential, member driven, democratic union based in Te Tiriti.
- 4.6 To facilitate full and active member participation in the activities of NZEI Te Riu Roa.
- 4.7 To respect and uphold members' professional status and wellbeing.
- 4.8 To promote and protect workers professional, economic, political, social, cultural, 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.
- 4.9 To uphold equity for Māori members and ensure fair treatment within the education sector.
- 4.10 To foster an environment that enables Māori kaimahi, akōnga and tamariki to thrive as Māori.
- 4.11 To advocate for educational reforms that prioritise Te Ao Māori and Mātauranga Māori.
- 4.12 To promote anti-racism and address other forms of discrimination against Māori and other members.
- 4.13 To build, and sustain, effective partnerships with mana whenua in each rohe. To this end, Area Councils will work with mana whenua to establish relationships that honour and give effect to Te Tiriti o Waitangi, reflecting local contexts, aspirations, and priorities.

## **5 NZEI Te Riu Roa Offices**

- 5.1 NZEI Te Riu Roa National Office and registered office is at Level 6, 79 Boulcott Street, Wellington.
- 5.2 Te Kahu Kiwi may, from time to time, change the location or address of the registered office. It must immediately notify the Registrar of Incorporated Societies and members of the change and the date from which it occurred.

## **6 Affiliation**

- 6.1 NZEI Te Riu Roa may associate or affiliate itself with any other organisation whose purposes are to advance the cause of education generally and whose activities are not for profit. NZEI Te Riu Roa may be a member of Te Kauae Kaimahi the New Zealand Council of Trade Unions (CTU).

## **7 Dissolution of NZEI Te Riu Roa**

- 7.1 NZEI Te Riu Roa can be dissolved at any time, if a secret ballot of its full voting members, conducted for that purpose, results in a simple majority in favour of its dissolution. The National Secretary must give every full member notice, 30

clear days before the ballot, of the intention to seek NZEI Te Riu Roa dissolution.

- 7.2 The dissolution will not take effect until the National Secretary has applied to cancel NZEI Te Riu Roa registration under the Incorporated Societies Act 2022, and notice confirming the cancellation has been received from the Registrar of Incorporated Societies.
- 7.3 If NZEI Te Riu Roa is dissolved it will be subject to a final audit. The remaining property left after the payment of all costs, debts and liabilities will be distributed to other New Zealand-based unions.
- 7.4 Section 7.3 will not be applied if NZEI Te Riu Roa is removed from the register due to amalgamation with another union.
- 7.5 Amalgamation with another union**
- 7.5.1 A resolution for NZEI Te Riu Roa dissolution may make provision for it to be amalgamated with another union registered under the Incorporated Societies Act 2022, provided that all members are given notice that a resolution seeking amalgamation has been passed.
- 7.5.2 In an amalgamation, all NZEI Te Riu Roa 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 general meeting of NZEI Te Riu Roa deems fit (see Section 7.3).

## **D: Membership and honours**

### **8 Categories of membership**

- 8.1 Members of NZEI Te Riu Roa may be full (see Section 9), provisional (see Section 10), Hoa Pūmahana (see Section 11) or life members.
- a) NZEI Te Riu Roa categorises its members into financial and non-financial groups (Section 18).
  - b) Honours may be granted to both members and non-members who contribute to the goals and objectives of NZEI Te Riu Roa (Section 13).
- 8.2 Existing members who do not fall within any of the membership categories set out in Section 9 to 11 will continue as members.

### **9 Membership**

#### **9.1 Full membership**

Full membership in NZEI Te Riu Roa is open to individuals working throughout New Zealand, except those eligible for provisional membership (Section 10), Hoa Pūmahana membership (Section 11), or life membership.

You can qualify for full membership if you are:

- a) a teacher in a state or state integrated school;
- b) an early childhood teacher or educator;

- c) a teacher, an educator, a support worker, or a specified support employee, parts (a), (b) or (d). of this rule, working in the education sector. (To avoid doubt, and subject to section 9.2 of these Rules, the employee does not have to work in the state education sector for this part (c) to apply);
- 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 employed in a service fully funded by the state education system;
- f) a reliever in any of the positions in parts (a) to (e)

Note: a relieving member is defined as is a person who has worked in any the above positions for more than 10 working days in any preceding 12-month period. If a relieving member has not worked more than 10 days in the past 12 months, they lose the right to vote and cannot hold an elected or representative position in NZEI Te Riu Roa.

- 9.2 Section 9.1 does not apply to employees of private, fully registered schools, unless they work in early childhood education services within those schools.
- 9.3 NZEI Te Riu Roa may extend full membership to include categories of workers already covered by other unions. This can be done by amending the Constitution (see Section 80).
- 9.4 As a full member you are entitled to:
  - attend, speak and vote at all meetings of your Branch, Aronui Tōmua and Komiti Pasifika
  - be elected to any position within your Branch, Aronui Tōmua and Komiti Pasifika, and represent the Branch, Aronui Tōmua and Komiti Pasifika, or NZEI Te Riu Roa if appointed
  - receive assistance from NZEI Te Riu Roa advisory services
  - receive a digital copy of this Constitution and any amendment (see Section 51)
  - receive a digital copy of the collective employment agreement under which you are employed
  - receive a digital copy of the NZEI Te Riu Roa Annual Report and Financial Statement
  - apply for assistance from the NZEI Te Riu Roa Legal Assistance Fund.

## **9.5 Resignation and termination of full membership**

- 9.5.1 A member can resign as a full member of NZEI Te Riu Roa by giving 30 clear 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 NZEI Te Riu Roa 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 NZEI Te Riu Roa 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 undergraduate degree in early childhood education 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 30 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

## **11 Hoa Pūmahana**

- 11.1 Hoa Pūmahana 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 Pūmahana members shall have access to the HealthCarePlus scheme offered by NZEI Te Riu Roa.
- 11.3 Hoa Pūmahana 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 Pūmahana members may not hold any elected or representative position in NZEI Te Riu Roa.

## **12 Applying for membership**

- 12.1 Any person who fulfils the criteria for full (see Section 9), provisional (see Section 10) or Hoa Pūmahana (see Section 11) membership can apply to become a member of NZEI Te Riu Roa. The application is made to the National Office.
- 12.2 All members must provide their consent to join NZEI Te Riu Roa before their membership is finalised.

- 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 14 and 15).
- 12.4 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 NZEI Te Riu Roa will not be liable for any support to the applicant in respect of such matters.
- 12.5 Te Kahu Kiwi may object to a person becoming a member of NZEI Te Riu Roa. If a membership application is declined, the affected person has the right to object to the decision through the complaint procedure (see section N).
- 12.6 A full member may object to a person becoming a member of any of NZEI Te Riu Roa branches, Aronui Tōmua or Komiti Pasifika, on the grounds that the person:
- has been expelled from a Branch, Aronui Tōmua, or Komiti Pasifika
  - has not fulfilled any conditions imposed by NZEI Te Riu Roa Disciplinary Committee
  - is not fit to be registered as a member due to a court conviction
  - has breached NZEI Te Riu Roa Code of Ethics.

## **13 Honours awarded by NZEI Te Riu Roa**

- 13.1 NZEI Te Riu Roa awards honours to members and non-members who support its work and objectives. The honours are Associate, Fellow, Honorary Fellow, and life membership of NZEI Te Riu Roa. Nominations for honours are considered by the NZEI Te Riu Roa Honours Committee, which makes recommendations to Te Kahu Kiwi on the awards. Eligibility criteria and the formation and decision-making processes of the committee is available in the Honours Committee Policy and Procedure document on NZEI Te Riu Roa website: <https://www.nzeiteriuroa.org.nz/about-us>

# **E: Membership subscriptions and levies**

## **14 Membership subscriptions**

- 14.1 All full and Hoa Pūmahana members must pay a membership subscription to NZEI Te Riu Roa and become liable for paying subscriptions upon their application for membership being accepted.
- 14.2 The rate of the membership subscriptions will be adjusted on 1 July each year, to reflect movements in the Consumer Price Index (CPI) during the previous year. Changes to the fee, if any, take effect from this date.
- 14.3 A resolution to the NZEI Te Riu Roa Annual General Meeting for an additional increase to subscription, beyond the CPI increase, should be adopted by consensus. If consensus cannot be reached in the NZEI Te Riu Roa Annual General Meeting, the National President, or the person delegated by Te



Manuhua to chair the meeting has the option to either defer the decision or to put the decision to a super majority vote.

- 14.4 Members who earn less than certain income thresholds only pay part of the full subscription rate. The income thresholds will be adjusted each year to reflect movement in the Consumer Price Index during the previous year.
- 14.5 The setting of income thresholds and reduced proportions should be adopted by consensus. If consensus cannot be reached in the NZEI Te Riu Roa Annual General Meeting, the National President | Te Manukura, or the person delegated by Te Manuhua to chair the meeting, has the option to either defer the decision or to put the decision to a super majority vote.
- 14.6 Te Kahu Kiwi will regularly review how subscriptions can be paid and communicate any changes to members through the NZEI Te Riu Roa website and communications to members and workplaces.
- 14.7 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).

## **14.8 Non-payment of subscriptions**

- 14.8.1 NZEI Te Riu Roa shall notify members of the non-payment of any subscription payment due.
- 14.8.2 NZEI Te Riu Roa may terminate the membership of any member whose subscriptions are more than 3 payments or 90 clear days in arrears and attempts to remedy the situation have failed. The member will be notified of the termination and the reason for it.
- 14.8.3 NZEI Te Riu Roa may terminate the membership of any member who regularly defaults on their subscription payments and remains in arrears. The member will be notified of the termination and the reason for it.
- 14.8.4 Rule 9.1 does not apply to non-financial members who are on leave under rule 14.7.

## **15 Emergency levies**

- 15.1 In emergencies, NZEI Te Riu Roa 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.
- 15.2 A resolution to request an emergency levy must be made by Te Kahu Kiwi and should be adopted by consensus. If consensus cannot be reached in the NZEI Te Riu Roa Annual General Meeting, or at a special general meeting of NZEI Te Riu Roa convened to discuss this resolution, the National President | Te Manukura, or the person delegated by Te Manuhua to chair the meeting, has the option to either defer the decision or to put the decision to a super majority vote. Members will be informed of the resolution as soon as practicable before the start of the meeting.

## **16 Register of financial members**

- 16.1 A financial member is any member of NZEI Te Riu Roa (full, provisional or Hoa Pūmahana) who is not in arrears for more than 90 clear days for any subscription, levy or other contribution that they are required to be pay under this Constitution.
- 16.2 NZEI Te Riu Roa will keep a register of its financial members, including each member's:
- full name and contact details
  - workplace address
  - occupation
  - employment agreement that applies to them
  - date of joining NZEI Te Riu Roa.

## **F: Te Kahu Kiwi**

### **17 Functions of Te Kahu Kiwi**

- 17.1 Te Kahu Kiwi is the paramount governance and strategic leadership rūpū of NZEI Te Riu Roa. Te Kahu Kiwi comprises of:
- **Te Reo Areare:** A rūpū, selected by Māori members, to govern and lead NZEI Te Riu Roa and maintain tino rangatiratanga as tangata whenua in Te Kahu Kiwi.
  - **National Executive:** A rūpū, elected under this Constitution, to govern and lead NZEI Te Riu Roa as tangata Tiriti in Te Kahu Kiwi.
  - **Te Manuhua:** A rūpū, comprising three National Executive leaders – the President, Immediate Past President, and Vice President – and three Kaihautū selected by Te Reo Areare, who are tasked with the shared leadership of Te Kahu Kiwi.
- 17.2 **Te Kahu Kiwi is responsible for the following core functions:**
- 17.2.1 **Governance and meetings**
- Work with the Aronui Tōmua in the rohe selected to host Te Kāhui Whetu to agree, by consensus, the timing and format for this national hui.
  - Set the date and agenda for Hui-ā-Tau and the NZEI Te Riu Roa Annual General Meeting (see Section 46).
  - Ensure that the minutes of Te Kahu Kiwi meetings, and any associated committee meetings, are prepared and circulated.

- Observing the relevant tikanga, convene, adjourn, and regulate its business as needed.
- Call special general meetings of NZEI Te Riu Roa when necessary (see Section 47).
- Seek member feedback on significant policy changes or matters of importance.

#### **17.2.2 Reporting and compliance**

- Submit an annual report to the NZEI Te Riu Roa Annual General Meeting, including how NZEI Te Riu Roa has honoured and given effect to Te Tiriti o Waitangi.
- Oversight and controls of financial matters, ensuring submission of audited financial statements, and oversight of bank accounts (See Section 56).
- Ensure the lawful and appropriate use of NZEI Te Riu Roa funds.
- Enter into investments, loans, and overdrafts as needed (Section 56).

#### **17.2.3 Appointments and representation**

- Appoint a National Secretary.
- Designate representatives, if appropriate, to assist members in legal or employment-related matters when requested.

#### **17.2.4 Property and assets**

- Control, acquire, and dispose of property.

#### **17.2.5 Member recognition and discipline**

- Confer honours on members as recommended by the Honours Committee following the processes defined in the Membership and Honours Policy.
- Take disciplinary action against members, officers, and position holders when necessary.

#### **17.2.6 Other functions**

- Additional functions as specified within the Constitution of NZEI Te Riu Roa.
- Te Kahu Kiwi 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. Examples of criminal offences include:

- Making false statements
- Fraudulent use or destruction of NZEI Te Riu Roa property
- Falsification of documents
- Defrauding of members
- Improper use of 'Incorporated', 'Inc' or its te reo version 'Manatōpu'
- Breaching of a banning order

17.3 All Te Kahu Kiwi members are officers of NZEI Te Riu Roa and as such have a legal duty to act in good faith and in the best interests of NZEI Te Riu Roa and its members. This will include, but not limited to:

- Exercising power for proper purposes only
- Complying with the Incorporated Societies Act 2022 and this Constitution
- Exercising reasonable care and diligence
- Not creating a substantial risk of serious loss to NZEI Te Riu Roa or members
- Not incurring an obligation that they, as an officer of NZEI Te Riu Roa, reasonably believe NZEI Te Riu Roa cannot perform

## **18 National Executive and Te Reo Areare membership**

18.1 NZEI Te Riu Roa National Executive consists of:

- a National President | Te Manukura
- a National Immediate Past President or where applicable, a Senior Executive member (see section 22.5)
- a National Vice-President
- eight other members of NZEI Te Riu Roa:
  - one from the early childhood sector
  - one from the primary teaching sector
  - one from the support staff sector
  - one from among 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, and
  - three from among the general membership.

18.2 See Sections 22 and 23 for rules governing the nomination and election of National Executive.

### **18.3 Te Reo Areare**

- 18.3.1 Te Reo Areare is the Māori governance body of NZEI Te Riu Roa. Te Reo Areare members are member leaders selected from rohe and sector groups. They are confirmed at Te Kāhui Whetū every two years. Te Reo Areare comprises of:
- Twelve (12) regional members selected by Aronui Tōmua members from the respective rohe, and
  - Up to five (5) sector representatives, to ensure representation, by Te Kāhui Whetu, comprising:
    - 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.

Vacancies of Te Reo Areare rohe representatives will be filled by recommendation from the respective rohe/sectors and approved by Te Reo Areare.

### **18.4 Te Manuhua**

- 18.4.1 Te Manuhua is the rōpū whakahaere comprising the three National Executive leaders – the current National President | Te Manukura, Vice President, and Immediate Past President – and the three kaihautū of Te Reo Areare.
- 18.4.2 Te Manuhua is responsible for sharing leadership of Te Kahu Kiwi, including developing and setting agendas and facilitating Te Kahu Kiwi meetings. They also support the National President | Te Manukura and make recommendations for action in between Te Kahu Kiwi meetings.
- 18.4.3 For the purposes of the Incorporated Societies Act 2022, Te Manuhua are the named officers whose contact details will be registered with the Companies Office.

## **19 Te Kahu Kiwi meetings**

- 19.1 Te Kahu Kiwi will meet as often as is needed to fulfil its functions (see Section 17). Meetings are called either by the National President | Te Manukura or Te Manuhua.
- 19.2 The decision making process at Te Kahu Kiwi meetings is based on finding a consensus among its members.
- 19.3 A quorum is achieved when a significant and diverse representation of Te Kahu Kiwi members is present and ready to engage in the discussion, not less than half of members.

## **20 Relationship between the Te Kahu Kiwi and the National Secretary**

- 20.1 The National Secretary is the chief executive officer of NZEI Te Riu Roa and is responsible for its efficient and effective operation of the organisation including honouring and upholding Te Tiriti o Waitangi.
- 20.2 The National Secretary will carry out the duties specified in this Constitution and any other duties delegated by Te Kahu Kiwi that are consistent with their conditions of employment.
- 20.3 The National Secretary attends the meetings of NZEI Te Riu Roa Te Kahu Kiwi but cannot vote on any matter.
- 20.4 For clarity, the National Secretary cannot exercise any of the following powers:
- a) set NZEI Te Riu Roa policy
  - b) determine financial policies or allocations (other than secondary allocations related to operating NZEI Te Riu Roa offices)
  - c) take disciplinary action against NZEI Te Riu Roa members or officers
  - d) remove elected officers of NZEI Te Riu Roa or fill vacancies.

## **21 National President's role**

- 21.1 The National President's | Te Manukura role includes:
- Share leadership of Te Kahu Kiwi with Te Manuhua including convening meetings and agreeing agendas.
  - Liaise with Te Manuhua to determine the most appropriate person to chair NZEI Te Riu Roa meetings. These meetings include, but are not limited to, Te Kahu Kiwi, any subcommittees of Te Kahu Kiwi, the NZEI Te Riu Roa Annual General Meeting and any special general meetings of NZEI Te Riu Roa.
  - Work with Te Manuhua to ensure that the Constitution of NZEI Te Riu Roa is observed.
  - Work with Te Kahu Kiwi, and the wider membership, to ensure that the policy of NZEI Te Riu is promoted wherever possible.

## **22 Nominations for National Executive positions**

- 22.1 Only full or provisional members of NZEI Te Riu Roa are eligible to be nominated, elected or serve as National Executive members.
- 22.2 Nominations for the positions of National President, National Vice President, National Executive, and, where applicable, Senior Executive member must be submitted using a format consistent with the guidance provided by the National Secretary. A template nomination form is available upon request from the National Office. All nominations must be received by the National Secretary no

later than 70 clear days before the first day of the NZEI Te Riu Roa Annual General Meeting.

- 22.3 Where the current President is eligible 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 of the National Executive.
- 22.4 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 of the National Executive.
- 22.5 In the event of the application of Section 22.4 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 General Meeting, for the office of Senior Executive member. The Senior Executive member can only be nominated from among currently elected or appointed National Executive members.
- 22.6 Where there is only one nomination for any position, that nominee shall be declared elected as of the date the nominations close.
- 22.7 If no nominations are received for a specific National Executive position in accordance with section 22.2, then nominations shall be called from those entitled to attend, speak and vote at Annual General Meeting
- 22.8 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 Learning Support position (see section 18.1) that nominee shall be declared elected.
- 22.9 If no or insufficient nominations are received for the general positions on the National Executive then nominations shall be called from those entitled to attend, speak and vote at Annual General Meeting (see section 52.1).
- 22.10 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 school principals– SCHOOL PRINCIPALS BALLOT
  - for the member from among the Ministry of Education sector– MINISTRY OF EDUCATION BALLOT.

- 22.11 At least 90 clear days before the start of the NZEI Te Riu Roa Annual General Meeting, the National Secretary will write to Te Reo Areare seeking the names of the members from the Aronui Tōmua rohe who will form Te Reo Areare. The names must be delivered to the National Secretary at least 42 clear days before the start of NZEI Te Riu Roa Annual General Meeting.
- 22.12 If they have been provided, the National Secretary will circulate details of all candidates nominated for National President | Te Manukura, National Vice-President and the eight additional National Executive members, to NZEI Te Riu Roa members, at least 28 days before the first day of the Annual General Meeting.

## **23 Elections for National Executive**

- 23.1 Elections from among the nominated candidates will be held at NZEI Te Riu Roa Annual General Meeting.
- 23.2 The order of elections is:
- The National President | Te Manukura
  - The Senior Executive member, where applicable (see sections 22.5
  - The National Vice President
  - early childhood sector, primary teaching sector, support staff sector, school principal sector, and Ministry of Education (see section 22.10) representatives
  - general membership representatives.
- 23.3 In any ballot for the election of the National Executive:
- 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 three 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 23.3 (a) and 23.3 (b)
- 23.4 The election ballot will be taken of all those entitled to attend, speak and vote at the Annual General Meeting (see section 48). Te Manuhia will appoint two scrutineers for the ballots. Each candidate is also entitled to appoint a scrutineer.
- 23.5 A ballot will be invalid if it contains votes for more candidates than are required to fill a vacancy. See Section 55.2 for provisions on disputed ballots.

## **24 Term of office for National Executive**

- 24.1 The term of office for all positions is two years. Newly elected or appointed National Executive members assume office on 1 January following the Annual General Meeting.



- 24.2 Incumbent National Executive members remain in office until their successors take office.

## **25 Vacancies for Te Kahu Kiwi positions**

- 25.1 A vacancy is deemed to occur where a Te Kahu Kiwi member resigns their position, is removed from their position (see section 26), ceases to be a member of NZEI Te Riu Roa, is no longer a member of the sector of NZEI Te Riu Roa that they were elected to represent, or is otherwise unavailable or unable to continue in their position.
- 25.2 Where a vacancy exists in Te Reo Areare representation, the National Secretary will invite Te Reo Areare to select a representative for the remainder of the current term.
- 25.3 If a vacancy arises in National Executive membership during the term, or remains unfilled after the most recent Annual General Meeting, Te Kahu Kiwi may appoint a replacement without calling for nominations, following this process:
- Te Kahu Kiwi will first appoint the next highest polling candidate from the most recent election.
  - If no such candidate is available, Te Kahu Kiwi may, at its sole discretion, either:
    1. Appoint a member from the relevant sector or general membership, or
    2. If the vacancy occurs before the mid-term Annual General Meeting, call for nominations and hold elections at that meeting.
    3. The replacement will serve on Te Kahu Kiwi for the remainder of the current term.

## **26 Suspension and removal of Te Kahu Kiwi members**

### **26.1 Suspension following vote by Te Kahu Kiwi**

- 26.2 The governance and strategic leadership of NZEI Te Riu Roa is built on the strength of Ngā Pou. Leadership is a role of service to the people, not of power over them. If a leader fails in their duty to uphold Ngā Pou or perform the responsibilities entrusted to them, the members must have a fair and transparent process to address the situation. A process that is culturally responsive and respects and upholds the mana of the leader in question and the people they serve.
- 26.3 If there is compelling evidence that a member of Te Kahu Kiwi is failing in their duty to uphold Ngā Pou or perform the responsibilities entrusted to them then, depending on how the person came to serve on Te Kahu Kiwi
- The National Executive can vote to suspend a member of National Executive elected / appointed through the process outlined in Sections 26 of this Constitution.
  - Te Reo Areare can via a process to be determined by Te Reo Areare suspend a member of Te Reo Areare who was selected to serve on Te Kahu Kiwi by Te Reo Areare.

## **26.4 Review process for members suspended from Te Kahu Kiwi**

### **26.4.1 Establishment of the review process**

1. Within 7 clear days of a suspension being enacted, Te Manuhua must initiate the review process in collaboration with either the National Executive and/or Te Reo Areare. This process must ensure cultural appropriateness, adherence to tikanga, and compliance with the principles of natural justice.
2. The review process will be conducted by a review committee established by Te Manuhua in consultation with the National Executive and/or Te Reo Areare. The review committee must operate independently and impartially.

### **26.4.2 Objectives of the review**

1. The review process will determine:
  - a) Whether the suspension was justified; and
  - b) If justified, whether the suspension should remain temporary or result in permanent removal from office.

### **26.4.3 Procedural requirements**

1. Within 3 clear days of the review process being confirmed, the National Executive and/or Te Reo Areare must provide Te Manuhua with a written statement outlining the specific reasons for the suspension. Te Manuhua must ensure that a copy of this statement is provided to the suspended member without undue delay.
2. A meeting to review the suspension must be convened within 14 clear days of the confirmation of the review process, unless an extension is mutually agreed upon by all relevant parties. The meeting may be conducted in person, online, or in a hybrid format, subject to mutual agreement.
3. The suspended member must be given the right to participate in the review process and is entitled to be accompanied by a support person or representative.
4. Both the suspended member and a delegated representative of Te Manuhua shall have the right to:
  - a) present their case, including making oral and/or written submissions, and
  - b) call and question witnesses relevant to the matter.

### **26.4.4 Review committee determination**

1. Within 7 clear days of the review meeting, the review committee must reach a determination and notify the relevant parties accordingly:
  - a) If the suspended member is a National Executive member, the review committee will make a recommendation to Te Manuhua regarding their removal from Te Kahu Kiwi.
  - b) If the suspended member is a Te Reo Areare member, the review committee will notify Te Manuhua that the member has been removed from Te Kahu Kiwi.

### **26.4.5 Right to appeal**

1. The suspended member has the right to appeal the decision within 7 clear days of receiving the determination. Appeals must be submitted in writing to Te Kahu Kiwi as a whole.

2. If no appeal is lodged within the 7 clear day period, the decision of the review committee will be deemed final.
3. If an appeal is lodged, Te Kahu Kiwi must review the matter and issue a final decision.

#### **26.4.6 Finalisation and vacancy**

1. A suspension resulting in removal from office shall be deemed final:
  - a) upon the expiration of the 7 clear day appeal period if no appeal is filed; or
  - b) upon Te Kahu Kiwi reaching a final decision if an appeal has been submitted.
2. Once the decision is final, a vacancy in Te Kahu Kiwi shall be declared and filled in accordance with the relevant appointment procedures outlined in Section 28.

#### **26.5 Removal at the request of members**

- 26.5.1 Where 20 or more full members want a Te Kahu Kiwi member removed from office, for the reasons in Section 26 or any other reason, they must give a written statement to their Branch, Aronui Tōmua or Komiti Pasifika Secretary:
  - setting out the reason for removal and the facts supporting it
  - requesting a special meeting of the Branch, Aronui Tōmua or Komiti Pasifika to be called to consider the matter.
- 26.5.2 The Branch, Aronui Tōmua, or Komiti Pasifika Secretary will call a special meeting of the Branch, Aronui Tōmua, or Komiti Pasifika, to consider the matter (see Section 33.3) and notify the Te Kahu Kiwi member of the meeting. The Te Kahu Kiwi member has the right to address the meeting or make a written statement responding to the call for their removal.
- 26.5.3 If the special meeting passes a resolution that the Te Kahu Kiwi member should be removed, the Branch, Aronui Tōmua, or Komiti Pasifika 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, Aronui Tōmua, or Komiti Pasifika.
- 26.5.4 Upon receipt of the resolution, the Branch, Aronui Tōmua, or Komiti Pasifika Secretary will call a special meeting of the Branch, Aronui Tōmua, or Komiti Pasifika to discuss the resolution.
- 26.5.5 The Te Kahu Kiwi member has the right to present a written statement to every Branch, Aronui Tōmua, or Komiti Pasifika meeting called to discuss the resolution.
- 26.5.6 Where the special meeting of 15 or more Branches, Aronui Tōmua, or Komiti Pasifika, representing at least two Area Councils, support the resolution, the question of whether Te Kahu Kiwi member should be removed shall be submitted to a secret ballot of all NZEI Te Riu Roa full members.
- 26.5.7 If the secret ballot confirms the resolution, Te Kahu Kiwi member will be removed.

## **G: Branches, Aronui Tōmua, and Komiti Pasifika, of NZEI Te Riu Roa**

### **27 Branches, Aronui Tōmua, and Komiti Pasifika,**

- 27.1 NZEI Te Riu Roa Branches, Aronui Tōmua, and Komiti Pasifika are listed on the First Schedule of this Constitution.

### **28 Objectives of NZEI Te Riu Roa Branches, Aronui Tōmua, and Komiti Pasifika**

- 28.1 The main objectives of any Branch, Aronui Tōmua, and Komiti Pasifika of NZEI Te Riu Roa are to:
- a) advance the NZEI Te Riu Roa goals (see section 4)
  - 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.

### **29 Establishing new Branches, Aronui Tōmua, and Komiti Pasifika**

- 29.1 Members must ask Te Kahu Kiwi if they want to establish a new Branch, Aronui Tōmua, or Komiti Pasifika of NZEI Te Riu Roa.
- 29.2 Before granting approval, Te Kahu Kiwi must be satisfied that:
- a) there is sufficient demand for a new Branch, Aronui Tōmua, and Komiti Pasifika
  - b) the views of surrounding branches and the relevant Area Council and Aronui Tōmua have been considered, and that they generally support the proposal
  - c) the proposed boundaries of Branch, Aronui Tōmua, and Komiti Pasifika 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 which includes Māori representation.
  - f) the proposed Branch, Aronui Tōmua, and Komiti Pasifika would further the objects of NZEI Te Riu Roa Branches (see Section 28).

- 29.3 Where Te Kahu Kiwi resolves to establish a new Branch, Aronui Tōmua, and Komiti Pasifika, that name is automatically added to Schedule 1A of these rules.

## **30 Disestablishing Branches, Aronui Tōmua, and Komiti Pasifika**

- 30.1 Whenever a Branch, Aronui Tōmua, or Komiti Pasifika ceases to meet its objects or operational requirements, or asks to be disestablished, Te Kahu Kiwi will decide the matter.
- 30.2 Te Kahu Kiwi will either:
- confirm the Branch, Aronui Tōmua, or Komiti Pasifika continued existence
  - agree by way of resolution to the disestablishment
  - convene a Branch, Aronui Tōmua, or Komiti Pasifika Review Panel, to consider the matter further.
- 30.3 The Branch, Aronui Tōmua, or Komiti Pasifika Review Panel will be made up of:
- one member of Te Kahu Kiwi (appointed by the National President | Te Manukura),
  - the President of the Branch, Aronui Tōmua, or Komiti Pasifika under review (or their nominee),
  - where they choose, a representative from each surrounding branch, Aronui Tōmua, or Komiti Pasifika,
  - and the President (or their nominee) of the relevant Area Council(s).
- 30.4 The Review Panel will consider all information presented to it and recommend to Te Kahu Kiwi whether or not the Branch, Aronui Tōmua, or Komiti Pasifika should be disestablished.
- 30.5 If Te Kahu Kiwi resolves to disestablish the Branch, Aronui Tōmua, or Komiti Pasifika, the decision takes effect immediately, and the Branch, Aronui Tōmua, or Komiti Pasifika name is automatically removed from Schedule 1A of these rules.
- 30.6 When a Branch, Aronui Tōmua, or Komiti Pasifika is disestablished, all of its assets are transferred to Te Kahu Kiwi for redistribution as it sees fit.

## **31 Branch, Aronui Tōmua, and Komiti Pasifika membership**

- 31.1 Anybody who joins NZEI Te Riu Roa (see Part D) becomes a member of the Branch, Aronui Tōmua, or Komiti Pasifika of their choice.
- 31.2 People joining NZEI Te Riu Roa can become a member of any Branch, Aronui Tōmua, or Komiti Pasifika they have an interest in.
- 31.3 NZEI Te Riu Roa members can attend the meetings of any Branch, Aronui Tōmua, or Komiti Pasifika, but they can only vote and hold office in the Branch, Aronui Tōmua, or Komiti Pasifika they are a member of.

- 31.4 When a Branch, Aronui Tōmua, or Komiti Pasifika member wishes to transfer to another Branch, Aronui Tōmua, or Komiti Pasifika, they must advise the National Office.

### **31.5 Annual statements of membership**

- 31.5.1 The National Office will let the Secretary of each Branch, Aronui Tōmua, and Komiti Pasifika know how many members their Branch, Aronui Tōmua, and Komiti Pasifika has, as at 31 December each year. This number will determine each Branch, Aronui Tōmua, or Komiti Pasifika share of the membership subscriptions for the coming financial year (see Section 59).
- 31.5.2 The National Office will let the Secretary of each Branch, Aronui Tōmua, and Komiti Pasifika know how many members their Branch, Aronui Tōmua, and Komiti Pasifika has, as at a date determined by Te Kahu Kiwi. This number will be used to determine how many representatives each Branch, Aronui Tōmua, and Komiti Pasifika is entitled to attend NZEI Te Riu Roa Annual General Meeting (see Section 35.1).

## **32 Branch, Aronui Tōmua, and Komiti Pasifika administration and operation**

### **32.1 Branch, Aronui Tōmua, and Komiti Pasifika contact addresses**

- 32.1.1 Every Branch, Aronui Tōmua, and Komiti Pasifika will maintain an official mailing address and an email address. All Branch, Aronui Tōmua, and Komiti Pasifika members and the National Office will be notified of these.
- 32.1.2 Any change in these addresses will be advised immediately to all Branch, Aronui Tōmua, and Komiti Pasifika members and the National Office.

### **32.2 Branch, Aronui Tōmua, and Komiti Pasifika affiliation and restrictions on representation**

- 32.2.1 All Branches, Aronui Tōmua, and Komiti Pasifika are subject to NZEI Te Riu Roa general directions and governance, and to this Constitution.
- 32.2.2 No Branch, Aronui Tōmua, or Komiti Pasifika may bring any matter before the Minister of Education, the Ministry of Education or the Education Review Office, without the specific consent of Te Kahu Kiwi.
- 32.2.3 No Branch, Aronui Tōmua, or Komiti Pasifika can bring any matter that affects members of its district as a whole before an employer organisation.

### **32.3 Branch, Aronui Tōmua, and Komiti Pasifika financial powers**

- 32.3.1 See Part L for details of how Branches, Aronui Tōmua, and Komiti Pasifika can manage their financial affairs.

## **33 Branch, Aronui Tōmua, and Komiti Pasifika meetings**

### **33.1 Branch, Aronui Tōmua, and Komiti Pasifika meetings and Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee meetings**

- 33.1.1 Branch, Aronui Tōmua, and Komiti Pasifika meetings and Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee meetings may be held face to face or by electronic means.
- 33.1.2 All meetings shall have minutes kept, which will be available on request to Branch, Aronui Tōmua, or Komiti Pasifika members and the National Office. Minutes will be approved as true and correct at the next meeting of the Branch, Aronui Tōmua, and Komiti Pasifika or Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee.
- 33.2 Branch, Aronui Tōmua, and Komiti Pasifika annual meetings**
- 33.2.1 Every Branch, Aronui Tōmua, and Komiti Pasifika must hold an annual meeting every 12 months. The date set for the meeting will be consistent with the method chosen to elect the Branch, Aronui Tōmua, and Komiti Pasifika officers that year (see Section 34.3). Branch, Aronui Tōmua, and Komiti Pasifika members will be notified of the date, time and venue of the meeting.
- 33.2.2 Branch, Aronui Tōmua, and Komiti Pasifika annual meetings will:
- a) consider the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee's report for the past year including how the Branch, Aronui Tōmua, or Komiti Pasifika honoured and upheld Te Tiriti o Waitangi
  - b) consider the Branch, Aronui Tōmua, or Komiti Pasifika 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 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 30 clear days notice of the intention to include the business in the meeting is given to the Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee
  - g) conduct such other business as is agreed to by two-thirds of the members present at the meeting.
- 33.2.3 Immediately following the meeting, the Secretary will forward to the National Office a list of the elected Branch, Aronui Tōmua, and Komiti Pasifika officers who will take office in the coming 12 months.
- 33.3 Branch, Aronui Tōmua, and Komiti Pasifika special meetings**
- 33.3.1 A special meeting of a Branch, Aronui Tōmua, or Komiti Pasifika can be called at any time:
- on the motion of the Branch, Aronui Tōmua, or Komiti Pasifika President or Secretary (or both of them)
  - at the written request of any three members of the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee
  - at the written request of any 10 members of the Branch, Aronui Tōmua, or Komiti Pasifika.

- 33.3.2 Members will be given at least 7 clear days' notice of special meetings, except where a meeting is called under Section 26.5 for the removal of a Te Kahu Kiwi Member, in which case they will be given 21 clear days' notice.
- 33.4 Quorum at Branch, Aronui Tōmua, and Komiti Pasifika annual and special meetings**
- 33.4.1 The quorum for a Branch, Aronui Tōmua, or Komiti Pasifika annual or special meeting will be 10 members, except where the Branch, Aronui Tōmua, or Komiti Pasifika has less than 30 members, in which case the quorum will be one-third of the total Branch, Aronui Tōmua, or Komiti Pasifika membership.
- 33.5 Adjournment of Branch, Aronui Tōmua, and Komiti Pasifika annual and special meetings**
- 33.5.1 Any Branch, Aronui Tōmua, and Komiti Pasifika annual or special meeting can be adjourned until such time as the members present at the meeting think fit.
- 34 Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee officers**
- 34.1 Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee powers and quorum**
- 34.1.1 Subject to this Constitution, and any decisions of the Branch, Aronui Tōmua, or Komiti Pasifika, a Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee can take all measures that it considers advisable in carrying out the objects of the Branch, Aronui Tōmua, and Komiti Pasifika.
- 34.1.2 A quorum at a Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee meeting is one-third of the committee's officers.
- 34.2 Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee officers**
- 34.2.1 Any full or provisional member of a Branch, Aronui Tōmua, or Komiti Pasifika is eligible to be elected as a Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer, or as a representative of the Branch, Aronui Tōmua, or Komiti Pasifika (see Section 35.1).
- 34.2.2 Every Branch, Aronui Tōmua, or Komiti Pasifika 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.
- 34.2.3 At least two officers of the Managing Committee should be from the support staff sector, and at least one from the early childhood sector.
- 34.2.4 Where a Branch, Aronui Tōmua, or Komiti Pasifika 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 NZEI Te Riu Roa.



- 34.2.5 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.
- 34.2.6 The Managing Committee has the power to co-opt, for consultation purposes, any NZEI Te Riu Roa workplace representative from any workplace within the Branch, Aronui Tōmua, or Komiti Pasifika (see Section 45).
- 34.2.7 The Branch, Aronui Tōmua, or Komiti Pasifika can elect or, subject to confirmation by the Branch, Aronui Tōmua, and Komiti Pasifika, the Managing Committee can appoint such other officers as the Branch, Aronui Tōmua, or Komiti Pasifika deems necessary.

### **34.3 Election of Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee officers**

- 34.3.1 Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officers can be elected either by a ballot, using a secure online voting system (see Section 34.4), or at the annual meeting of the Branch, Aronui Tōmua, or Komiti Pasifika (see Section 34.5).
- 34.3.2 The method to be used will be determined, by way of resolution, at the Branch, Aronui Tōmua, or Komiti Pasifika annual meeting (see Section 33.2.1). The resolution takes effect in the following year.
- 34.3.3 Branch, Aronui Tōmua, and Komiti Pasifika Managing Committees are encouraged to adopt term limits for Committee officers of two terms of two years (a limit of four years in total).

### **34.4 Election by ballot**

- 34.4.1 Where Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officers are to be elected by ballot, nominations must be made in writing in a form provided by National Office. Nominations must reach the Secretary by the specified date.
- 34.4.2 The Managing Committee will issue a ballot paper to each Branch, Aronui Tōmua, or Komiti Pasifika member, with the names of the nominees for the respective offices. Papers will be issued at least 21 clear days before the ballot closes.
- 34.4.3 Ballot papers must be returned by the start of the Branch, Aronui Tōmua, and Komiti Pasifika 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.
- 34.4.4 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 34.5.

### **34.5 Election at the annual meeting**

- 34.5.1 Where the election of Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officers is at the Branch, Aronui Tōmua, or Komiti Pasifika 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.

- 34.5.2 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).
- 34.5.3 Special voting is allowed when requested by individual members and will occur by ballot, in accordance with Section 34.4. Any special votes received will be included in the count.

#### **34.6 Invalid ballot**

- 34.6.1 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.
- 34.6.2 See Section 60.2 for provisions on disputed ballots.

#### **34.7 Term of office for Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee officers**

- 34.7.1 All Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee officers will take office at the start the Maramataka year (1 July) following their election and remain in office until their successors are elected.

#### **34.8 Vacancies in the Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee**

- 34.8.1 Where there is a vacancy on the Managing Committee, the members of the committee must fill it from members of the Branch, Aronui Tōmua, and Komiti Pasifika.
- 34.8.2 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.

#### **34.9 Suspension and removal of Branch, Aronui Tōmua, and Komiti Pasifika Managing Committee officers**

- 34.9.1 The Branch, Aronui Tōmua, or Komiti Pasifika 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, Aronui Tōmua, or Komiti Pasifika member to act in that position until the matter is resolved.
- 34.9.2 The process to be used in deciding whether the suspended Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer should be removed from office is the same as that used for the suspension and removal of Te Kahu Kiwi members, as set out in Section 26. All references in Section 26 to the Te Kahu Kiwi member should be read as meaning the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee; and references to the Te Kahu Kiwi Member should be read as meaning the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer.

- 34.9.3 The suspended Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer retains the right (as set out in Section 26.5) to appeal the Committee of Inquiry's decision to Te Kahu Kiwi as a whole.

#### **34.10 Removal of Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officers at the request of members**

- 34.10.1 Where 20 or more financial members of a Branch, Aronui Tōmua, or Komiti Pasifika want a Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer removed from office, for the reasons in Section 34.9.1 or any other reason, they must give a written statement to their Branch, Aronui Tōmua, or Komiti Pasifika Secretary or Branch, Aronui Tōmua, or Komiti Pasifika President:

- setting out the reason for removal and the facts supporting it
- requesting a special meeting of the Branch, Aronui Tōmua, or Komiti Pasifika be called to consider the matter.

- 34.10.2 The Branch, Aronui Tōmua, or Komiti Pasifika Secretary or President will call a special meeting of the Branch, Aronui Tōmua, or Komiti Pasifika to consider the matter (see Section 33.3) and notify the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer of the meeting. The Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer has the right to address the meeting or make a written statement responding to the call for his or her removal.

- 34.10.3 If the special meeting passes a resolution that the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer should be removed, the question of their removal will be submitted to a secret ballot of all that Branch, Aronui Tōmua, or Komiti Pasifika financial members.

- 34.10.4 If the secret ballot confirms the resolution, the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer will be removed.

### **35 Branch, Aronui Tōmua, and Komiti Pasifika representatives**

#### **35.1 Branch, Aronui Tōmua, and Komiti Pasifika representatives for NZEI Te Riu Roa Annual General Meeting**

- 35.1.1 Each Branch, Aronui Tōmua, or Komiti Pasifika will elect representatives to attend NZEI Te Riu Roa Annual General Meeting. The number of representatives required is based on the Branch, Aronui Tōmua, or Komiti Pasifika membership (see Section 31.5.2).
- 35.1.2 Branch, Aronui Tōmua, or Komiti Pasifika representatives can be elected at a meeting of the Branch, Aronui Tōmua, or Komiti Pasifika, face to face or by electronic means as determined by the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee.
- 35.1.3 Election procedures for Branch, Aronui Tōmua, or Komiti Pasifika representatives will follow the procedures in Sections 34.4 to 34.6 for election of Branch, Aronui Tōmua, or Komiti Pasifika officers.

- 35.1.4 Where the election is at a meeting of the Branch, Aronui Tōmua, or Komiti Pasifika, members will be given at least 21 clear days' notice that the meeting and election will take place. Notification will be by circular to all members in their workplaces.
- 35.1.5 Where fewer than the required number of nominations is received, the Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee can appoint other NZEI Te Riu Roa members (other than Hoa Pūmahana or life members) to make up the balance.
- 35.1.6 Branch, Aronui Tōmua, or Komiti Pasifika secretaries must advise National Office of the names of their representatives at least 84 clear days before the Annual General Meeting, or within a shorter timeframe where approved by the National Secretary.
- 35.2 Observers for NZEI Te Riu Roa Annual General Meeting**
- 35.2.1 Branches, Aronui Tōmua, or Komiti Pasifika that are entitled to only one representative at NZEI Te Riu Roa Annual General Meeting are also entitled to have one observer. The Branch, Aronui Tōmua, or Komiti Pasifika Secretary will advise National Office of the name of its observer.
- 35.3 Branch, Aronui Tōmua, or Komiti Pasifika Representatives for NZEI Te Riu Roa special general meetings**
- 35.3.1 When there is a Special General Meeting of NZEI Te Riu Roa, Branches, Aronui Tōmua, or Komiti Pasifika are entitled to send the same number of representatives as they were entitled to send to NZEI Te Riu Roa last Annual General Meeting.
- 35.3.2 Branches, Aronui Tōmua, or Komiti Pasifika can either send their currently elected or appointed representatives for NZEI Te Riu Roa Annual General Meeting or elect new representatives. Elections will be held by a ballot at a general meeting of the Branch, Aronui Tōmua, or Komiti Pasifika either face to face or by electronic means, as set out in Sections 33.1.1, 35.1.2 and 35.1.3.
- 35.4 Other Branch, Aronui Tōmua, or Komiti Pasifika representatives**
- 35.4.1 Branches, Aronui Tōmua, or Komiti Pasifika can elect representatives to attend Area Council meetings, with the number of representatives determined by the Area Council concerned (see Section 40).
- 35.4.2 Branches, Aronui Tōmua, or Komiti Pasifika can elect, or subject to confirmation by their Managing Committee, appoint such other representatives as they consider necessary.
- 35.5 Term of office for Branch, Aronui Tōmua, and Komiti Pasifika representatives**
- 35.5.1 All Branch, Aronui Tōmua, or Komiti Pasifika representatives will remain in office until their successors are elected. Branch, Aronui Tōmua, or Komiti Pasifika managing committees are encouraged to adopt a term limit for representatives of two terms of two years (four years in total).
- 35.6 Suspension and removal of Annual General Meeting representatives**
- 35.6.1 The reasons and process for the suspension and removal of an Annual General Meeting representative from a Branch, Aronui Tōmua, or Komiti Pasifika is the

same as for the suspension and removal of a Branch, Aronui Tōmua, or Komiti Pasifika Managing Committee officer. See Sections 34.9 and 34.10.

## **H: Area Councils of NZEI Te Riu Roa**

### **36 Current Area Councils**

- 36.1 NZEI Te Riu Roa current Area Councils are listed in schedule 1B of this Constitution.

### **37 Functions of Area Councils**

- 37.1 The functions of NZEI Te Riu Roa Area Councils are to:
- to advance the goals of NZEI Te Riu Roa
  - to honour and uphold Te Tiriti o Waitangi
  - lead the planning of members' activities, and the recruitment and retention of members in their area
  - report annually to Te Kahu Kiwi on their activities
  - recommend to its constituent Branches, Aronui Tōmua, or Komiti Pasifika the adoption, and occasional alteration, of their Branch, Aronui Tōmua, or Komiti Pasifika boundaries
  - consider and report on any matters referred to it by Te Kahu Kiwi
  - discuss and stimulate interest among constituent Branch, Aronui Tōmua, or Komiti Pasifika members about matters affecting them
  - accept nominations from constituent Branches, Aronui Tōmua, or Komiti Pasifika and select (by any manner the Area Council decides), the representatives on any committees set up within its area.

### **38 Establishing new Area Councils**

- 38.1 Any group of contiguous Branches, Aronui Tōmua, or Komiti Pasifika can request the establishment of a new Area Council. The request must be made in writing to Te Kahu Kiwi.
- 38.2 Before granting approval, Te Kahu Kiwi must be satisfied that:
- there has been a meeting about the issue for all interested members, including representatives from all the affected Branches, Aronui Tōmua, or Komiti Pasifika 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, and goals of NZEI Te Riu Roa
  - all other relevant information has been considered.
- 38.3 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).
- 38.4 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.
- 38.5 Area Councils shall be named in Schedule 1B.
- 38.6 Where Te Kahu Kiwi resolves to establish a new Area Council, that Area Council's name is automatically added to Schedule 1B.

## **39 Disestablishing Area Councils**

- 39.1 Whenever an Area Council ceases to meet its objects or operational requirements, or asks to be disestablished, Te Kahu Kiwi will decide the matter. Te Kahu Kiwi 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.
- 39.2 The Area Council Review Panel will be made up of:
- one member of Te Kahu Kiwi (appointed by the National President | Te Manukura),
  - the Chairperson of the Area Council under review (or their nominee),
  - where they choose, a representative from each branch, Aronui Tōmua, or Komiti Pasifika forming the Area Council,
  - the Chairperson (or their nominee) of each adjoining Area Council.
- 39.3 The Review Panel will consider all information presented to it and recommend to the Te Kahu Kiwi whether the Area Council should be disestablished.
- 39.4 If Te Kahu Kiwi resolves to disestablish the Area Council, the decision takes effect immediately, and the Area Council name is automatically removed from Schedule 1B.
- 39.5 When an Area Council is disestablished, all of its assets are transferred to NZEI Te Riu Roa for redistribution as Te Kahu Kiwi sees fit.

## **40 Composition of Area Councils**

- 40.1 Area Councils will be made up of:
- one or more representatives from every Branch, Aronui Tōmua, or Komiti Pasifika within the Area Council's area

- three representatives from the support staff sector
  - two representatives from the early childhood sector
  - two representatives who are provisional members.
- 40.2 The number of representatives that each Branch, Aronui Tōmua, or Komiti Pasifika is entitled to is decided by the Area Council.
- 40.3 Where there is only one Branch, Aronui Tōmua, or Komiti Pasifika in an Area Council's district, that Branch, Aronui Tōmua, or Komiti Pasifika will determine the composition of the Area Council.

## **41 Election of Area Council representatives**

- 41.1 Each Branch, Aronui Tōmua, or Komiti Pasifika will decide how it elects its representatives on the Area Council. The Branch, Aronui Tōmua, or Komiti Pasifika must advise the Area Council of its representatives' names before 31 May each year. Branches, Aronui Tōmua, or Komiti Pasifika may fill their Area Council representative vacancies with casual appointments.
- 41.2 Other representatives on the Area Council will be elected using the procedures in Sections 34.4 to 34.6 for election of Branch, Aronui Tōmua, or Komiti Pasifika officers.

## **42 Election of Area Council officers**

- 42.1 Area Councils can elect any officers, including a Chairperson(s) 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.

## **43 Area Council meetings and financial powers**

- 43.1 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.
- 43.2 See Section 47.3 for meetings on matters of regional and national urgency.
- 43.3 See Part L for details of an Area Council's ability to invest, borrow and otherwise manage financial matters.

## **44 Restrictions on Area Council representations**

- 44.1 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 Te Kahu Kiwi.

# **I: Workplace representatives**

## **45 Representation at workplace level**

- 45.1 Worksite representatives are crucial for building collective power and activism. There may be more than one representative at each workplace.
- 45.2 Election of workplace representatives is by secret ballot. Te Tiriti partnership to be considered when choosing worksite reps.

# **J: NZEI Te Riu Roa meetings**

## **46 NZEI Te Riu Roa Annual General Meeting**

- 46.1 NZEI Te Riu Roa Annual General Meeting (along with any special general meetings) are the highest authority within NZEI Te Riu Roa. NZEI Te Riu Roa Annual General Meeting will be held at a time and in a format determined annually by Te Kahu Kiwi. Members will be given at least 90 clear days' notice of the date, and format, of the NZEI Te Riu Roa Annual General Meeting.
- 46.2 The functions of the Annual General Meeting are to:
- Receive the interest disclosure notice of Te Kahu Kiwi members.
  - Receive and consider the annual report from Te Kahu Kiwi
  - receive and consider the report from Te Kāhui Whetū (see Section 50)
  - receive and consider the financial report including the audited financial statement.
  - in situations where the audited financial statement isn't available for presentation at the Annual General Meeting, it will instead be presented to members for consideration at a special general meeting convened for that purpose at a time and in a format to be determined by Te Kahu Kiwi (see section 47).
  - note the Consumer Price Index (CPI) adjustment to the subscription rates and income thresholds (see Sections 14.2 & 14.6), and to consider if any further subscription increases are needed.
  - every second year elect the members of the National Executive (see Sections 22)
  - debate and determine issues of interest to NZEI Te Riu Roa, and set policy accordingly (see Section 46.3)
  - amend or repeal this Constitution (see Section 80)
  - receive a written report from Te Kahu Kiwi detailing all policy decisions that it or NZEI Te Riu Roa has made since the previous Annual General Meeting.



- 46.3 Issues of interest to NZEI Te Riu Roa, debated during the Annual General Meeting, will be determined by way of resolutions to amend policy. Any NZEI Te Riu Roa member can submit a resolution to amend policy (see Section 80), for discussion at the meeting, provided it has the prior sanction of Te Kahu Kiwi or a meeting of their Area Council, Branch, Aronui Tōmua, or Komiti Pasifika. Te Kahu Kiwi will, subject to any direction on this matter from an Annual General Meeting, advise Branches, Aronui Tōmua, or Komiti Pasifika of the correct procedures for proposing and making resolutions to amend policy.
- 46.4 Te Manuhuaia may receive suggestions from representatives, during the Annual General Meeting, about tikanga and the nature and order of the meeting agenda. Any changes to the tikanga or agenda will be at the discretion of Te Manuhuaia.
- 46.5 Branches, Aronui Tōmua, or Komiti Pasifika will be given at least 90 clear days' notice of the date of NZEI Te Riu Roa Annual General Meeting.

## **47 Special general meetings of NZEI Te Riu Roa**

- 47.1 Te Kahu Kiwi may call a Special General Meeting of NZEI Te Riu Roa at any time and for any purpose, and in any format it deems appropriate.
- 47.2 A Special General Meeting of NZEI Te Riu Roa may also be called by a group of members, provided that the decision to call the meeting is supported by at least 15 Branches, Aronui Tōmua, or Komiti Pasifika, from at least two Area Councils. Such meetings may be called at any time and for any purpose and in any format that the group considers appropriate. All costs associated with the meeting will be met by the group that called the meeting.

### **47.3 Online voting on matters of regional or national Urgency**

Online meetings are the default format when holding member ballots on issues of regional or national urgency. Face-to-face meetings may be considered only if time and circumstances allow. The following principles shall apply to decision making in an online format:

- 7 clear days prior to the meeting a statement outlining the matter of regional or national urgency will be circulated to members along with a draft resolution if one is available.
- When a resolution is put to the meeting, it shall first be decided by consensus.
- If consensus cannot be reached, the National President | Te Manukura, or the person delegated by Te Manuhuaia to chair the meeting, may defer the decision or put it to a super majority vote.
- The Chairperson will determine the outcome of the consensus or vote.
- Where a formal vote is required, digital polling or a secure online voting system shall be used to ensure clarity, accessibility, and integrity of the vote at a level appropriate to the nature and scope of the vote being taken.

Note: It is possible that the meeting may need to be paused and reconvened to allow the necessary secure online system to be put in place.

- The results of all votes must be recorded in the official minutes of the session.
- All online vote data must be retained and stored securely in accordance with Section 55.

#### **47.4 Financial statements presentation outside of Annual General Meeting**

47.4.1 Te Kahu Kiwi can call a special general meeting to consider the financial report, together with the audited financial statements, at any time, when the audited financial statements aren't available to be presented to the Annual General Meeting.

### **48 Composition of NZEI Te Riu Roa meetings**

48.1 The following people referred to as member representatives may attend, speak and, if required vote at NZEI Te Riu Roa annual and special general meetings:

- All members of Te Kahu Kiwi
- Branch, Aronui Tōmua, or Komiti Pasifika representatives (see Section 35)
- Area Council Chairpersons, Dual Chairpersons or representatives elected in their place
- Two representatives from each Area Council that has provisional member representation (see Section 40)
- The National President | Te Manukura, giving due consideration to Te Tiriti partnerships, may select a maximum of ten (10) additional members to attend the Annual General Meeting. The people selected must be national or regional leaders within NZEI Te Riu Roa who have exhausted all other means of being elected or selected to attend the Annual General Meeting.

48.2 For NZEI Te Riu Roa Annual General Meeting, Branches, Aronui Tōmua, or Komiti Pasifika are entitled to one representative for every 95 full-time-equivalent members that they have. Branches, Aronui Tōmua, or Komiti Pasifika with fewer than 95 full-time-equivalent members are entitled to one representative. Te Kahu Kiwi will set a date each year when the Branches, Aronui Tōmua, or Komiti Pasifika membership will be calculated for this purpose and will send the Branches, Aronui Tōmua, or Komiti Pasifika a written membership statement based on this (see Section 31.5.2).

48.3 For a Special General Meeting of NZEI Te Riu Roa, Branches, Aronui Tōmua, or Komiti Pasifika are entitled to the same number of representatives that they were entitled to at the preceding Annual General Meeting.

48.4 All attendees as defined in section 48.1 must be registered to speak and, if required, to vote. Substitute representatives can be registered, where a representative cannot attend or continue to represent a Branch, Aronui Tōmua, or Komiti Pasifika.

## **49 Tikanga for an Annual or Special General Meeting of NZEI Te Riu Roa**

49.1 Tikanga Māori, underpinned by Ngā Pou, will inform the structure and operation of any hui that includes an annual or special general meeting. During the actual annual or special general meeting, tikanga Māori will apply in conjunction with the rites of Tauīwi as specified within this Constitution.

49.1.1 In accordance with NZEI Te Riu Roa tikanga the Pakeke nominated by Te Reo Areare may pause proceedings when necessary to rule on matters of tikanga and the correct application of Ngā Pou.

49.1.2 In accordance with NZEI Te Riu Roa tikanga and in conjunction with the rites of Tauīwi, the nominated Chair may pause proceedings when necessary to provide guidance on meeting processes and the application of the Constitution.

49.1.3 In both cases it is tikanga for others to remain silent when one of these people rises to speak.

### **49.2 Facilitation of annual and special general meetings**

49.2.1 Meetings of NZEI Te Riu Roa will be chaired by National President | Te Manukura, or a person nominated by Te Manuhua. The Chair will introduce the Pakeke for the meeting.

49.2.2 Consulting as they deem appropriate, the Chair will provide direction on any matters of meeting procedure that are not, in the opinion of the Chair, explicitly provided for in this Constitution.

49.2.3 The Chair assisted by Pakeke ensures that all voices are heard, and that dialogue remains respectful, inclusive, and aligned with Ngā Pou and the values of consensus decision-making.

### **49.3 Meeting sessions**

49.3.1 The length of time available and the way the agenda is structured will be determined by Te Manuhua, considering the logistics of the overall hui, such as representatives departure times.

### **49.4 Quorum and attendance procedure**

49.4.1 A quorum for any NZEI Te Riu Roa Meeting is achieved when a significant and diverse number of registered member representatives are present, with no less than half of the total registered representatives.

49.4.2 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.

49.4.3 Attendance will be recorded to ensure inclusivity and accountability.

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

### **49.5 Record of proceedings**

49.5.1 The National Secretary, or another designated person, will document the key outcomes and agreements reached, rather than verbatim minutes.

49.5.2 The draft record will be shared with all member representatives as soon as possible, allowing for collective review and amendments to ensure accuracy and reflectiveness of the shared understanding.

49.5.3 The final record will be endorsed by Te Kahu Kiwi with any changes limited to correcting inaccuracies.

#### **49.6 Proposing and evolving amendments to policy resolutions**

49.6.1 Ideas, proposals, or concerns may be brought forward by any member representative about the resolutions and will be discussed until a shared understanding or agreement is reached.

49.6.2 Proposals must be framed in a way that invites constructive dialogue and consideration of diverse perspectives.

49.6.3 Member representatives are encouraged to work collaboratively to refine proposals rather than debating opposing positions.

49.6.4 If a proposal does not initially have full support, the discussion may at the discretion of the Chair continue in good faith to find common ground or modifications that align with the representatives' shared values.

#### **49.7 Withdrawing motions and amendments**

49.7.1 A proposal may be withdrawn or modified at any stage if the proposer acknowledges concerns raised by the representatives and seeks a more inclusive proposal.

#### **49.8 Speaking and engagement**

49.8.1 Member representatives are encouraged to speak in turn, guided by the Chair to ensure an equitable and respectful space for all voices.

49.8.2 Contributions should focus on constructive dialogue and building towards agreement.

49.8.3 Only under the most extreme circumstances should a member representative be excluded from speaking. Requests for clarification or questions regarding the application of tikanga or meeting process should be through the Chair.

49.8.4 If necessary, the Chair will guide the discussion back to the topic, ensuring all voices are valued without repetition or exclusion.

49.8.5 Debate may be paused by:

- a question regarding the application of tikanga or meeting process
- expiry of the time allocated to the debate.

#### **49.9 Reaching agreement**

49.9.1 The aim is to reach consensus. Consensus is a decision-making approach where all stakeholders contribute to a decision that, while not necessarily their first choice, is acceptable.

49.9.2 If there are concerns or objections, the Chair may allow for further discussion to refine the proposal.

49.9.3 If consensus cannot be reached, the Chair will summarise the shared perspectives and seek an approach that honours the concerns raised while allowing the group to move forward collectively.

49.9.4 If consensus cannot be reached, a super majority vote may be used at the discretion of the Chair.

#### **49.10 Super majority votes**

49.10.1 The procedure for when a super majority vote is called for is as follows:

- Any vote will be preceded by attempts to determine if a consensus can be reached. The Chair will initially call for a 'show of hands' vote.
- If the show of hands does not clearly show a super majority, then a formal division will be called and every registered member representative present at the meeting must record a vote in a manner determined by the Chair.
- Te Manuhua will appoint two scrutineers to supervise the vote.
- Once the vote has been completed, the outcome will be shared with the member representatives and the result will be shown in the minutes for the session.

### **50 Te Kāhui Whetū**

50.1 Te Kāhui Whetū will be held at a time, and in a format determined annually by Te Kahu Kiwi.

50.2 The date for Te Kāhui Whetū will usually be different than those set for the NZEI Te Riu Roa Annual General Meeting and Special General Meetings of NZEI Te Riu Roa. Attendance at Te Kāhui Whetū is determined by Te Reo Areare.

50.3 Te Kāhui Whetū will usually be held within 90 clear days of the start of the NZEI Te Riu Roa Annual General Meeting.

50.4 The primary purpose of Te Kāhui Whetū is to provide a forum for members to gather and discuss issues pertaining to Māori education and the interests of Māori members, aligning with the goals of NZEI Te Riu Roa. The conference serves as a platform to review current work, set objectives, and determine policies related to Miro Māori, ensuring that the perspectives and needs of Māori educators and students are represented and addressed within the work of NZEI Te Riu Roa.

## **K: NZEI Te Riu Roa administration**

### **51 Copies of the Constitution and amendments**

51.1 This Constitution is the only Constitution of NZEI Te Riu Roa. All previous Constitutions and rules are repealed.

A copy of this Constitution is available to all members NZEI Te Riu Roa  
Website [www.nzei.org.nz](http://www.nzei.org.nz)

- 51.2 Amendments to this Constitution will be registered with the Registrar of Incorporated Societies.
- 51.3 NZEI Te Riu Roa contact person whom the Registrar may contact about matters relating to NZEI Te Riu Roa is the National Secretary.

## **52 Copies of other Institute documents**

- 52.1 NZEI Te Riu Roa will make available digital copies of any of the following documents to member who requests them:
- The NZEI Te Riu Roa Policy
- NZEI Te Riu Roa Annual Report for the previous year
- NZEI Te Riu Roa most recent annual income and expenditure account and balance sheet, together with the auditor's report on the previous year's audited accounts
  - any resolution passed at any Annual or Special General Meeting of NZEI Te Riu Roa or any meeting of Te Kahu Kiwi.

## **53 Common seal**

- 53.1 NZEI Te Riu Roa common seal will be held by the National Secretary, and only used, altered, or removed with Te Kahu Kiwi authority.

## **54 Legal documents and hearings**

- 54.1 Te Kahu Kiwi will designate who should draw up NZEI Te Riu Roa legal documents.
- 54.2 NZEI Te Riu Roa legal documents will be executed by the National President | Te Manukura, together with one of Te Manuhia Kaihautū, or the National Secretary.
- 54.3 Te Kahu Kiwi will decide how NZEI Te Riu Roa will be represented at any legal or other formal hearings.

## **55 Voting**

- 55.1 Voting papers used, or digital vote results in any ballot conducted under this Constitution can be destroyed 30 days after the outcome of the ballot has been announced, except where a ballot is subject to a judicial review under Section 55.2.
- 55.2 Where 10 per cent of (or 50) members covered by a ballot claim there is an irregularity in the ballot, they can, at their expense, seek a judicial review of the ballot within 28 clear days of the outcome of the ballot being announced. The

ballot papers, or digital vote results for a disputed ballot will not be destroyed until after the judicial review is complete.

## **L: NZEI Te Riu Roa finances**

### **56 Financial year**

- 56.1 Currently the NZEI Te Riu Roa financial year runs from 1 April to 31 March each year. The next financial year of the Institute will run from 1 April 2025 to 30 June 2026 (15 months). From 1 July 2026 the Institute financial year will run from 1 July to 30 June each year.
- 56.2 On 1 July 2026 the Constitution will be automatically updated to replace the current wording of Section 56.1 with this, 'The NZEI Te Riu Roa financial year runs from 1 July to 30 June each year'.

### **57 Banking**

- 57.1 Te Kahu Kiwi will appoint a registered bank as NZEI Te Riu Roa bank. All monies received by NZEI Te Riu Roa will be paid into its general account held with this bank.
- 57.2 Te Kahu Kiwi can use facilities at other registered banks as it sees fit.
- 57.3 NZEI Te Riu Roa will keep sufficient funds in its bank account to meet its current obligations. The balance will be invested (see Section 58).
- 57.4 All payments will be made using common banking technology. Signatories will be approved by Te Kahu Kiwi.

### **58 Investing and borrowing**

- 58.1 Te Kahu Kiwi can invest any funds of NZEI Te Riu Roa that are not currently required in:
- securities authorised by law for trust fund investments
  - a single-premium investment policy.
- 58.2 In addition to Section 58.1, Te Kahu Kiwi can invest any funds of NZEI Te Riu Roa that are not currently required in:
- purchasing land of any tenure, either with or without buildings, for the purpose of accommodating NZEI Te Riu Roa administration
  - erecting, improving and maintaining buildings on any land it acquires, where the buildings are to be occupied in whole or part by NZEI Te Riu Roa
  - promoting or acquiring shares in a limited liability company formed for the previous two purposes.

- 58.3 For the purposes in Section 58.2, NZEI Te Riu Roa can raise or borrow money from its bankers by way of overdraft, or by issuing bonds to its members, Branches, Aronui Tōmua, or Komiti Pasifika or associate bodies, on such terms and conditions (including power of redemption in whole or part) as Te Kahu Kiwi thinks fit.
- 58.4 In addition to the investments in Sections 58.1 and 58.2, Te Kahu Kiwi can from time to time invest in other professionally managed funds, but only when acting on the advice of an accredited financial planner.
- 58.5 Any areas of the buildings in Section 58.2 that are not occupied by NZEI Te Riu Roa can be leased to tenants.
- 58.6 Any investments made by NZEI Te Riu Roa can be varied or transposed from time to time.
- 58.7 Investments by Branches, Aronui Tōmua, or Komiti Pasifika and Area Councils**
- 58.7.1 NZEI Te Riu Roa Branches, Aronui Tōmua, or Komiti Pasifika and Area Councils may invest any funds, which they do not require for their current expenses in bank term deposits.

## **59 Financial grants to Branches, Aronui Tōmua, or Komiti Pasifika and Area Councils**

### **59.1 Payment of grants**

- 59.1.1 The National Secretary will pay each Branch, Aronui Tōmua, or Komiti Pasifika and Area Council a share of the subscriptions collected from those members who are on the Branch's Area Council roll as at 31 December for the upcoming financial year. These payments are referred to as grants.
- 59.1.2 The grants in Section 59.1.1 will be made annually, or at shorter intervals as determined by Te Kahu Kiwi.
- 59.1.3 Grants will only be paid in a current financial year where:
- a) the Branch, Aronui Tōmua, Komiti Pasifika, or Area Council 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, Aronui Tōmua, or Komiti Pasifika) or Te Kahu Kiwi (for Area Councils); and
  - c) either:
    - the total net funds held by a Branch, Aronui Tōmua, Komiti Pasifika 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 Te Kahu Kiwi (see Section 59.2); or



- the total net funds held by a Branch, Aronui Tōmua, Komiti Pasifika or Area Council during the current financial year become equal to or less than the funding threshold percentage rate determined by Te Kahu Kiwi (see Section 59.2).

## **59.2 Funding threshold percentage**

- 59.2.1 Te Kahu Kiwi will set a funding threshold percentage rate. The purpose of the rate is to maximise use of NZEI Te Riu Roa available funds.
- 59.2.2 At the start of each financial year, the funding threshold percentage rate will be compared with the total net funds held by each Branch, Aronui Tōmua, Komiti Pasifika or Area Council at the end of the previous financial year (with the total net funds expressed as a percentage of that Branch, Aronui Tōmua, Komiti Pasifika or Area Council funding entitlement amount for the new financial year).
- 59.2.3 The effect of the comparison in Section 59.2.2 on a Branch, Aronui Tōmua, or Komiti Pasifika or Area Council entitlement to a grant is as set out in Section 59.1.3(c).

## **59.3 Calculation of Branch, Aronui Tōmua, or Komiti Pasifika grants**

- 59.3.1 The amount of a Branch, Aronui Tōmua, or Komiti Pasifika grant is based on its share of its members' annual subscriptions (see Section 59.4 for additional Aronui Tōmua establishment entitlements). A Branch, Aronui Tōmua, or Komiti Pasifika share of these subscriptions is:
- for full and provisional members – 2.9 per cent of their annual subscription (less a collection commission)
  - for Hoa Pūmahana members – \$1.00 per annum (less a collection commission).
- 59.3.2 In addition to the Branch, Aronui Tōmua, or Komiti Pasifika share in Section 59.3.1, each Branch, Aronui Tōmua, or Komiti Pasifika is entitled to receive:
- a grant based on the number of full members on the Branch, Aronui Tōmua, or Komiti Pasifika roll as at 31 December each year, calculated as follows:
    - under 50 full members – the grant is five times the annual subscription set under Section 14 of this Constitution
    - 50 to 99 full members – the grant is six times the annual subscription set under Section 14
    - 100 to 149 full members – the grant is seven times the annual subscription set under Section 14
    - 150 to 224 full members – the grant is eight times the annual subscription set under Section 14
    - 225 or more full members – the grant is nine times the annual subscription set under Section 14, with an additional amount equal to the annual subscription set under Section 14 paid for every complete additional 75 members.

- a grant of \$350 per annum for each representative that the Branch, Aronui Tōmua, or Komiti Pasifika sends to NZEI Te Riu Roa Annual General Meeting that year.

#### **59.4 Calculation of Aronui Tōmua grants**

- 59.4.1 For an Aronui Tōmua, the annual grant is as calculated for a Branch under Sections 59.1 and 59.3; 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.

#### **59.5 Calculation of Area Councils grants**

- 59.5.1 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 14 for this Constitution, plus an additional 1 per cent of the annual subscription for each full-time-equivalent member in the Area Council's area as at 31 December every year. (The weighted factor will be the thousands value of NZEI Te Riu Roa 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 14 for each representative sent by the Area Council to the New Zealand Council of Trade Unions Local Affiliate Council.
  - c) A further grant of \$350 per annum for the representative that the Area Council sends to NZEI Te Riu Roa Annual General Meeting that year.
- 59.5.2 Area Council grants will be paid annually or at shorter intervals at the discretion of the Te Kahu Kiwi.
- 59.5.3 Any additional expenses that an Area Council incurs must be met through a levy paid by the Branches, Aronui Tōmua, or Komiti Pasifika that the Area Council represents. Area Councils will determine the amount of the levies and the proportions that each Branch, Aronui Tōmua, or Komiti Pasifika should pay.

### **60 Branch, Aronui Tōmua, or Komiti Pasifika financial management**

- 60.1 Branches, Aronui Tōmua, or Komiti Pasifika that meet acceptable standards of accountability can self-manage their finances. Any Branch, Aronui Tōmua, or Komiti Pasifika can have its finances managed by NZEI Te Riu Roa National Office, on an imprest basis, by advising National Office before 1 February in the year that it wants the transfer to take place.
- 60.2 Any Branch, Aronui Tōmua, or Komiti Pasifika that does not forward its finalised financial reports for the previous financial year to National Office before 1 July (see Section 64.2.1), 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, Aronui Tōmua, or Komiti Pasifika.

- 60.3 Imprest accounting allows Branches, Aronui Tōmua, or Komiti Pasifika 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.
- 60.4 Any Branch, Aronui Tōmua, or Komiti Pasifika transferring to imprest accounting under Sections 60.1 and 60.2 will retain \$500 in their Branch, Aronui Tōmua, or Komiti Pasifika imprest fund. Any funds held above this amount will be remitted to National Office for deposit in the Branch, Aronui Tōmua, or Komiti Pasifika fund.
- 60.5 Any Branch, Aronui Tōmua, or Komiti Pasifika 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.

## **61 Legal Assistance Fund**

- 61.1 Te Kahu Kiwi will maintain and administer a Legal Assistance Fund for providing legal assistance to members.
- 61.2 Only full members are entitled to benefit from the fund.
- 61.3 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.
- 61.4 Te Kahu Kiwi will decide whether assistance should be in the form of a grant or through NZEI Te Riu Roa accepting liability in whole or part for the legal expenses incurred.
- 61.5 Te Kahu Kiwi will not pay legal expenses that were incurred without its consent or direction.

## **62 Bereavement Benefit Fund**

- 62.1 Te Kahu Kiwi will maintain and administer a Bereavement Benefit Fund.
- 62.2 On the death of any full or provisional member, that member's Branch, Aronui Tōmua, or Komiti Pasifika will pay an approved recipient four times the annual subscription, as set under Section 14.
- 62.3 Te Kahu Kiwi will issue guidelines to help Branches, Aronui Tōmua, or Komiti Pasifika decide who the approved recipient should be.
- 62.4 Te Kahu Kiwi will immediately reimburse Branches, Aronui Tōmua, or Komiti Pasifika for Bereavement Benefit payments made.

## **63 NZEI Te Riu Roa Reserves Fund**

- 63.1 Te Kahu Kiwi maintain a NZEI Te Riu Roa Reserves Fund for the purpose of supporting and furthering the aims and objects of NZEI Te Riu Roa, by such means as the Te Kahu Kiwi thinks fit.
- 63.2 Payments from the fund are at Te Kahu Kiwi sole discretion. Branches, Aronui Tōmua, or Komiti Pasifika will not make any commitment in respect to the fund without Te Kahu Kiwi approval.
- 63.3 Payments from the fund may be made to members, Branches, Aronui Tōmua, Komiti Pasifika, or other people, corporations, or organisations that Te Kahu Kiwi thinks fit, in accordance with the fund's purposes.

## **64 Institute accounting records**

- 64.1 NZEI Te Riu Roa will keep accounting records, which will set out, in a way that enables them to be properly audited, full, true and complete accounts of NZEI Te Riu Roa financial affairs and transactions.
- 64.2 Annual return of finalised financial reports for Branches, Aronui Tōmua, or Komiti Pasifika and Area Councils**
  - 64.2.1 The Secretary of each Branch, Aronui Tōmua, Komiti Pasifika 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, Aronui Tōmua, Komiti Pasifika or Area Council's bank statements, showing its bank account and investment balances, Aronui Tōmua, or Komiti Pasifika as at 31 December the previous year, together with details of any unpaid accounts or unrepresented debits outstanding on that date.
- 64.3 Audits of National, Branch, Aronui Tōmua, Komiti Pasifika and Area Council financial statements**
  - 64.3.1 Where required, NZEI Te Riu Roa will arrange for its National, Branch, Aronui Tōmua, Komiti Pasifika and Area Council statements of financial position and financial performance to be audited by a member 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, Aronui Tōmua, or Komiti Pasifika accounts that are managed by National Office (see Section 60), by an auditor appointed at NZEI Te Riu Roa Annual General Meeting.
    - b) For the financial statements of Branches, Aronui Tōmua, or Komiti Pasifika who continue to manage their own finances (see Section 60), either:
      - i. by an auditor appointed at the Branch, Aronui Tōmua, or Komiti Pasifika annual meeting (see Section 33.2), 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 43.1).
- 64.3.2 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 NZEI Te Riu Roa Annual General Meeting, or at a special general meeting held after the date of the report.
- 64.3.3 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 NZEI Te Riu Roa accounts
  - is satisfied with NZEI Te Riu Roa 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 NZEI Te Riu Roa.

#### **64.4 Inspection of accounting records and registers**

- 64.4.1 Every financial member or previous financial member of NZEI Te Riu Roa is entitled to inspect its accounting records and register of officers.

## **M: NZEI Te Riu Roa Member Assist team – Manaaki Tangata**

### **65 Members' rights to assistance**

- 65.1 Any NZEI Te Riu Roa 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.

### **66 Member Assist | Manaaki Tangata team's functions**

- 66.1 The personnel who make up NZEI Te Riu Roa 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.
  - to honour and uphold Te Tiriti o Waitangi.

## **67 Appointment of Member Assist personnel**

- 67.1 Member Assist personnel are appointed by a delegated committee of Te Kahu Kiwi. Branches, Aronui Tōmua, or Komiti Pasifika 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.

## **68 Method of Working and Powers**

- 68.1 In carrying out their functions, Member Assist personnel will have regard to the general education and welfare of children, NZEI Te Riu Roa Code of Ethics (see Section 69), tikanga, and such other matters as they think fit.
- 68.2 Member Assist personnel will work cooperatively with field staff and other Member Assist personnel.
- 68.3 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.
- 68.4 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.
- 68.5 Member Assist personnel may meet with, and make recommendations to, Te Kahu Kiwi as they consider necessary. The exception is individual cases where Te Kahu Kiwi is exercising an appellate function; personnel cannot make recommendations in these situations.

# **N: Complaint procedure**

## **69 NZEI Te Riu Roa Code of Ethics**

- 69.1 All Institute members are bound by the Institute's Code of Ethics, as set out in the Second Schedule of this Constitution.

## **70 Complaint procedures**

- 70.1 Complaints will be dealt with by NZEI Te Riu Roa in a fair, efficient, and effective manner using a process that ensures cultural appropriateness, adherence to tikanga, and compliance with the principles of natural justice.
- 70.2 These procedures apply where a complaint involves an allegation that a member, or an officer, has:
- a) engaged in misconduct; or
  - b) breached or is likely to breach a duty under the Constitution of NZEI Te Riu Roa or the Incorporated Societies Act; or

- c) damaged the rights or interests of a member or members generally.

70.3 NZEI Te Riu Roa will, as soon as reasonably practicable after receiving or becoming aware of a complaint made in accordance with this Constitution, ensure that the complaint is promptly and appropriately investigated and resolved.

## **71 How a complaint is made**

71.1 A member, or an officer, may make a complaint against another member, or officer by giving the National Secretary of NZEI Te Riu Roa and the member or officer concerned, notice in writing that:

- states that the member or officer is starting a procedure for resolving a complaint in accordance with NZEI Te Riu Roa Constitution; and
- sets out the allegation to which the complaint relates and against whom the allegation is made, 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 NZEI Te Riu Roa would require to consider the complaint.
- In cases where the complaint involves the National Secretary, the complaint should be sent to the National President | Te Manukura.

## **72 Rights**

72.1 Without limiting the manner in which a member or officer 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 or officer's written statement or submissions (if any) are considered by the decision maker.
- they have had sufficient time given to prepare a response.

## **73 NZEI Te Riu Roa may decide not to proceed further with a complaint**

73.1 Despite the above, NZEI Te Riu Roa 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 Constitution of NZEI Te Riu Roa 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 Constitution of NZEI Te Riu Roa; or
- there has been an undue delay in making the complaint.

## **74 NZEI Te Riu Roa may refer a complaint**

74.1 NZEI Te Riu Roa may, refer a complaint to:

- a) a subcommittee formed by Te Kahu Kiwi to investigate and resolve the complaint; or
- b) an independent person for investigation and resolution; or
- c) with the consent of all parties, to mediation for resolution.

## **75 Decision maker**

75.1 A person may not act as a decision maker in relation to a complaint if 2 or more members of the subcommittee formed by Te Kahu Kiwi consider there are reasonable grounds to believe that the person may not follow tikanga, be impartial or able to consider the matter without a predetermined view.

# **O: Collective agreements and bargaining**

## **76 Negotiation and ratification**

76.1 All agreements that NZEI Te Riu Roa negotiates on behalf of its members will be ratified by the members bound by the agreements before NZEI Te Riu Roa signs them.

76.2 The process used to ratify collective agreements (excluding variations to agreements: see Section 77) will be:

- by a consensus recommendation of the team negotiating the agreement to put the offer to a vote of members.
- by a simple majority decision of the members entitled to vote, who do vote.



- For all national collective employment agreements (and their successors), that NZEI Te Riu Roa is party to, Te Kahu Kiwi will verify, before the proposed agreements are voted on by members, that the proposed agreement is consistent with NZEI Te Riu Roa policy.
- Te Kahu Kiwi will decide the method by which voting to ratify collective agreements will occur.

76.3 The list of national collective employment agreements and Mana Taurite | Pay Equity settlements is available in the Sixth Schedule of this Constitution.

## **77 Variations**

77.1 The terms and conditions in an agreement may be varied at any time by written agreement between NZEI Te Riu Roa, acting on behalf of its members, and the employer parties to the agreement.

## **78 Secret ballots**

78.1 Where the Employment Relations Act 2000 requires a secret ballot to be held in relation to proposed bargaining, the following procedures will be used:

- Te Kahu Kiwi will agree on questions for the ballot
- Te Kahu Kiwi will decide how the vote will take place, including the method of voting.
- The result of the ballot will be determined by a simple 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.

78.2 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.
- Te Kahu Kiwi will decide how the vote will take place, including the method of voting.

# **P: Status of and changes to this Constitution**

## **79 Status of the Constitution**

79.1 This Constitution is the only Constitution of NZEI Te Riu Roa. All previous Constitutions are repealed.

## **80 Power to amend or repeal the Constitution**

80.1 NZEI Te Riu Roa Annual General Meeting or any Special General Meeting of NZEI Te Riu Roa convened by Te Kahu Kiwi for that purpose has the authority

to amend, or replace this Constitution, provided that any changes comply with requirements set by the Registrar of Incorporated Societies

If the changes approved by the Annual General Meeting do not meet the requirements of the Registrar of Incorporated Societies, the rule change will be referred to Te Kahu Kiwi for further consideration and action.

80.2 Any full or provisional member of NZEI Te Riu Roa may propose a rule change to the Constitution for discussion at the Annual General Meeting. However, the proposal must first receive approval from either:

- Te Kahu Kiwi, or
- a meeting of the member's Area Council, Branch, Aronui Tōmua, or Komiti Pasifika.

80.3 Except as provided in Section 80.4, resolutions to amend, add to or replace this Constitution must be:

- submitted in writing using a format consistent with the guidance provided by the National Secretary. A template 'Proposed Changes to the Constitution' form is available upon request from the National Office
- accompanied by a supporting argument
- received by the National Secretary at least 90 clear days before the date of NZEI Te Riu Roa Annual General Meeting
- forwarded by the National Secretary to the Branches, Aronui Tōmua, or Komiti Pasifika at least 60 clear days before the date of NZEI Te Riu Roa Annual General Meeting.

80.4 Te Kahu Kiwi has the sole discretion to determine whether urgent rule changes are necessary based on any of the following conditions:

- When new laws, amendments to existing laws, or regulations could negatively impact members' welfare, employment conditions, or NZEI Te Riu Roa ability to fulfil its obligations.
- When an unforeseen event arises that could have significant consequences for NZEI Te Riu Roa or its members.
- When a substantial issue is raised by a significant group of member representatives that warrants immediate consideration.

80.5 If Te Kahu Kiwi determines that one of these conditions is met, they may propose amendments, additions, or repeals to the existing Constitution, or proposed rule changes, at any time.

80.6 The Constitution can be amended or replaced in its entirety, by consensus at the NZEI Te Riu Roa Annual General Meeting or a Special General Meeting of NZEI Te Riu Roa convened by Te Kahu Kiwi for the purpose of amending the Constitution.

In rare cases where consensus cannot be reached and a decision must be made, a super majority vote may be used by the Chair as a last resort, though consensus remains the preferred approach

There is no need for any consequential amendments to the Constitution contents pages, definitions, interpretations, schedules, appendices or glossary to be considered as separate resolutions.

- 80.7 No resolution to amend or replace this Constitution can be changed, once the resolution is formally tabled at the NZEI Te Riu Roa Annual General Meeting or at a Special General Meeting of NZEI Te Riu Roa convened by Te Kahu Kiwi for the purpose of amending or replacing the Constitution.
- 80.8 No amendment to the Constitution will come into force until it has been recorded by the Registrar of Incorporated Societies.
- 80.9 Te Kahu Kiwi may amend the Constitution outside of the Annual General Meeting if the change is minor, corrects an error, or involves a similar technical adjustment. In such cases, Te Kahu Kiwi will notify all members of NZEI Te Riu Roa. If no objections are received within 20 clear days, the amendment will be adopted.

## **81 Matters arising under previous constitutions**

- 81.1 All acts undertaken within the authority of previous versions of NZEI Te Riu Roa constitutions will continue unless overridden by the current Constitution.
- 81.2 Matters pending or in progress when the current Constitution came into operation may be continued and enforced under the current Constitution.

# First Schedule

## 1A: The Institute's current Branches, Aronui Tōmua, and Komiti Pasifika

A T - Hikurangi 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 Rōpu 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  
Hastings  
Heretaunga  
Hibiscus Coast  
Hokianga

Hokonui  
Horowhenua  
Howick  
Huntly  
Hutt Valley  
Kaipara  
Kapiti  
Komiti Pasifika (Auckland)  
Komiti Pasifika (Wellington)  
Komiti Pasifika (Murihiku)  
Malvern  
Mana  
Manawatu  
Maniapoto  
Manurewa  
Marlborough  
Matamata  
Mid Canterbury  
Motueka  
Napier  
Nelson  
North Shore  
Northern Wairoa  
Otago  
Otahuhu  
Papakura  
Papatoetoe  
Poverty Bay  
Rangitikei  
Rodney-Otamatea  
Rotorua  
South Canterbury and Mackenzie  
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  
Ōtākou  
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  
Te Rōpū Whakahere o Te Whanganui ā Tara

## **1C: Aronui Tōmua electoral regions**

Kahungunu  
Manawatu ki Whanganui  
Mataatua  
Murihiku  
Otautahi ki Wairau  
Tairāwhiti  
Taitokerau  
Tamaki Whanui  
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, an organisation based in Te Tiriti.

#### 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 rongo 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

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### Nomination paper for election of Branch officers or representatives

To the Secretary of the \_\_\_\_\_ Branch of the NZEI  
Te Riu Roa.

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 Executive

### Nomination of National Executive

To the National Secretary NZEI Te Riu Roa,

We nominate \_\_\_\_\_ for the position of:

NATIONAL PRESIDENT  
NATIONAL VICE-PRESIDENT  
NATIONAL EXECUTIVE  
GENERAL MEMBERSHIP  
EARLY CHILDHOOD SECTOR  
PRIMARY TEACHING SECTOR  
SUPPORT STAFF SECTOR  
SCHOOL PRINCIPALS'  
MINISTRY OF EDUCATION POSITION

of NZEI Te Riu Roa for the year following Annual General 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 General Meeting.

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# Sixth Schedule

## **National collective employment agreements and Mana Taurite | Pay Equity settlements including:**

- 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.