

The Rules of Aotearoa Legal Workers' Union Incorporated

1. Name

- 1.1. The name of the Incorporated Society shall be Aotearoa Legal Workers' Union Incorporated (**ALWU**) and for the purposes of these Rules will be referred to as "the Union".

2. Purposes

- 2.1. The primary purpose of the Union is to positively transform legal workplaces in Aotearoa by promoting its members' collective and employment interests.

- 2.2. The Union's additional purposes are:

- (a) to promote inclusivity, kindness, and a sense of pride in the legal profession;
- (b) to stop the exploitation of junior lawyers;
- (c) to demand safe and healthy workplaces for legal workers in New Zealand;
- (d) to reduce the power imbalance and pay gap between employers and workers in the legal profession;
- (e) to connect legal workers to qualified support, advocacy and representation on workplace issues;
- (f) to protect and further the interests of members by carrying out any policy decided in accordance with these Rules;
- (g) to provide a cohesive and progressive public voice for legal workers;
- (h) to eliminate disadvantage experienced by marginalised groups of legal workers, including junior lawyers, women, people in the LGBTQI+ community, tangata whenua, people of colour and disabled people;
- (i) to prudently invest any surplus funds of the Union to increase the resources available for use as specified in these Rules;
- (j) to incorporate and promote tikanga Māori in the work of the Union and act consistently with the principles of Te Tiriti o Waitangi; and
- (k) to do anything necessary or helpful to (or not inconsistent with) the above purposes.

3. Ordinary Membership

- 3.1. Ordinary membership of the Union is open to any person in Aotearoa New Zealand who does not employ legal workers and is working (as a contractor, employee, or otherwise):

- (a) as a lawyer, legal counsel, law clerk, or legal intern in any organisation;
 - (b) in a policy or advocacy role that interfaces with the law; or
 - (c) in a support role for lawyers or other legal workers.
- 3.2. Despite anything in rule 3.1, ordinary membership is not open to any person who:
- (a) Employs legal workers; or
 - (b) Is employed or contracted to work in a role representing their employer in dealings with the employees in the same workplace.
- 3.3. Any person described in rule 3.1 may become a member on making application on the appropriate form to the Secretary or their representative. The person must declare any actual or perceived conflict of interest at the time of application. Membership, when approved, shall be deemed to have begun from the date of application.
- 3.4. All applicants will receive electronic or written notice when their application has been accepted or declined by the Secretary.
- 3.5. Any applicant for whom the Secretary has declined membership may appeal the decision to the Executive who may approve or decline the application by majority vote. The Executive's decision is final.
- 3.6. Any applicant who has previously been declined membership or had their membership terminated shall not become a member unless the Executive approves it by majority vote. The Executive's decision is final.
- 3.7. Members may belong to another union concurrently with their membership of the Union.

4. Other Membership

- 4.1. There are two other categories of membership:
- (a) Associate members; and
 - (b) Student members.
- 4.2. An Associate Member is any person not otherwise entitled to membership if they support the objects of the Union, or any person otherwise eligible for full membership who does not

wish to be represented in collective bargaining.

- 4.3. A Student Member is any person aged 16 or older who is engaged in at least their second year of study, or has completed within the previous two years, full time study in a nationally accredited education institution or program where the person has an interest in or, as a consequence of their study, will be qualified to be employed in the legal industry. Part-time students and interns may join as Student Members at the discretion of the Committee.

5. Obligations of Members

- 5.1. All members shall promote the purposes of the Union and shall do nothing to bring the Union into disrepute.

6. Resignation and expulsion

- 6.1. Any member desiring to withdraw from the Union may do so by giving the Secretary two weeks' notice of their intention and by paying all dues owing up to the expiry date of the notice.
- 6.2. Such withdrawal shall not be effective, except with the leave of the Executive, until all dues are paid. Withdrawal shall not exempt any member from liability in respect of any act or omission while that person was a member.
- 6.3. A Union member may have their membership terminated if, for any reason whatsoever, the Executive is of the view that a member is breaching the Rules or acting in a manner inconsistent with the purposes of the Union.
- 6.4. The Executive must give written notice of this to the member. The Executive's notice must:
 - (a) Explain how the member is breaching the Rules or acting in a manner inconsistent with the purposes of the Union;
 - (b) State what the member must do in order to remedy the situation, or state that the member must write to the Executive giving reasons why the Committee should not terminate the member's membership;
 - (c) State that if, within 14 days of the member receiving the Executive's notice, the Executive is not satisfied, the Executive may in its absolute discretion immediately terminate the member's membership; and

(d) State that if the Executive terminates the member's membership, the Member may appeal to the next Annual General Meeting (**AGM**).

6.5. The member shall be given the opportunity to address the Executive verbally or in writing before any vote on the matter.

6.6. Any member whose membership is terminated shall have right of appeal, in writing or in person to the next AGM and if their appeal is upheld the meeting shall have the power to reinstate the membership. The AGM's decision will be final.

6.7. Any costs incurred by a member who has received written notice or has had their membership terminated shall be met by the member themselves.

7. Membership roll

7.1. The registered office of the Union shall contain an up to date roll of the membership including, as applicable and submitted by the membership, the address, employment or beneficiary status, occupation, workplace, joining date and collective or individual contract covering each member. The Secretary shall carry out the duty of ensuring that the membership roll is kept current.

7.2. Any member in arrears of 3 months or more in payment of any fee, subscription or levy payable under these Rules may be deemed to be an Associate member only; provided however that such change of status shall not free such person from any liability for the arrears due.

8. Registered Office

8.1. The Registered Office shall be at such place as the Executive may from time to time decide.

9. Governance

9.1. Subject always to the decision of the members of the Union, made at the AGM or of a Special General Meeting (**SGM**), in accordance with these Rules, the Union shall be governed and its funds controlled by an Executive.

10. Powers

10.1. The Union shall have the following powers in addition to any other powers in these Rules:

- (a) To invest, lend or advance the funds of the Union in such manner as may from time to time be authorised in accordance with these Rules;
- (b) To borrow money for the purpose of furthering the interest of the Union and its members in such manner as may from time to time be authorised in accordance with these Rules;
- (c) To acquire or sell any real or personal property as may be necessary for the purpose of furthering the interests of the Union and its members;
- (d) To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of any real or personal property of the Union;
- (e) To operate such bank account(s) as necessary for the exercise of its powers;
- (f) To fix and levy subscriptions from time to time, and to charge for the provision of services;
- (g) To appoint such staff as are necessary for the efficient carrying out of the Union's objects;
- (h) To amalgamate or merge with any union subject to the compatibility of membership and objects;
- (i) To establish any trust which is conducive to the Union's aims;
- (j) To offer benefits and services to members;
- (k) To affiliate to or join organisations that support the achievement of the purpose and objects of the Union;
- (l) To exercise all other powers as are reasonably necessary to enable the Union to fulfil its purpose and carry out its objects.

10.2. In pursuit of its objects, the Union shall:

- (a) not affiliate with or make any financial contributions to a political party or organization currently in government or aiming at becoming the government of New Zealand. It shall, however, be free in the pursuit of its objectives to express opinions or take other action in respect of any act or omission of governments, organisations or persons, and to express its opinion on any issue or topic.

11. Annual General Meeting

11.1. The AGM shall be the chief governing body of the Union.

11.2. The AGM of the Union shall be held at such times and place(s) as the Executive shall decide, but shall not be within 6 months of the previous AGM.

11.3. At least six weeks' notice of the date(s) and venue(s) of the AGM shall be given to members.

- (a) An AGM or SGM may, at the discretion of the Executive, be held online through a virtual meeting platform. If the meeting(s) are in an electronic format, notice must be given to members as if the virtual meeting was occurring in person.

11.4. There shall be provision for at least 50 voting representatives at the AGM.

11.5. Where the Executive has decided that there will be more than one AGM meeting all remits for consideration by the AGM shall be in the hands of the Secretary two weeks prior to the AGM.

11.6. Notice of the AGM and notice of the business to be conducted shall be given to members in writing either:

- (a) by letter, email or other direct electronic communication;
- (b) through publication of the Union; or
- (c) by advertising details of the meeting in the major newspaper servicing the area.

11.7. A SGM of the Union shall be called by the Executive in accordance with the procedure for the AGM. In addition, not less than fifty members of the Union may, at their own expense, require the Executive to convene a SGM of the Union. A SGM of the Union may only deal with the matters for which it has been called.

11.8. The quorum of the AGM or SGM shall be a total of 20 members present at the meeting(s).

- (a) If the AGM or SGM is being held virtually, the quorum shall be 20 members attending the virtual meeting.

11.9. Any member of the Union is entitled to attend and speak at the AGM.

12. Voting at the Annual General Meeting

12.1. All questions at the AGM and SGM shall be decided on the basis of one vote for each representative present on a show of hands or equivalent method approved by those eligible

to vote in attendance at the meeting.

12.2. No Ordinary member may exercise more than one vote.

12.3. Only Ordinary Members may vote at Union meetings.

12.4. Members of the Executive (except the student representative) will each have one vote.

12.5. A majority of those Ordinary Members present may demand a secret ballot.

13. Executive

13.1. The Executive shall comprise:

- (a) Two Co-Presidents who shall be joint-chairpersons of the Executive;
- (b) Secretary;
- (c) Treasurer;
- (d) Student representative;
- (e) Up to seven members at large; and
- (f) Up to six additional members that the Executive (by majority vote) may, after the at large elections, recommend to the Executive to be co-opted to ensure good representation of Union members.

13.2. All members of the Executive shall hold office until they resign, their successors are elected, or they are removed in accordance with these Rules. They shall be eligible for re-election.

13.3. The Treasurer shall be responsible for receiving all monies, operating the Union's bank accounts and making all payments for expenses incurred by the Union in conjunction with the Financial Officers and President.

14. Election of the Executive

14.1. The Executive shall be elected at the AGM except where the Executive appoints or elects members according to rules 13.1(f) or 14.8.

14.2. A Returning Officer shall be appointed by the Executive.

14.3. All positions shall be elected for a term of one year.

14.4. Nominations shall be called in the same way as the calling of the AGM, at least six weeks before the AGM.

14.5. Nominations for Co-Presidents, Secretary, Treasurer, Student representative, and general Executive members shall close at least two weeks before the AGM. At least two weeks' notice must be given from the calling for nominations to the closing of nominations.

14.6. Should any office or position not be filled or become vacant for any reason, a member may be co-opted by majority vote of the Executive to fill that position. Any person so appointed shall hold office until either an election is called by the Executive in accordance with the rules or the next AGM. The Executive may decide to fill any vacancy through election by postal ballot of the relevant members. Any postal ballots described in these Rules may include electronic forms of voting as long as the Executive is satisfied:

- (a) with the integrity of the voting process and technology used; and
- (b) that all members have a reasonable opportunity to participate in the ballot.

14.7. Any electronic voting system must be approved before use by majority vote of the Executive.

14.8. The role of Student Representative on the Executive shall be elected solely by the Student Members.

15. Meetings of the Executive

15.1. The Executive shall meet as required but no less than each three months. The Secretary shall call each meeting and advise all Executive members in writing of its time and place at least one week before the set date, unless at least three Executive members request in writing to the Secretary that an urgent special meeting is required to consider that urgent matter only.

15.2. Executive meetings may be held in person or by audio or video conference.

16. Removal of Officers and Position Holders

16.1. Any member of the Executive not performing their duties in a satisfactory manner or who

misappropriates Union funds may, at a meeting of the Executive convened for the purpose, be removed from office or position by a two third majority vote of the Executive. The member of the Executive concerned must have received an account in writing of the reasons for the contemplated dismissal and given the opportunity to address the meeting on the question. Any member of the Executive so removed shall have right of appeal to the AGM and if their appeal is upheld the meeting shall have the power to reinstate the member of the Executive to their position.

17. Delegates

17.1. Delegates shall be elected by members on the site or, in the interim, may be approved by the Secretary or their representative.

17.2. A delegate shall not execute contracts on behalf of the Union unless expressly authorised by the Executive.

18. Finance

18.1. The financial year of the Union shall be determined by the Treasurer, except as otherwise required by law.

18.2. All moneys, lands, securities or property of the Union shall be deemed to be the property of the Union as a whole. The funds of the Union may be invested in the name of the Union in a manner approved by the Executive. For the purposes of administration one of the Financial Officers shall reside in the city where the registered office is located. Special funds shall only be used for the purpose for which such a fund was established.

19. Fees and Levies

19.1. Dues will be payable by members as set out in the below table:

No.	Membership type (all salaries are yearly pre-tax)	Dues payable (per year)
1.	Ordinary members earning \$50,001 or more	\$50
2.	Ordinary members earning less than \$50,001	No charge

3.	Ordinary members covered by a collective agreement	1% of gross annual salary (subject to members voting to confirm in each collective agreement)
4.	Associate members	No charge, but voluntary \$50 donation requested annually
5.	Student members	No charge

19.2. The above table sets out dues payable by members working full-time. Members who work part-time or transition from a non-dues paying type of membership to a dues-paying type of membership during the calendar year will have their dues prorated for the portion of the year worked;

- (a) A member will have 4 weeks from the time of them becoming a dues-paying member for their dues to become payable;
- (b) If there is a dispute about the amount of dues owing, the Treasurer will have the final decision on the amount due;
 - (i) A member shall have 4 weeks from a decision on a disputed dues amount being decided as set out in rule 19.2(b) to pay the determined dues or to resign their membership of the Union.

19.3. If a person becomes a member of the Union after 1 March 2022 and, within 6 months of joining, uses the services of the Union, the member may be required by the Treasurer to pay dues as if they had been a member for 12 months at the time of the member joining the Union.

19.4. Dues will be charged annually from 1 January 2022.

19.5. Each member must pay their required annual dues as set out in the table at rule 19.1 no later than 1 March of each year;

- (a) A member who is required under these Rules to pay dues is defined as a dues paying member.

19.6. Dues will be paid by electronic transaction, and may also be accepted by an alternative method specified by the Treasurer.

19.7. The Treasurer, with the approval of both Co-Presidents, may exempt or vary a member's requirement to pay dues for reasons of financial hardship or other reason deemed appropriate. Any variation must be in writing.

19.8. A member defaults on dues payment if dues are not paid by 30 March each year and the member does not have an exemption as set out in rule 19.6;

- (a) A member must be informed in writing of their default in payment and asked to pay the required dues;
- (b) If a member does not pay the required dues within 30 days of receiving a notice requiring payment, the Treasurer may, with the consent of both Co-Presidents, terminate the members' membership of the Union;
- (c) The member must be given notice in writing of a decision to terminate their membership under rule 19.8(b).

20. Financial Officers

20.1. Three Financial Officers shall control all funds belonging to the Union. The Financial Officers will be one of the Co-Presidents, the Treasurer, and one other person appointed by the Executive.

21. Inspection of Books

21.1. Any member having an interest in the funds or the register of members of the Union may inspect the books of the Union at a reasonable time, having first given the Treasurer two weeks' notice.

22. Representation

22.1. The Union may appoint any person to be an Authorised Agent of the Union to carry out any such functions as the Executive shall determine.

22.2. The Union shall be represented in any proceedings before a Conciliation Council, Arbitration Commission, Employment Court, any other Court, Disputes Committee or any other Committee to which it is a party or where it represents a member by such persons as the

Executive may appoint.

23. Agreements and Instruments

23.1. The Union may enter into collective agreements/contracts with any employer or employers relating to any matter affecting members of the Union. No such agreement (other than a collective contract made with all parties present, in conciliation) shall be made until a meeting of the members covered by the agreement have carried a resolution in favour of its proposed terms. The Executive shall have the authority to enter into any other legal agreements.

24. Secret Ballots

24.1. Where required by law to conduct a secret ballot before strike action related to bargaining for a collective agreement may proceed, the following provisions shall apply:

- (a) The question to be voted on in the secret ballot is whether the member of the Union is in favour of the strike.
- (b) The result of the ballot is determined by a simple majority of the members who are entitled to vote and who do vote.
- (c) The method of voting in a secret ballot may be by email or other electronic means as determined by the Executive from time to time.
- (d) As soon as is reasonably practicable after the conclusion of the secret ballot the members who were entitled to vote must be notified of the result of the ballot.

25. Publications

25.1. The Union shall distribute to members, publications advising of casual vacancies, annual meetings, special meetings, the calling of nominations for all positions, reports, accounts, alterations to rules, details of all elections and any other official notice or report required to be given to each member under these Rules.

25.2. In addition to the above and subject to finance, the Executive shall endeavour to initiate a publication to members to further their education in trade union matters and to expand solidarity between groups of workers.

25.3. Publications may be distributed or made available to members through printed or electronic means.

26. Dissolution

26.1. Should a majority of the members of the Union attending special meetings called under these Rules expressly for the purpose, vote to cancel the registration of the Union, the Secretary shall forthwith make application to the Registrar of Incorporated Societies in the prescribed form. Before such cancellation the Executive shall ensure that an audit of the Union's accounts is conducted and shall realise all the valuable assets and meet all the liabilities of the Union. The surplus funds, if any, shall thereupon be disposed of in such a manner, in pursuance of the objects specified in these Rules, as the Executive may think fit. Prior to this procedure being carried out, all members shall be advised that this matter is to be considered at special meetings convened for the purpose.

26.2. The Union shall be deemed to be dissolved when its registration has been cancelled by the Registrar of Incorporated Societies.

27. Alteration to the Rules

27.1. These Rules may be amended, struck out or added to by a majority vote of the representatives present at the AGM or, if approved by the Executive, by a majority of members voting in a postal ballot.

27.2. Any proposed changes to the rules must be notified to the Secretary at least six weeks before the AGM or closing of the postal ballot.

27.3. The Secretary must notify members of the proposed changes in writing or through a Union publication at least four weeks before the AGM or the postal ballot closes.

27.4. All alterations to the Rules shall be submitted by the Secretary to the Registrar of Incorporated Societies for approval prior to coming into operation.

28. Matters not provided for

28.1. Any matter not provided for in these Rules or by decision of the Executive shall be referred to the next AGM.

29. Bylaws

29.1. The Executive, subject to endorsement by the AGM may make bylaws not in conflict with these Rules and in conformity with the policies of the Union.

30. Union Rules

30.1. The Union shall supply a copy of its Rules as for the time being amended on request to any ordinary member or any person joining the Union. The Union shall supply a copy of any amendment made by the Union to its Rules as soon as it is practicable after their registration.

31. Annual Report and Annual Accounts

31.1. The annual report, income and expenditure accounts and the balance sheet, together with the auditor's report on the accounts shall be presented to the AGM. In addition, all such reports shall be made available to any ordinary member of the Union on request.

32. Resolutions

32.1. The Union shall supply a copy of any resolution passed at any general or special meeting of the Union or its Executive to any ordinary member of the Union on request.

33. Common Seal

33.1. The Executive shall provide a common seal for the Society and may from time to time replace it with a new one.

33.2. The Secretary shall have custody of the common seal, which shall only be used by the authority of the Executive. Every document to which the common seal is affixed shall be signed by the President and countersigned by the Secretary or a member of the Executive.

34. Decisions of the Executive

34.1. All decisions made by the Executive shall be determined by a majority vote of the Executive.

35. Limited Covid-19 Rule Exemption

35.1. Despite anything in these Rules to the contrary, the process followed in relation to the 2021 AGM, including any proposed amendments to these Rules and nomination and election of the Executive is valid and legitimate.