

The Rules of Aotearoa Legal Workers' Union Incorporated

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1. Definitions

1.1. In these Rules, unless the context otherwise requires, the following words and phrases have the following meanings:

Annual General Meeting and **AGM** means a meeting of the Members of the Union held once per year which, among other things, receives and considers reports on the Union's activities and finances.

Co-Presidents means the Executive Members responsible for, among other things, overseeing the governance and operations of the Union and chairing General Meetings.

Executive means the Union's governing body.

Executive Member means a member of the Executive, including the Co-Presidents, Secretary, Treasurer and Student Representative.

General Meeting means either an Annual General Meeting or a Special General Meeting of the Union.

Majority means a simple majority.

Member or **Members** means any person eligible for membership under these Rules and admitted to membership under rule 7 and who has not ceased to be a member of the Union.

Ordinary Member means a person eligible for ordinary membership as set out in rule 5.

Secretary means the Executive Member responsible for, among other things, keeping the register of Members and recording the minutes of General Meetings and Executive meetings.

Solidarity Member means a person eligible for solidarity membership as set out in rule 6.

Special General Meeting and **SGM** means a meeting of the Members, other than an Annual General Meeting, called for a specific purpose or purposes.

Student Member means a person eligible for student membership as set out in rule 7.

Student Representative means the Executive Member responsible for, among other things, representing Student Members on the Executive.

Treasurer means the Executive Member responsible for, among other things, overseeing the finances of the Union.

2. Name

2.1. The Incorporated Society's name is Aotearoa Legal Workers' Union Incorporated (**ALWU**). These Rules refer to ALWU as "the Union".

3. Purposes

3.1. The Union's primary purpose is to positively transform legal workplaces in Aotearoa New Zealand by promoting its Members' collective and employment interests.

3.2. 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 legal workers;
- (c) to demand safe and healthy workplaces for legal workers in Aotearoa 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 under these Rules;
- (g) to provide a cohesive and progressive public voice for legal workers;
- (h) to eliminate disadvantages that marginalised groups of legal workers experience, including law clerks and new lawyers, women, people in the LGBTQI+ community, tangata whenua, people of colour and disabled people;
- (i) to incorporate and promote tikanga Māori in the work of the Union and act consistently with Te Tiriti o Waitangi;
- (j) to prudently invest any surplus funds of the Union to increase the resources available for use as specified in these Rules; and
- (k) to do anything necessary or helpful to (or not inconsistent with) the above purposes.

4. Membership eligibility

4.1. There are three categories of membership:

- (a) Ordinary Members: those eligible for membership under rule 5;
- (b) Solidarity Members: those eligible for membership under rule 6;
- (c) Student Members: those eligible for membership under rule 7.

5. Ordinary Membership

5.1. Any person can become an Ordinary Member if they are working in any of the following roles (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;
- (c) in a support role for lawyers or other legal workers.

5.2. Despite anything in rule 5.1, ordinary membership is not open to any person who either:

- (a) employs legal workers;
- (b) represents their employer in dealings with the employees in the same workplace, including as part of a workplace's human resources function.

6. Solidarity Membership

6.1. Any person can become a Solidarity Member if either:

- (a) they cannot otherwise become members and they support the objectives of the Union;
or
- (b) they are otherwise eligible for Ordinary Membership and do not want the Union to represent them in collective bargaining.

7. Student Membership

7.1. Any person can become a Student Member if all the following applies to them:

- (a) they are aged 16 or older;
- (b) they are enrolled in at least their second year of study, or have completed study within the previous two years;
- (c) this study is or was in a nationally accredited education institution or programme; and
- (d) because of this study, they are or will be qualified to work in the legal industry as a legal worker.

8. Admission of Members

8.1. To become a Member, a person (the **Applicant**) must do all the following:

- (a) make an application to the Secretary via the form available on the Union's website;
- (b) supply any other information the Executive reasonably requires; and
- (c) declare any actual or perceived conflict of interest at the time of application.

8.2. All Applicants will receive electronic or written notice when the Secretary accepts or declines their application. If an application is accepted, the Applicant's membership counts as having started on the date of application.

- 8.3. If the Secretary declines an Applicant's membership, the Applicant may appeal the decision to the Executive. The Executive may accept or decline the application by majority vote. The Executive's decision is final.
- 8.4. Any Applicant who has previously been declined membership or had their membership terminated cannot become a Member unless the Executive approves it by majority vote. The Executive's decision is final.
- 8.5. Members may belong to another union while being a Member of the Union.

9. Obligations of Members

- 9.1. All Members must promote the purposes of the Union and must not bring the Union into disrepute.

10. Resignation and expulsion

- 10.1. Any Member can withdraw from the Union by giving the Secretary two weeks' notice. The Member must also pay all dues owing up to the end of that notice.
- 10.2. While the Member has unpaid dues, their withdrawal cannot take effect, except with the Executive's leave. A withdrawn Member is still liable for any act or omission they made while still a Member.
- 10.3. A Member may have their membership terminated if the Executive believes that a Member is breaching the Rules or acting in a manner inconsistent with the purposes of the Union.
- 10.4. The Executive must give written notice of termination to the Member. The Executive's notice must do all the following:
 - (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 Executive 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 AGM.

10.5. The Member must have the opportunity to address the Executive verbally or in writing before any vote on the matter.

10.6. Any Member whose membership is terminated has a right of appeal, in writing or in person, to the next AGM. If their appeal is upheld, the meeting can reinstate the membership. The AGM's decision will be final.

10.7. A Member who has received written notice or has had their membership terminated must pay any costs they incur.

11. Membership roll

11.1. The registered office of the Union must contain an up-to-date roll of the membership. The Secretary must ensure the membership roll is kept current. The roll must include the following details of each Member, as applicable and submitted by the membership:

- (a) email address;
- (b) employment or beneficiary status;
- (c) occupation;
- (d) workplace;
- (e) joining date; and
- (f) collective or individual contract that covers them.

11.2. If a Member's payment of any dues, fee, subscription or levy payable under these Rules is overdue by three months or more, the Executive may deem them to be a Solidarity Member only. The Member continues to be liable to pay any amounts due.

12. Registered Office

12.1. The Registered Office will be at a place as the Executive may from time to time decide.

13. Governance

13.1. An Executive governs the Union and control its funds. This governance is always subject to the decision of the Ordinary Members of the Union, made at the AGM or of a Special General Meeting (**SGM**) in accordance with these Rules.

14. Powers

14.1. The Union has the following powers in addition to any other powers in these Rules:

- (a) To invest, lend, or advance the Union's funds in accordance with these Rules;
- (b) To borrow money for furthering the interest of the Union and its Members in accordance with these Rules;
- (c) To acquire or sell any real or personal property as may be necessary for 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 the Union's real or personal property;
- (e) To operate any bank accounts necessary to exercise its powers;
- (f) To fix and levy subscriptions from time to time, and to charge for providing services;
- (g) To appoint any staff necessary to efficiently carry out the Union's objectives;
- (h) To amalgamate or merge with any union subject to the compatibility of membership and objectives;
- (i) To establish any trust that is favourable to the Union's aims;
- (j) To offer benefits and services to Members;
- (k) To affiliate to or join organisations that support achieving the Union's purpose and objectives; and
- (l) To exercise all other powers as are reasonably necessary to enable the Union to fulfil its purpose and carry out its objectives.

14.2. Subject to rule 14.3, the Union must not affiliate with or make any financial contributions to a political party or organisation currently in government or aiming at becoming the government of Aotearoa New Zealand.

14.3. In pursuing its objectives, the Union can 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.

15. Annual General Meeting

- 15.1. The AGM is the chief governing body of the Union.
- 15.2. The AGM will be held at times and places as the Executive decides, but cannot be within six months of the previous AGM.
- 15.3. The Executive must give Members at least six weeks' notice of the date(s) and venue(s) of the AGM. The Executive may decide to hold an AGM or SGM online through a virtual meeting platform. If the meeting(s) are online, the Executive must give Members notice as if the virtual meeting was occurring in person.
- 15.4. There must be provision for at least 50 voting representatives at the AGM.
- 15.5. If the Executive decides that there will be more than one AGM meeting, all remits for consideration by the AGM must be in the hands of the Secretary two weeks before the AGM.
- 15.6. Notice of the AGM and notice of the business to be conducted must be given to Members in writing by letter, email, or other direct electronic communication; or a publication of the Union.
- 15.7. The Executive may call a SGM in accordance with the procedure for the AGM. In addition, not less than 50 Ordinary Members of the Union may, at their own expense, require the Executive to convene a SGM. A SGM may only deal with the matters for which it has been called.
- 15.8. The quorum of the AGM or SGM is 20 Ordinary Members present at the meeting(s).
 - (a) If the AGM or SGM is held virtually, the quorum is 20 Ordinary Members attending the virtual meeting(s).
- 15.9. Any Member is entitled to attend and speak at the AGM.

16. Voting at Annual General Meetings and Special General Meetings

- 16.1. All questions at a AGM and SGM must be decided based on 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.
- 16.2. No Ordinary Member may exercise more than one vote.
- 16.3. Only Ordinary Members may vote at Union meetings, except that the role of Student Representative on the Executive must be elected solely by the Student Members.
- 16.4. Members of the Executive will each have one vote.
- 16.5. A majority of those Ordinary Members present may demand a secret ballot.

17. Executive

- 17.1. The Executive includes the following:
 - (a) Two Co-Presidents who are joint-chairpersons of the Executive;
 - (b) Secretary;
 - (c) Treasurer;
 - (d) Student Representative;
 - (e) Up to seven members at large;
 - (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 Members.
- 17.2. All Executive Members hold office until they resign, their successors are elected, or they are removed in accordance with these Rules. They are eligible for re-election.
- 17.3. The Treasurer is responsible, in conjunction with the Financial Officers and Co-Presidents, for receiving all money, operating the Union's bank accounts, and making all payments for expenses the Union incurs.

18. Electing the Executive

- 18.1. The Executive must be elected at the AGM, except where the Executive appoints or elects

members according to rules 17.1(f) or 18.6.

18.2. The Executive must appoint a returning officer.

18.3. All positions are elected for a term of one year.

18.4. Nominations must be called in the same way as calling the AGM, at least six weeks before the AGM.

18.5. Nominations for Co-Presidents, Secretary, Treasurer, Student Representative, and general Executive Members close at least two weeks before the AGM. The Executive must give at least two weeks' notice from the calling for nominations to the closing of nominations.

18.6. 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 holds office until either the Executive calls an election in accordance with the rules, or the next AGM. The Executive can fill any vacancy through election by ballot of the relevant Members. Any ballots described in these Rules may include electronic forms of voting if the Executive is satisfied with both of the following:

- (a) the integrity of the voting process and technology used;
- (b) all Members eligible to vote having a reasonable opportunity to participate in the ballot.

18.7. Before using any electronic voting system, the Executive must approve it by majority vote.

19. Meetings of the Executive

19.1. The Executive may meet as required but no less than each three months. The Secretary must call each meeting and advise all Executive Members in writing of its time and place at least one week before the set date. Three or more Executive Members can request in writing to the Secretary that an urgent special meeting to consider that urgent matter only.

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

20. Removing Officers and Position Holders

20.1. Any member of the Executive not performing their duties in a satisfactory manner or who misappropriates Union funds may be removed from their office or position at an Executive meeting. The meeting must be convened for that purpose, and a two-third majority of the Executive must vote to remove them. The Executive Member concerned must get a written account of the reasons for the contemplated dismissal before the meeting. They must also get the opportunity to address the meeting about the issue. If an Executive Member is removed in this way, they have right of appeal to the AGM. If the AGM upholds their appeal, the meeting can reinstate the Executive Member to their position.

21. Delegates

21.1. Delegates are elected by Ordinary Members on the site or, in the interim, may be approved by the Secretary or their representative.

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

22. Finance

22.1. The Treasurer determines the Union's financial year, except as otherwise required by law.

22.2. All the Union's money, land, securities, and property are property of the Union as a whole. The Union's funds may be invested in the Union's name in a manner the Executive approves. For the purposes of administration, one of the Financial Officers must live in the city where the registered office is located. Special funds may only be used for the purpose for which such a fund was established.

23. Dues

23.1. 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 covered by the collective agreement voting to confirm in each collective agreement)
4.	Solidarity Members	No charge, but voluntary \$50 donation requested annually
5.	Student Members	No charge

23.2. If there is a dispute about the amount of dues owing, the Treasurer has the final decision on the amount due. Once the Treasurer has decided on the amount due, the Member has four weeks to pay the amount due.

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

23.4. Each Member must pay their required annual dues as set out in the table at rule 23.1 no later than 1 March of each year.

23.5. Members will pay dues by electronic transaction, and may also pay by an alternative method the Treasurer specifies.

23.6. The Treasurer, with the approval of both Co-Presidents, may (full or in part) exempt a Member's requirement to pay dues for reasons of financial hardship or other reason deemed appropriate. Any exemption must be in writing.

23.7. A Member defaults on dues payment if they do not pay their dues by 30 March each year, and the Member does not have an exemption as set out in rule 23.6. In such circumstances:

- (a) The Member must be informed in writing of their default and asked to pay the required dues;
- (b) If the Member does not pay the required dues within 30 days of receiving notice, the Treasurer may, with the consent of both Co-Presidents, change the Member's membership status from Ordinary Member to Solidarity Member;

- (c) The Treasurer must notify the Secretary of the Treasurer's decision; and
- (d) The Member must be given notice in writing of a decision to change their membership type.

24. Financial Officers

24.1. Three Financial Officers control all the Union's funds. The Financial Officers will be one of the Co-Presidents, the Treasurer, and one other person appointed by the Executive.

25. Inspecting the Books

25.1. Any Member may inspect the Union's books at a reasonable time. The Member must first give the Treasurer two weeks' notice.

26. Representation

26.1. The Union may appoint any person to be an authorised agent of the Union to carry out any functions the Executive decides.

26.2. The Executive appoints the Union's representation 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.

27. Agreements and Instruments

27.1. The Union may enter into collective agreements/contracts with any employer or employers relating to any matter affecting members of the Union. A meeting of the Ordinary Members covered by the agreement must carry a resolution in favour of its proposed terms before any such agreement is made, except collective contracts made with all parties present, in conciliation. The Executive can enter into any other legal agreements.

28. Secret Ballots

28.1. Where the law requires a secret ballot before strike action related to bargaining for a collective agreement may proceed, the following provisions apply:

- (a) The question to be voted on in the secret ballot is whether the Members of the Union are 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 the Executive decides from time to time.
- (d) Members who were entitled to vote must be notified of the result as soon as reasonably practicable after the conclusion of the secret ballot.

29. Publications

29.1. The Union must distribute to Members publications advising of:

- (a) casual vacancies;
- (b) AGMs;
- (c) SGMs;
- (d) the calling of nominations for all positions;
- (e) reports;
- (f) accounts;
- (g) changes to the Rules;
- (h) details of all elections; and
- (i) any other official notice or report required to be given to each Member under these Rules.

29.2. In addition to the above and subject to finance, the Executive must try to introduce a publication to Members to further their education in trade union matters and expand solidarity between groups of workers.

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

30. Dissolution

30.1. Ordinary Members may choose to cancel the Union's registration by majority vote at a SGM called under these Rules expressly for the purpose. If this happens, the Secretary must apply to the Registrar of Incorporated Societies in the prescribed form. Before such cancellation, the Executive must ensure that the Union's accounts are audited, realise all the Union's valuable assets, and meet all the Union's liabilities. Any surplus funds must be disposed of as the Executive sees fit, in a way that supports the Union's objectives as specified in these Rules. Before funds are disposed of, and SGM must be called for the purpose of considering how to distribute the fund.

30.2. The Union is dissolved when its registration has been cancelled by the Registrar of Incorporated Societies.

31. Changing the Rules

31.1. These Rules may be amended, struck out, or added to by a majority vote of the Ordinary Members present at the AGM or, if approved by the Executive, by a majority of Ordinary Members voting in a ballot.

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

31.3. 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 ballot closes.

31.4. All alterations to the Rules must be submitted by the Secretary to the Registrar of Incorporated Societies for approval before coming into operation.

32. Matters not provided for

32.1. Any matter not provided for in these Rules or by the Executive's decision must be referred to the next AGM.

33. Bylaws

33.1. The Executive, subject to the AGM's endorsement, may make bylaws. These bylaws must not conflict with these Rules and must conform with the Union's policies.

34. Union Rules

34.1. The Union must supply a copy of its Rules as for the time being amended on request to any Member. The Union must supply a copy of any amendment it makes to its Rules as soon as possible after its registration.

35. Annual Report and Annual Accounts

35.1. The annual report, income and expenditure accounts, and the balance sheet must be presented to the AGM. All such reports must be made available to any Ordinary Member of

the Union on request.

36. Resolutions

36.1. The Union must 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.

37. Common Seal

37.1. The Executive must provide a common seal for the Union and may from time to time replace it with a new one.

37.2. The Secretary has custody of the common seal. The seal must only be used by the authority of the Executive. Every document to which the common seal is affixed must be signed by a Co-President and countersigned by the Secretary or a member of the Executive.

38. Decisions of the Executive

38.1. All of the Executive's decisions must be determined by a majority vote of the Executive.