



Rules and Regulations



as from
September 2024

The full rules,
regulations as well
as sector committee
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New Zealand Public Service Association

Te Pūkenga Here Tikanga Mahi

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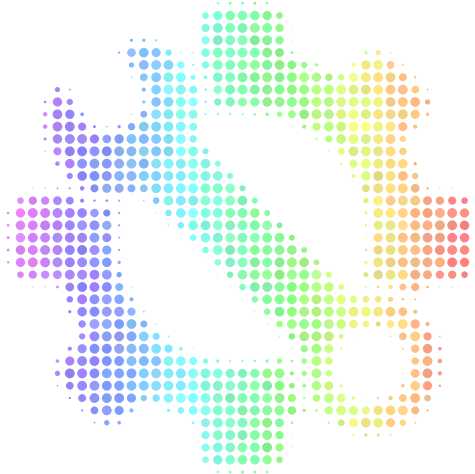
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Rules and Regulations

New Zealand Public Service Association
Te Pūkenga Here Tikanga Mahi

as from **September 2024**



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The Rules of the New Zealand Public Service Association

Te Pūkenga Here Tikanga Mahi

Part 1 - General

1. Name

The name of the union is “New Zealand Public Service Association: Te Pūkenga Here Tikanga Mahi Incorporated” (PSA).

2. Interpretation

(1) In these rules except where the context otherwise requires:

- a. “Act” means the Incorporated Societies Act 2022;
- b. “Constituency” means any grouping of members within a workplace or enterprise that elects a delegate or delegates, or any grouping of members across enterprises brought together, with the approval of the executive board, for the purpose of electing representatives to sector committees;
- c. “Convenor” means a member selected in accordance with these rules to act as convenor of a workplace committee, enterprise committee, sector committee, Te Rūnanga O Ngā Toa Āwhina, the executive board, the national delegates’ congress or a special delegates’ congress;
- d. “Full member” means a member eligible for membership under rule 12(1) to (4);
- e. “General meeting” means the national delegates’ congress, special delegates’ congress or the annual general meeting except as provided by rule 48(1) of these rules;
- f. “Governance” means the exercising of

democratic control by the membership of the PSA over the strategic direction and policies of the union, and the oversight of the management of the union, through the representative structures provided for in these rules;

- g. “Hinonga Māngai Māori” means a Māori member elected by Māori members in an enterprise, to represent the interests of Māori members within that enterprise and to provide a point of connection with the wider structures of Te Rūnanga o Ngā Toa Āwhina and the PSA. The Hinonga Māngai Māori is a member of the enterprise delegate committee.
- h. “Majority” means a simple majority, i.e. 50% plus one of those authorised to vote and voting;
- i. “Member” means any person eligible for membership under rule 12 and admitted to membership under rule 17;
- j. “Month” means a calendar month;
- k. “National secretary” means a person appointed by the executive board to be a member of the secretariat under rules 43 and 66;
- l. “Officer” means the president, treasurer, vice president, Tuakana, members of the executive board and secretariat defined under Parts 8 and 11 of these rules;
- m. “Operating manual” means the procedural manual of the New Zealand Public Service Association: Te Pūkenga Here Tikanga Mahi as established under rule 7(3);

- n. “PSA” means New Zealand Public Service Association: Te Pūkenga Here Tikanga Mahi Incorporated;
- o. “Regulations” means the regulations of the New Zealand Public Service Association: Te Pūkenga Here Tikanga Mahi as established under rule 7(2);
- p. “Rules” means the constitution of New Zealand Public Service Association: Te Pūkenga Here Tikanga Mahi Incorporated as registered in accordance with the Incorporated Societies Act 2022;
- q. “Rūnanga delegate” means a Māori member elected by Māori members to be a delegate within the rūnanga delegate structures in an enterprise, where such structures exist. The rūnanga delegates are workplace delegates with a primary focus on the representation of Māori members on Māori issues in the workplace, and to vote for Hinonga Māngai Māori.”
- r. “Secretariat” means the national secretaries acting as the secretariat of the PSA in accordance with rule 66(1);
- s. “Sector committee” means a committee of members within a sector established in accordance with these rules;
- t. “Sector rūnanga” means a grouping of Māori members within a sector established in accordance with these rules;
- u. “Te Rūnanga O Ngā Toa Āwhina” means the membership of the PSA who have registered their identity as Māori and encompasses the structures provided for in Part 7 of these rules;;
- v. “Union” means New Zealand Public Service Association: Te Pūkenga Here Tikanga Mahi Incorporated;

w. “Vā Moana Delegate” means a Pasefika member elected by Pasefika members in an enterprise, to represent the interests of Pasefika members within that enterprise as a member of the enterprise delegate committee.

(2) Any date or period of time specified in these rules shall be deemed to end at 5pm on that date or the last day of the period specified.

3. Purpose

To build a union that is able to influence the industrial, economic, political and social environment in order to advance the interests of PSA members.

4. Te Tiriti o Waitangi

The PSA affirms Te Tiriti o Waitangi as the founding document of Aotearoa/New Zealand and is committed to advancing the Treaty principles of partnership, protection and participation in activities pursuant to the purpose and objects of the union as they relate to the working lives of members.

5. Gender Equity

In accordance with principle of gender equity all governance bodies and official delegations of the PSA will have women members consistent with the gender demographics of the membership they represent. For the purposes of this rule ‘governance bodies’ are defined as the national delegates’ congress, the annual general meeting, the executive board, sector committees and the committee of Te Rūnanga o Ngā Toa Āwhina.

6. Objects

The objects of the union are:

- (1) To build a democratic union organisation capable of achieving the purpose of the PSA;
- (2) To advance the interests of PSA members

collectively and individually including members' collective employment interests;

(3) To represent the interests of any member or members in accordance with PSA policy, before any person, group, organisation, government or local authority, statutory body or any other legal entity;

(4) To promote quality public services and support the delivery of quality public services;

(5) To encourage full and active participation in the union by members of the PSA;

(6) To ensure that provisions are made to protect the interests of the diverse membership of the PSA;

(7) To represent the collective interests of employees covered by a Fair Pay Agreement (FPA), including a proposed FPA, in relation to any part of any process provided under the Fair Pay Agreements Act, whether or not those employees are union members;

(8) To do all such other things as are incidental or conducive to attainment of the objectives and the exercise of the powers of the PSA.

7. Rules, Regulations and Operating Manual

(1) The rules of the New Zealand Public Service Association Te Pūkenga Here Tikanga Mahi establish the objectives, powers and representative structures of the PSA, and sets out the requirements necessary for the effective governance of the union. The rules can only be amended by decision of the biennial delegates' congress.

(2) The regulations concern the application of the rules, are supplementary to the rules and must not be inconsistent with the rules. The regulations are to be approved by decision of the executive board.

(3) The secretariat may publish an operating manual, with the approval of the executive board, to provide guidance on the application of the rules and regulations and on any other matter relevant to the effective operation of the representative structures of the PSA.

8. Powers

(1) The PSA has, with the exception of (2) below, both within and outside New Zealand, full capacity to carry on or undertake any activity, do any act, or enter into any transaction, and, for these purposes, full rights, powers and privileges. For the avoidance of doubt, these include the powers:

- a. To invest, lend or advance the funds of the PSA 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 PSA 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 PSA 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 PSA;
- 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 PSA'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 PSA'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 PSA.

(2) In pursuit of its objects, the union shall not affiliate with or make any financial contributions to a political party or organisation 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.

9. Election Principles

(1) Union elections shall follow accepted democratic principles and the following principles shall guide all elections within the union:

- a. in order to be considered a candidate in an election, a full member must submit a nomination supported by two full members and showing the candidate's assent;
- b. adequate time should be allowed between the calling of the elections and the closing date for nominations for all potential candidates to be notified;
- c. adequate time should be allowed between the closing date for nominations and the elections for all potential electors to be made aware of

the candidates;

- d. the returning officer, or chairperson in charge of the election procedure shall not be a candidate in the election that they oversee;
- e. where a position is contested, voting shall be by secret ballot and the candidate with a majority of votes cast shall be declared elected;
- f. where a position is uncontested the person nominated shall be declared elected.

(2) The executive board may provide guidance on the application of these principles through the regulations

10. Decision making and Meeting Procedures

(1) Decision making at any meeting within the PSA's governance structures shall be by consensus where possible, provided that where a vote is required on a matter it will be decided by a majority of votes cast by those entitled to vote and voting.

(2) Every PSA member entitled to attend, and attending, a meeting within the PSA's governance structures (other than an observer) is entitled to one vote.

(3) Subject to the rules on voting applying to any part of the governance structures, the person acting as convenor or chairperson, shall have a casting vote when the members, delegates or representatives are equally divided in opinion – such vote to be in addition to the deliberative vote of the convenor.

(4) All motions or amendments submitted to an authorised meeting of members shall be supported by a mover and seconder.

(5) The executive board may issue further guidance on meeting procedures in the regulations.

10A. Secret ballots

Where required to conduct a secret ballot of its members, the following provisions shall apply:

- a. The ballot will be conducted online unless determined otherwise;
- b. A Returning Officer will oversee the ballot;
- c. Each member entitled to vote in the ballot receives one vote;
- d. Secret ballots will also be conducted in accordance with any requirements under the Employment Relations Act 2000 relating to the secret ballot.

11. Registered office

(1) The registered office of the PSA shall be situated at 5th floor, PSA House, 11 Aurora Terrace, Wellington or at such other place as the executive board may from time to time decide.

- a. The secretariat shall forthwith notify the Registrar of Incorporated Societies of any change in the situation of the registered office or the postal address of the PSA.

Part 2 - Membership

12. Membership eligibility

(1) Subject to other provisions in these rules any person in New Zealand or who works overseas for any New Zealand public agency and who qualifies under one or more of the conditions set out in this rule shall be eligible to become a member of the PSA. They include workers employed or engaged to be employed in:

- a. The Public Service, comprising all public service and non-public service departments, and offices of parliament;

- b. The State Sector, comprising: crown entities; state owned enterprises; Public Finance Act 4th Schedule organisations; and any private organisation engaging in commercial activities, including those that were previously provided by the state;
- c. Te Whatu Ora: Health NZ or any public organisation established to replace the Te Whatu Ora: Health NZ;
- d. Community public services comprising:
 - i. non-governmental, not-for-profit, self-governing, voluntary organisations delivering a range of services in the community, including public services funded fully or partially by the state or local government;
 - v. private, for-profit organisations delivering community-based public services funded fully or partially by the state or local government.
- e. Local Government, including all local authorities and council controlled organisations.

provided the executive board may from time to time approve eligibility for membership under subclause (1) for workers employed or engaged to be employed in other sectors, organisations or agencies.

(2) Individual independent contractors or groups of independent contractors contracted in one or more of the areas listed above.

(3) Staff employed by the PSA.

(4) Other workers at the discretion of the executive board or national delegates' congress.

(5) Persons who are granted honorary life membership by the congress.

(6) The PSA may grant associate membership to any person not otherwise entitled to membership if they:

- a. support the objects of the union; and
- b. are a former member who has retired from, resigned from, or been made redundant from their jobs and are not currently employed where the PSA has coverage.

(7) The PSA may grant student membership to any person engaged in full time study in a tertiary education institution where the person has an interest in or, as a consequence of their study, will be qualified to be employed in any of the agencies or industries described in subclause (1) of this rule.

13. Categories of membership

There are four (4) categories of membership:

(1) **Full members:**

- a. Those eligible for membership under rule 12(1), (2); or (4), being members of the sector established under these rules which covers the workplace or enterprise within which they are employed or engaged to be employed;
- b. PSA staff members who are also members of the PSA, being members of the staff group under these rules.

(2) **Honorary life members:** those granted honorary life membership.

(3) **Associate members:** those granted associate membership.

(4) **Student members:** those granted student membership.

14. Authority to represent

(1) Full membership of the union constitutes an authority, but not an obligation for the union to act as representative in all matters

relating to the member's employment, including the negotiation and enforcement of employment contracts.

(2) Authority established under rule 14(1) may continue to apply in the case of any member who is not a financial member by reason of termination of their employment, subject to the following conditions:

- a. the member was a full financial member at the date at which their employment ceased;
- b. the member has a cause of action against their employer or there are outstanding matters relating to their employment; and
- c. the PSA has agreed to act as their representative.

(3) Subject to any statutory requirement, any member may revoke in part or in full the authority conferred by rule 14(1) by notice in writing to the secretariat giving no less than fourteen (14) days notice of revocation, but revocation of authority to represent does not constitute resignation from the union.

(4) A member who has revoked the authority conferred by rule 14(1) pursuant to rule 14(3) may reinstate that authority by making written application to the secretariat.

15. Membership rights

(1) Subject to other provisions in these rules and regulations all members shall have the right:

- a. To general services of the union as defined by the executive board from time to time and subject to such conditions or limitations as may be specified by the executive board;
- b. To participate in the constitutional structures established for their category of membership by attending

meetings, propose nominations and motions, vote and act as a representative of the PSA within those structures;

- c. To receive information from the PSA;
- d. To accept office or position at workplace, enterprise, staff group, sector, rūnanga, executive board or national delegates' congress level according to their category of membership under rule 13;
- e. To receive a copy free of charge upon written request to the secretariat of:
 - i. the PSA's rules and any amendments;
 - vi. the PSA's annual statement of account and/or auditors report;
 - vii. the PSA's annual report;
 - viii. provided that where a member makes such a request more frequently than once in any 12 month period the PSA may charge a reasonable fee for provision of the material.

(2) Notwithstanding Rule 15(1)(b), associate and student members will not have voting rights within the PSA

16. Responsibilities of members

(1) Subject to other provisions of these rules all members shall be bound by these rules to the extent applicable to them and, without limiting the generality of the foregoing, shall have the obligation to:

- a. Pay such subscriptions, fees, levy or contribution in accordance with these rules provided that honorary life members are not required to pay;
- b. Notify the PSA in writing of any change of name, address, place of employment and job title;

- c. Abide by these rules and any policies, decisions and resolutions properly made under these rules and binding on them as a member;
- d. Deal lawfully with the money and property of the PSA.

17. Admission to membership

(1) Any person described in rule 12 apart from honorary life members consents to become a member of the PSA at the time that:

- a. The secretariat or PSA staff member receives the written application of that person on the appropriate membership application form; or
- b. The secretariat or PSA staff member receives part or all of the subscription in the form of a cheque or cash, and a completed authority to deduct the intending member's subscription from salary or by direct debit, or some other assurance of payment which is acceptable to the executive board;

whichever is the earlier, except that the member shall not be considered to be a financial member until payment is made in accordance with 18(1)

(2) Provided that the executive board has the authority to decline any application for membership.

(3) Honorary life members:

- a. Honorary life members shall become members at the time of the decision of the national delegates' congress to appoint them to that category of membership.
- b. Honorary life membership may be granted to members or former members who have demonstrated long and distinguished service in support of

the purpose and objects of the PSA.

- c. All life members under the previous rules of the PSA shall be deemed to be honorary life members under this rule.

(4) On admission to membership in accordance with this rule the member's name shall be entered on the register of members established under rule 19.

18. Financial membership

(1) All members (apart from honorary life and student members) shall pay all subscriptions from the date of joining, or from the next full pay period subsequent to joining, until they cease to be members. Membership will discontinue if subscriptions are more than ninety days in arrears except that:

- a. Members on parental leave or special leave without pay shall not be required to pay subscription during the period of leave provided that:
 - i. evidence of the leave and the date of the expected return to work is supplied to the PSA, when requested;
 - ii. at the time they commence leave their subscription is not in arrears;
- b. Subject to (a), members on parental leave shall be full members of the union;
- c. Members on extended special leave from their work will be entitled to remain full members but shall not be entitled to exercise voting rights during the period of leave.
- d. The secretariat may waive all or part of the subscription payable by a member or group of members according to any policy agreed by the executive board;

- e. The secretariat must try and contact any member whose subscription is in arrears to ascertain the reason for the arrears and outlining the implications for continued membership of the union, before declaring the member unfinancial.

(2) Members are entitled to reimbursement of any overpayment of subscriptions subject to:

- a. The member providing documentary evidence of the overpayment;
- b. The maximum period for which the PSA remains liable not exceeding twelve months unless, in the view of the Secretariat, exceptional circumstances apply.

(3) Where a member is employed by more than one employer within the coverage of the PSA as defined in rule 12, the level of the subscription to be paid shall be based on the total gross annual income earned from working for all those employers.

19. Register of members

(1) The secretariat shall maintain a register of members, which shall contain the following information:

- a. The member's full name;
- b. The member's postal address (which may be either a residential or a workplace address);
- c. The member's electronic address;
- d. The category of membership the member belongs to;
- e. The job title or occupation of the member;
- f. The date at which the person was admitted to membership;
- g. Other data provided by members

for the purpose of promoting equal employment opportunities for members.

20. Discontinuance of membership

(1) Subject to (2) of this rule, membership of the PSA ceases at the point of:

- a. **Resignation:** to resign a member must give at least two (2) weeks notice in writing to the secretariat;
- b. **Becoming unfinancial:** in terms of rule 18;
- c. **Expulsion:** the mechanism for expulsion is set out in Part 14 of these rules.

(2) All subscriptions due to the PSA at the cessation of membership shall be paid forthwith.

(3) Outstanding subscriptions and levies may be recovered by legal process.

Part 3 –Governance of the PSA

21. Governance structures

(1) The PSA shall be governed by:

- a. A national delegates' congress, hui taumata or special delegates' congress which shall be the highest decision-making authority of the PSA (see rules 54 – 61);
- b. Decisions at Hui Taumata will be adopted at Congress
- c. An annual general meeting which shall provide constitutional oversight between congresses (see rules 48 – 53);
- d. An executive board which is accountable to the national delegates congress and is responsible for the governance of the PSA between

national delegates congresses (see rules 41 – 47);

- e. Sector committees that are responsible for representing the interests of members within their sectors in the governance of the union subject to the rules, regulations and policies of the PSA (see rules 31 - 33);
- f. Te Rūnanga O Ngā Toa Āwhina which will represent the concerns and interests of Māori members through the structures established in these rules (see rules 34 – 40);
- g. Workplaces and enterprises where members may elect delegate(s), a delegate committee or representatives to sector committees in accordance with these rules and the policy and procedures established by congress, the executive board and sectors (see rules 23 – 29);
- h. A staff group which will represent the interests of staff who are members of the PSA (see rule 30).
- i. Committees: the national delegates' congress, executive board, the Committee of Te Rūnanga o Ngā Toa Āwhina and sector committees may establish committees with a specified role and accountability subject to the policy of the PSA established by congress or the executive board.

(2) Members elected to the governance structures identified in rule 21(1) (other than the president of the PSA) shall be workplace or enterprise delegates. Notwithstanding this provision a member aged 35 or under may be elected as a youth representative to a sector committee or the executive board if they are not a workplace or enterprise delegate, provided they

hold another leadership role in the sector, enterprise or PSAY network.

(3) Although not a part of the formal governance structures, the PSA will operate networks and clusters with the roles and accountabilities set out in rules 73 - 78.

(4) Members elected to the executive board, sector committees and Committee of Te Rūnanga O Ngā Toa Āwhina shall not also hold a governance role in another union.

22. Governance Principles

Elected office holders within the PSA's governance structures have a responsibility to consider the interests of all members who come within the coverage of the body to which they have been elected in accordance with these rules, when fulfilling their duties under these rules and the regulations.

Part 4 – Workplaces and Enterprises

23. Definition

(1) A workplace is a place of work operated by an employer containing at least one (1) member.

(2) An enterprise is one (1) or more workplaces forming an organisation with common ownership (whether incorporated or unincorporated) operating one (1) or more workplaces at which members are employed.

24. Delegates and delegate structures

(1) A delegate is a full member of the PSA who is elected to represent members within a workplace or enterprise.

(2) It is recognised that PSA members work in a wide variety of workplaces and enterprises and that there is no single model

for the organisation of delegates that can be applied. Members in enterprises and workplaces may therefore organise their delegate structures in ways that reflect their needs taking into account such factors as the size of the enterprise, the geographical location of workplaces and the range of occupations of members.

(3) Enterprise delegate committees may decide the number of delegates in an enterprise or workplace and make minor changes to delegate structures in order to facilitate effective representation, provided that is consistent with these rules and any relevant provisions of the regulations. However, any major reorganisation of delegate structures in an enterprise must be confirmed by a vote of all members in that enterprise either at meetings of members or by some other method as provided in the regulations, except that rūnanga delegate structures within an enterprise must be decided by Māori members in that enterprise. Any major change to delegate structures must be decided upon at least one month prior to 1 April in a year in which delegate elections are due.

25. Terms applying to delegates

(1) All delegates and enterprise delegate committee members shall be elected for a two year term, running from the point of election under rule 25(2), through until the next annual members' meeting at which an election is scheduled.

(2) Delegates shall be elected, under normal circumstances, at an annual members meeting, recognising that the size and complexity of many enterprises may require that an enterprise delegate committee (and any intermediate delegate structures) might need to be elected at a later date and by some other process consistent with rule 9

and any terms contained in the regulations.

(3) Notwithstanding (1) and (2), where a vacancy occurs in the course of a two year term a by-election may be held at a meeting of members or by some other method approved by the secretariat under 25(2). Under these circumstances the term of the successful candidate shall run until the next annual members' meeting at which an election is scheduled.

(4) Elections will take place in accordance with rule 9, except that:

- a. where no nominations have been received by the closing date, nominations may be accepted from the floor at an annual members' meeting or meeting called to fill a vacancy under rule 25(2);
- b. where an alternative method of election has been used as provided for in rule 25(2), the provisions of the regulations shall apply where it is inconsistent with rule 9.

(5) All nominations for a delegate position must be proposed and seconded by full members of the PSA employed in that workplace or enterprise.

26. Duties of delegates

(1) The duties of delegates include:

- a. Leadership within workplaces and enterprises, and implementing and promoting the purpose and objects of the PSA rules, and PSA policy within the workplace or enterprise;
- b. Acting as a link between the sector committee and executive board of the PSA, and members in the workplace;
- c. Forming committees of delegates within workplaces or enterprises in accordance with rule 27;

d. Carrying out representative functions within the workplace or the enterprise, including:

- i. enrolling new members and maintaining PSA membership of those employed in the workplace or enterprise who are entitled to be members;
- ii. representing the collective and individual interests of members to the employer;

e. Such additional duties and responsibilities set out in the policies and plans of the PSA.

27. Delegate Committees

(1) Except where it is deemed not practicable or necessary by the secretariat, every enterprise shall have an enterprise delegate committee that is accountable to members in that enterprise and subject to the rules, regulations and policies of the PSA.

(2) The enterprise delegate committee is responsible for co-ordinating union activities in the enterprise and liaising with the other relevant parts of the PSA's governance structures.

(3) The size of the enterprise delegate committee is to be decided at the annual meeting of members, consistent with the framework set out in the regulations.

(4) The enterprise delegate committee must provide for the following positions: a convenor elected by the members of the committee, Hinonga Māngai Māori where one has been elected under rule 35(1) and a Vā Moana delegate where one has been elected under Rule 27(5). Other positions may be allocated among the committee, using the framework set out in the regulations.

(5) The Vā Moana delegate is to be elected by

Pasefika members within the enterprise in accordance with the principles in Rule 9 and any applicable processes in the regulations, for a term of two (2) years.

(6) The establishment of other committees within an enterprise to facilitate the organisation of members in that enterprise, is a matter of policy to be decided by the enterprise delegate committee. All such committees are accountable to the members represented, and subject to the rules, regulations and policies of the PSA.

(7) The enterprise delegate committee, and any other delegate committee established under (5), will meet as regularly as necessary and by whatever method is appropriate, to conduct the business of the committee.

(8) PSA organising staff shall provide support and guidance to delegate committees.

28. Annual members meetings

(1) The PSA shall hold an annual meeting of members in every workplace (except where it is considered impracticable or inappropriate and the secretariat has granted an exemption) which all members of the PSA in that workplace are eligible to attend.

(2) Annual members' meetings shall be held each year within the 3 months from 31 March.

(3) The functions of the annual members meeting are:

- a. To elect delegates in accordance with rule 25(2), in the year following the national delegates' congress;
- b. To receive a report from the enterprise delegate committee, or other enterprise delegate leadership approved under rule 27(1), on activities during the previous year;
- c. To provide guidance about the strategy

of the PSA in that enterprise;

- d. To provide advice about the wider strategy of the PSA;
- e. To receive and share any relevant information;
- f. To consider any motions proposed by members or the enterprise delegate committee;
- g. Any other business relevant to the members in that enterprise or workplace.

29. Workplace and enterprise members meetings

(1) In addition to annual members meetings, delegates committees may call meetings of members from time to time within workplaces or enterprises to:

- a. facilitate union organisation within the enterprise or workplace;
- b. hear any issue or consider any motion proposed by members.

(2) Any member has a right to attend any meeting of members in an enterprise or workplace in which they are employed, unless such a meeting is to consider the content or ratification of a collective agreement that they will not be covered by.

Part 5 – Staff Group

30. Staff group

(1) With the exception of the national secretaries appointed under these rules, members of the PSA who are staff of the PSA shall be members of the staff group.

(2) The purposes of the staff group shall be:

- a. To be the representative body of staff who are members of the PSA; and
- b. To select such representatives to the

representative bodies of the PSA as required by these rules and subject to the terms of rules 24, 25, 26 and 42.

(3) The staff group shall have such principles and processes as it establishes for itself from time to time provided that the executive board shall approve these.

These policies and processes shall be consistent with the rules, regulations and policy of the union.

(4) No member of the staff group shall be entitled to become president or hold any office not elected by the staff group in accordance with these rules.

Part 6 – Sector Governance

31. Definition

(1) A sector is a grouping of members employed in workplaces and enterprises designated by the national delegates' congress as having a community of interest and having the functions and powers outlined in these rules and a structure approved by the executive board in accordance with these rules.

(2) The current sectors are:

- a. The Public Service Rātonga mahi ā te Kāwanatanga
- b. Te Whatu Ora: Health Pōari Hauora ā Rohe
- c. The State Sector Rāngai Tūmatanui
- d. Local Government Kāwanatanga-ā-Rohe
- e. Community Public Services Rātonga Mahi ā Hāpori

32. Sector Committees

(1) Sector committees are responsible for representing the interests of members within

their sectors in the governance of the union, are accountable to those members and have the functions and powers set out in rule 33.

(2) Sector committees are comprised of the following representatives who are elected for a two year term:

- a. representatives elected by a vote of delegates within a constituency.
- b. four sector māngai as provided for in rule 37(3)
- c. up to two rangatahi māngai as provided for in rule 37(3)
- d. a youth representative elected by a youth constituency within the sector as established in the regulations and sector procedures
- e. a Pasefika representative elected by a Pasefika constituency within the sector as established in the regulations and sector procedures.

(3) A two year term will run from the date of election until such time as an election is due under rule 32(4).

(4) The election of sector committee representatives shall be held within 6 months from 31 March in the year following a national delegates' congress.

(5) The election shall be conducted in accordance with rule 9 with the addition that delegates must use their best endeavours to consult with members in the constituency to which they are responsible, before voting.

(6) The sector committee will decide the number of representatives and the constituencies they serve as provided for in rule 32(2)(a) subject to:

- a. The approval of the executive board;
- b. The final number being consistent with the guidelines in the regulations.

(7) Where a vacancy occurs in the course of a two year term a by-election must be held as soon as is practicable, in accordance with rules 32(2) and 32(5).

(8) Where a member of the sector committee has been elected president of the PSA their position on the committee shall be considered to be vacant.

(9) On completion of their term the President is entitled to rejoin their sector committee of origin over and above the normal establishment of the sector committee concerned for a period of up to two (2) years.

(10) The quorum for each sector committee shall be established in the regulations.

33. Functions and powers

(1) The functions and powers of sector committees are as follows:

- a. To undertake planning specific to their sector, and to oversee policy implementation within their sector, subject to the rules and regulations of the PSA and the authority of the Executive Board
- b. To act as advisors and make recommendations to the executive board on governance matters including:
 - i. Strategic issues;
 - ii. Policy development;
 - iii. Oversight of operational activities of the union;
 - iv. Industrial activities within their sector.
- c. To elect two co-convenors, at least one of whom shall be a woman, to chair the sector committee and represent the sector on the executive board in accordance with rule 42.

- d. To propose motions to national and special delegates' congresses
- e. To propose president and life membership nominations to national and special delegates' congresses.
- f. To provide formal reports to, and generally communicate with, members in the sector about the activities of the sector committee and the activities and policies of the executive board.
- g. To establish procedures for the operation of the sector committee, subject to the approval of the executive board and any provisions in the regulations.
- h. To share information of common interest to members of the PSA represented in the sector.
- i. To consider any issue or any motion proposed by members from any enterprise within the sector.
- j. To work with and support the sector māngai and Rangatahi māngai.
- k. To co-ordinate the selection of sector delegates to national delegates' congress, special delegates' congresses and annual general meetings in a manner consistent with the guidance contained in the regulations.

Part 7 – Te Rūnanga o Ngā Toa Āwhina

34. Definition

(1) The purpose of Te Rūnanga O Ngā Toa Āwhina is to provide representation and co-ordination of Māori members within the structures of the PSA. All PSA members who have registered their identity as Māori are

part of Te Rūnanga O Ngā Toa Āwhina.

35. Enterprise Representation

(1) Every enterprise delegate committee is to provide a position for Hinonga Māngai Māori, where one is elected.

(2) The role of Hinonga Māngai Māori is to represent the interests of Māori members within the enterprise and to provide a point of connection with the wider representative structures within Te Rūnanga o Ngā Toa Āwhina,

(3) Hinonga Māngai Māori is to be elected by Māori members in that enterprise according to the process set out in the regulations and in accordance with the principles in rule 9.

(4) The term of the Hinonga Māngai Māori shall be two (2) years and shall run concurrent with the term of the enterprise committee.

(5) Where a vacancy occurs in the course of a two year term a by-election may be held according to the process set out in the regulations and in accordance with the principles in rule 9. Under these circumstances the term of the successful candidate shall run until the next election for the enterprise delegates.

36. Sector Hui

(1) A combined sector hui will be held at least biennially. Each sector will hold a sector hui at least biennially. Each sector may agree to a combined hui as endorsed by TRONTA kōmiti.

(2) Delegates to sector hui shall be drawn from Hinonga Māngai Māori and other Māori members in the sector. Sector committee members and officers of the union will be entitled to attend and others may attend at the invitation of the sector māngai, provided that numbers and other

practical arrangements will be subject to any guidelines set out in the regulations.

(3) The hui will:

- a. Discuss issues of interest to Māori members in that sector
- b. Make recommendations to sector rūnanga, sector committees and the Committee of Te Rūnanga O Ngā Toa Āwhina on matters of policy and strategy
- c. Appoint four (4) sector māngai
- d. Elect up to two (2) rangatahi māngai from each sector.

37. Sector Rūnanga

(1) The sector rūnanga consists of all PSA members in that sector who have registered their identity as Māori.

(2) The Sector Rūnanga may appoint four (4) sector māngai under 36(3)(c) and two (2) rangatahi māngai under 36(3)(d). Additional sector māngai and rangatahi māngai may be appointed subject to resource constraints and the approval of the executive board. The executive board must consult with the Committee of Te Rūnanga o Ngā Toa Āwhina before making a decision on extra sector māngai or rangatahi representatives.

(3) All four sector māngai are authorised members of the Committee of Te Rūnanga o Ngā Toa Āwhina and the sector committee.

(4) The term of the sector māngai and rangatahi māngai will be two years, until the next hui authorised to elect the sector māngai and rangatahi māngai is held.

(5) Where a vacancy occurs in the course of a two year term a by-election may be held among Hinonga Māngai Māori delegates in the sector.

(6) The role and functions of the sector māngai are:

- a. To be a forum and conduit for the processing of issues that arise between biennial hui;
- b. To be a forum where its members can share information and test ideas;
- c. To provide advice and support to the sector committee and the Committee of Te Rūnanga o Ngā Toa Āwhina;
- d. To organise the sector hui.

38. Committee of Te Rūnanga o Ngā Toa Āwhina

(1) The Committee of Te Rūnanga o Ngā Toa Āwhina is the body charged with the governance of Te Rūnanga o Ngā Toa Āwhina according to the provisions of these rules.

(2) The Committee of Te Rūnanga o Ngā Toa Āwhina consists of:

- a. Four sector māngai from each sector appointed under 37(2)
- b. Up to two designated rangatahi māngai

(3) The Committee of Te Rūnanga o Ngā Toa Āwhina shall have a quorum when not less than five (5) sector māngai from three (3) or more sector rūnanga are present.

(4) Where a member of a sector committee has been elected as Tuakana, their position on the committee shall be considered to be vacant.

(5) On completion of their term Tuakana is entitled to rejoin their sector committee of origin over and above the normal establishment of the sector committee concerned for a period of up to two (2) years.

(6) The functions and powers of the Committee of Te Rūnanga o Ngā Toa

Āwhina are as follows:

- a. To undertake planning specific to Te Rūnanga o Ngā Toa Āwhina, and to oversee policy implementation within Te Rūnanga o Ngā Toa Āwhina, subject to the rules and regulations of the PSA and the authority of the Executive Board
- b. To act as advisors and make recommendations to the executive board on governance matters including:
 - i. Strategic issues;
 - ii. Policy development;
 - iii. Oversight of operational activities of the union;
 - iv. Relevant industrial activities;
- c. To propose motions to National and Special Delegates' congresses;
- d. To propose President and Life Membership nominations to National and Special Delegates' congresses;
- e. To provide formal reports to, and generally communicate with, members about the activities of Te Rūnanga o Ngā Toa Āwhina and activities of the executive board as they affect Māori members;
- f. The Committee of Te Rūnanga o Ngā Toa Āwhina may establish procedures for the operation of the Committee, subject to the approval of the executive board and any provisions in the regulations;
- g. To elect a Tuakana and deputy (Teina) at least one of whom shall be a woman.
- h. To share information of common interest to members within Te Rūnanga o Ngā Toa Āwhina;

- i. To consider any issue or any motion proposed by sector hui, sector māngai or any group of Māori members;
- j. To co-ordinate the selection of Te Rūnanga O Ngā Toa Āwhina delegates to the annual general meeting, national delegates' congress, hui taumata, sector hui and special delegates' congress in a manner consistent with the guidance contained in the regulations;
- k. To work in co-ordination with sector māngai, rangatahi māngai, sector committees and the executive board;
- l. To attend the national delegates' congress, hui taumata, sector hui, special delegates' congress and annual general meeting;
- m. To review the organisation of sector hui;
- n. To hold Hui Taumata in accordance with Rule 39.

39. Hui Taumata

(1) Hui Taumata is the congress of Te Rūnanga o Ngā Toa Āwhina.

(2) Hui Taumata shall be held every two (2) years, prior to the date of the national delegates' congress.

(3) Representation at Hui Taumata shall be by sector, with sector māngai and rangatahi māngai entitled to attend and other delegates allocated according to the approximate proportion of Māori members in each sector.

(4) The number of delegates, and the election of delegates to Hui Taumata, shall be in accordance with any guidance contained in the regulations.

(5) The business of Hui Taumata shall be:

- a. To receive reports from sector māngai

and the rangatahi māngai;

- b. To consider the business of the national delegates' Congress

- c. To confirm the designated rangatahi māngai

40. Kuia and Kaumātua

(1) In accordance with rule 4 of these rules, which recognises Te Tiriti o Waitangi as the founding document of Aotearoa/New Zealand, the PSA Te Pūkenga Here Tikanga Mahi will recognise Kuia and Kaumātua with experience in tikanga Māori and tikanga union to provide advice and counsel to the PSA leadership and Te Rūnanga O Ngā Toa Āwhina.

(2) Te Rūnanga O Ngā Toa Āwhina will identify Kuia and Kaumātua for this role.

(3) The appointment of Kuia and Kaumātua will be endorsed every two years by a consensus decision of the executive board, including Tuakana.

(4) The Kuia and Kaumātua shall be entitled to be paid such annual honoraria as may be directed by congress, on the recommendation of the executive board.

Part 8 - Executive Board

41. Preamble

(1) The purpose of the executive board is to set policy in between national delegates' congresses, and to oversee policy implementation and the efficient use of resources across all sectors of the union. It is to ensure that the purpose and objects of the PSA are reflected in every aspect of the union's structure, process and activity.

42. Members

(1) The executive board shall consist of:

- a. The president;

- b. Tuakana (Māori vice-president) and Teina (deputy convenor) of Te Rūnanga o Ngā Toa Āwhina;
- c. A duly elected co-convenor of each sector committee;
- d. The secretariat;
- e. A co-representative of the staff group;
- f. A national co-convenor of PSA Youth, as a youth representative;
- g. A national co-convenor of PSA Pasefika, as a Pacific representative
- h. Kaumātua and Kuia

(2) When a vacancy for a sector committee co-convenor or youth representative, Pacific representative or a co-representative of the staff group arises on the executive board, the provisions of rule 5 will determine whether the vacancy must be filled by a woman. If a woman is required for the role, the sector committee or the PSA Youth committee, the PSA Pasefika Komiti or the staff group will choose their female co-convenor or co-representative to represent them on the board.

- a. In the case of sector committees, PSA Youth committee and PSA Pasefika Komiti if both co-conveners are women, or if there is no requirement for a woman on the board in order to comply with rule 5, the committee will elect one of the co-conveners to the board.
- b. In the case of the staff group, there will be two co-representatives at least one of whom shall be a woman. If both co-representatives are women, or if there is no requirement for a woman on the board in order to comply with rule 5, the staff group will elect one of the co-representatives to the board.

(3) Each sector convenor, Tuakana, Teina,

youth representative, Pacific representative and staff group representative may hold office for two (2) years with right of re-election for a further two (2) consecutive years and may stand for such office again after a break of two (2) years.

(4) Where a board member is unable to attend a particular executive board meeting the other co-convenor of the sector, PSA Youth committee or PSA Pasefika Komiti the deputy convenor of Te Rūnanga or the other co-representative of the staff group shall be able to attend and have the same rights as if they were the member. In the event that this person is unable to attend a proxy representative shall be selected by the committee or group concerned provided that the secretariat shall not have a proxy.

43. Functions and powers

(1) The executive board is accountable to the members of the PSA through the national delegates' congress and is responsible for the effective functioning of the PSA between congresses. The executive board shall have the following functions:

- a. The executive board shall be the managing committee of the PSA, with responsibility to oversee the effective operation and maintain the collective integrity of the union;
- b. The executive board shall have all the powers of the PSA not required by law or by these rules to be exercised by a national delegates' congress or special delegates' congress but shall be subject to the control of the national delegates' congress or a special delegates' congress;
- c. The executive board shall take any action as in its opinion may be necessary to promote the purpose and objects of the PSA and the interests

of its members, and to implement the policy of the PSA;

- d. The executive board may, subject to any limitations specified by the congress, exercise any of the powers in rule 8 of these rules provided that any decision to amalgamate with any other union under rule 8(1)(h) of these rules shall be ratified by a national delegates' congress or special delegates' congress.

(2) Without limiting the general powers and functions set out in this rule, the executive board shall have the power to:

- a. Decide upon or take any action necessary (within the law and these rules) to achieve the purpose and objects of the PSA;
- b. Place any issue it considers requires the consideration of the members of the PSA in the form of a notice of motion to be decided by a national delegates' congress or a special delegates' congress;
- c. Appoint any sub-committee or person to exercise any of the powers of the executive board to be stated in writing at the time of appointment, and appoint any person to that sub-committee as it sees fit, and such sub-committee shall continue in existence until the executive board resolves otherwise;
- d. Control the financial and business activities of the PSA;
- e. Elect a treasurer and a vice president from Executive Board members other than the President, Tuakana, Secretariat or staff representative in accordance with rules 63 and 65;
- f. Approve the proposed provisions of any deed or other document intended to be binding on the PSA;

- g. Remove members in accordance with Part 13 of these rules;
- h. Approve any new sector or suspend any existing sector of the PSA until the national delegates' congress or a special delegates' congress has met to ratify or decline the approval or suspension;
- i. Allocate new enterprises to sectors and approve the transfer of enterprises between sectors according to any parameters or processes set out in the regulations;
- j. Appoint a person to represent the executive board in any formal proceedings;
- k. Appoint national secretaries and negotiate their conditions of employment.
- l. Take reasonable temporary measures to facilitate the maintenance of the gender balance among its membership in accordance with rule 5.

(3) Elected members of the executive board shall be entitled to be paid such annual honorarium as maybe directed by the national delegates' congress, on the recommendation of the executive board.

44. Delegation

(1) The executive board may delegate any of its powers to any specified officers or employees of the PSA or any specified sector committee, with the following exceptions:

- a. Disciplinary action against a member;
- b. The approving of the terms of any deed;
- c. The execution of deeds and any other documents required to be executed under the seal.

45. Meetings

(1) The executive board shall meet at least

five (5) times per year. The president may call a special meeting of the executive board at any other time with seven (7) days written notice, and the president may abridge the notice period if in their opinion there are special circumstances that warrant an abridgement.

46. Quorum

(1) At any meeting of the executive board the quorum necessary to transact any business shall be five (5) members of the board made up of not less than:

- a. Three (3) elected representatives (made up of either sector convenors, a rūnanga representative, the staff group representative, network convenors, of which a minimum of two(2) shall be sector convenors); and
- b. One (1) member of the secretariat; and
- c. The president (or vice president acting in the absence of the president).

47. Voting

(1) Decision-making at the executive board shall be in accordance with rule 10 and the provisions of this rule.

(2) Each member of the executive board, except for the Kuia and Kaumatua who have an advisory role, has one (1) vote provided that:

- a. The president as convenor shall have a casting vote when the members are equally divided in opinion, such vote to be in addition to the president's deliberative vote;
- b. The members of the secretariat shall have two (2) votes in total and shall not be entitled to vote on matters relating to their:
 - i. accountability to the executive board for the performance of

their duties as established under these rules; or

- ii. management of the finances of the PSA.
- c. Convenor (tuakana) and deputy convenor (teina) of Te Rūnanga o Ngā Toa Āwhina shall have one vote in total.
 - d. If 50% or more of members of the executive board are prevented from voting because they are interested in the matter (as defined in the Incorporated Societies Act 2022), a special delegates' congress must be called to consider and determine the matter.

Part 9 - Annual General Meeting

48. Preamble

(1) The purpose of the annual general meeting is to provide constitutional oversight of the PSA between national delegates' congresses in accordance with the Incorporated Societies Act 2022. The executive board is to set policy in between national delegates' congresses. Annual general meetings shall be held in years in which no national delegates' congress is taking place. Annual general meetings will take place not later than 6 months after the balance date of the PSA, and not later than 15 months after the previous year's national delegates' congress.

49. Representation

(1) The representatives to the annual general meeting shall be:

- a. The executive board;
- b. Four (4) additional representatives

from each sector and Te Rūnanga o Ngā Toa Āwhina who shall be selected from the members of the sector committee and the Committee of Te Rūnanga o Ngā Toa Āwhina or, should not enough sector or Rūnanga committee members be able to attend, representatives selected in accordance with the regulations, provided that these shall be full members of the union and shall not be officers of the PSA;

- c. An additional staff group representative.

(2) Rule 42(3) relating to proxy representatives to the executive board shall apply in relation to executive board members' attendance at the annual general meeting.

50. Timetable

(1) In years when no national delegates' congress is taking place an annual general meeting shall be called by the secretariat on completion of the annual audit. The secretariat shall then:

- a. Set the date of the annual general meeting;
- b. Notify the executive board and sectors of the date and place of the annual general meeting provided that no less than thirty (30) days notice shall be given;
- c. Circulate the financial and organisational reports required under rule 39 to the executive board and sectors not less than fourteen (14) days prior to the date of the meeting.

51. Functions and powers

(1) The functions and powers of the annual general meeting shall be:

- a. To receive from the treasurer and consider the annual report, statement of income and expenditure, annual balance sheet and auditor's report;
- b. To receive from the executive board and consider a report on the activities of the executive board and sectors;
- c. To receive from the executive board and consider a report of any officer's disclosure of interest or type of disclosure of interest, including a brief summary of the matter, or type of matter, to which the disclosure relates
- d. To make resolutions and give directions on the matters raised in the reports received under this rule;
- e. To hear members who request a hearing;
- f. To consider proposals or issues submitted by members.

52. Quorum

(1) At any annual general meeting the quorum necessary to transact any business shall be two-thirds (2/3) of the representatives entitled to attend that meeting.

53. Voting

(1) Decision-making at the annual general meeting shall be in accordance with rule 10 and the provisions of this rule.

(2) Each representative at the annual general meeting has one (1) vote provided that:

- a. The president as convenor shall have a casting vote when the representatives are equally divided in opinion, such vote to be in addition to the president's deliberative vote;
- b. The members of the secretariat shall not be entitled to vote on matters relating to their:

- i. accountability to the executive board for the performance of their duties as established under these rules; or
- ii. management of the finances of the PSA.

Part 10 – National Delegates’ Congress

54. Definition

(1) The national delegates’ congress is a body representing all categories of membership of the PSA. It acts as the highest constitutional authority of the PSA and sets the overall policy direction of the PSA.

55. Frequency

(1) The national delegates’ congress is to be held once every two (2) years, but no earlier than 1 July of the year that the national delegates’ congress is held. The national delegates’ conference will be held not later than 6 months after the balance date of the PSA, and not later than 15 months after the previous year’s annual general meeting..

(2) The executive board shall set the date, place and time of the national delegates’ congress.

56. Timetable

(1) The timetable for organising the national delegates’ congress shall be:

- a. At least six (6) months before the date set for congress the secretariat shall give notice of the date on which congress is to be held to members, formal networks and the governance structures. At that time the executive board shall call for nominations from the sectors and Te Rūnanga o Ngā Toa

Āwhina for the position of president and notices of motion.

- b. Nominations for the position of president must be received no later than four (4) weeks following the executive board’s call for nominations. Notwithstanding rule 9(1)(a) a nomination for president must be supported by a resolution from a sector committee or the Committee of Te Rūnanga o Ngā Toa Āwhina,
- c. At least four (4) months before the date set for congress notice of proposed business must be received by the secretariat which shall then, within two weeks of receiving this notice, circulate:
 - i. information regarding the nominations for the position for president which it has received; and
 - ii. any notices of motion; and
 - iii. to receive from the executive board and consider a report of any officer’s disclosure of interest or type of disclosure of interest, including a brief summary of the matter, or type of matter, to which the disclosure relates
 - iv. any other business material the secretariat considers appropriate to circulate at this time, not including the annual and financial reports.
- d. Any proposed amendments to notices of motion must be received from sector committees and the Committee of Te Rūnanga o Ngā Toa Āwhina no later than two (2) months before the date set for congress. Such proposed amendments shall be circulated to

delegates to congress no later than one (1) month before the date set for congress.

- e. The annual report and the financial report shall be circulated to delegates to congress no later than one (1) month before the date set for congress.

57. Business

(1) The business of the congress shall be to:

- a. Exercise constitutional governance of the PSA;
- b. Determine the policy of the PSA;
- c. Elect a president;
- d. Receive a financial report from the executive board;
- e. Appoint an auditor for the ensuing two financial years;
- f. Consider notices of motion from the executive board, sector committees, the Committee of Te Rūnanga o Ngā Toa Āwhina, clusters or formal networks;
- g. Receive a report on the executive board's appointment of the secretariat;
- h. Receive proposals and recommendations on the union's activities, interests, policy or administration from the executive board;
- i. Receive a report from the executive board on any notices of motion from sector committees, the Committee of Te Rūnanga o Ngā Toa Āwhina, clusters or formal networks;
- j. Receive a report from the executive board on its activities;
- k. To receive from the executive board and consider a report of any officer's disclosure of interest or type of

disclosure of interest, including a brief summary of the matter, or type of matter, to which the disclosure relates;

- l. Receive a report from the secretariat on its activities;
- m. Discuss, receive and decide on any other matter which the national delegates' congress decides by majority vote to put on the agenda;
- n. Ratify any decision to amalgamate with another union;
- o. Receive a financial report including financial statements and audited accounts from the treasurer, and the accounts and reports certified by the annual general meetings held since the previous national delegates' congress;
- p. Approve any recommended changes to sector structure or introduction of new sectors;
- q. Decide upon any proposed rule charges;
- r. Receive representation from any member or group of members on any issue of governance, policy activity or function of the union;
- s. Consider the award of honorary life membership of the PSA to any member or former member in accordance with rule 12(5).

(2) The national delegates' congress may exercise all the powers of the PSA.

(3) The national delegates' congress may delegate to the executive board any matter and may give the executive board any directions it sees fit.

(4) The effect of every decision made at the national delegates' congress is to bind every officer, member of the executive board and

member of the PSA affected by that decision.

(5) Notwithstanding the provisions of rule 56(1)(d), an amendment to a notice of motion circulated in accordance with 56(1)(c) may be accepted from the floor of Congress.

(6) Any financial member of the PSA may attend the national delegates' congress as an observer at the discretion of the executive board. An observer may speak with the permission of the convenor subject to such conditions (for instance, as to subject matter or duration of speaking time) as the convenor may rule, but shall have no vote.

58. Special delegates' congress

(1) A special delegates' congress may be called by the secretariat at a time and place to be decided by the executive board.

(2) A special delegates' congress shall be called by the secretariat within thirty (30) days of the executive board receiving a written application for a special delegates' congress. An application for a special delegates' congress must be either:

- a. Signed by a majority of members of the executive board; or
- b. Accompanied by a petition of not less than fifty (50) financial members in support of the application.

(3) Any such application must state the business to be transacted at the special delegates' congress.

(4) The secretariat shall give to members, formal networks and the governance structures not less than one (1) month's written notice of the date, time and place of any special delegates' congress as appropriate.

(5) Any notice given under this rule shall state the business to be transacted at the

special delegates' congress and no business other than that specified in the notice shall be transacted at the meeting.

(6) Representation at the special delegates' congress shall be in accordance with rule 59.

(7) All rules applicable to a national delegates' congress shall apply with any necessary modifications to a special delegates' congress.

59. Representation

(1) The delegates to a national delegates' congress or special delegates' congress shall be as follows:

- a. The executive board of the PSA;
- b. Sector representatives: each sector shall be entitled to be represented by:
 - i. one (1) delegate for each five hundred (500) full members of the sector or part thereof as determined by the sector committee; and
 - ii. four (4) sector māngai and up to two rangatahi māngai from each sector on the Committee of Te Rūnanga O Ngā Toa Awhina is also entitled to attend Congress. Where a sector māngai or rangatahi māngai is not able to attend congress the sector rūnanga may select another Māori representative from within the sector.
- c. An additional representative of the staff group.
- d. Network representatives: each formal network shall be entitled to be represented by:
 - i. three (3) representatives from each formal network, as determined by each formal network's committee

or equivalent

(2) The process for selecting representatives to attend national delegates' congress shall be in accordance with the provisions contained in the regulations.

60. Voting

(1) Decision-making at the national and special delegates' congresses shall be in accordance with rule 10 and the provisions of this rule.

(2) Notwithstanding that delegates to national delegates' congress have been selected by their sectors or formal networks, each delegate to the national delegates' congress shall have one (1) vote to exercise at their discretion, provided that:

- a. there is an expectation that delegates will have used their best endeavours to consult with any members they may be deemed to represent about any matter, election or rule change due to come before congress; and
- b. the president as convenor shall have a casting vote when the delegates are equally divided in opinion, such vote to be in addition to the deliberative vote of the convenor.

(3) Where a vote is required it shall be conducted by show of hands except:

- a. a contested presidential election shall be conducted by secret ballot;
- b. where the convenor has ruled that there is no clear majority decision from a show of hands or a secret ballot has been called for from the floor. No call from the floor for a secret ballot shall be recognised where the convenor has ruled that a clear majority decision has been achieved.

(4) The election for president shall be

conducted by way of an exhaustive ballot to ensure that the successful candidate receives a majority of votes cast. Procedures involved in an exhaustive ballot are prescribed in the regulations.

61. Quorum

(1) The quorum for a national delegates' congress or a special delegates' congress shall be two-thirds (2/3) of the delegates entitled to attend that congress.

Part 11 – Provisions relating to officers

62. President

(1) The president shall be a member of the PSA nominated by a sector committee or the Committee of Te Rūnanga o Ngā Toa Āwhina in accordance with rules 33(1)(d) and 38(4) (c) and elected by the national delegates' congress in accordance with rules 9, 57(1)(c) and 60(3)(a).

(2) The president shall be elected every two (2) years at the national delegates' congress, with the right of re-election for a further two (2) years, and may stand for such office again after a break of two (2) years. The president's term shall begin at the conclusion of the congress at which they were elected.

(3) The president shall be the head of the PSA whose functions shall be:

- a. To attend and convene all meetings of the national delegates' congress, special delegates' congresses, annual general meetings and the executive board;
- b. To be a spokesperson for the PSA where appropriate;
- c. To carry out the direction of the national delegates' congress, special

delegates' congresses, annual general meetings and the executive board;

- d. To perform any other lawful duties as may from time to time be necessary;
- e. To enhance the union's profile;
- f. To maintain an overview of the activities in sectors and Te Rūnanga o Ngā Toa Āwhina.

(4) The president may attend, as appropriate, any meeting of a sector committee or the Committee of Te Rūnanga o Ngā Āwhina.

(5) The president shall be entitled to be paid such annual honorarium as may be directed by the congress on the recommendation of the executive board.

63. Vice President

(1) The vice president shall be elected from the members of the executive board, other than the President, Tuakana, staff representative or the secretariat. The vice president shall be elected every two (2) years at the first executive board meeting following the national delegates' congress, with the right of re-election for a further two (2) years, and may stand for such office again after a break of two (2) years.

(2) Where the president is absent for any reason the vice president shall have and may exercise all powers of the president until the president is able to resume their duties.

(3) Where there is a vacancy in the office of president the vice president shall have and may exercise all powers of the president until a new president is elected in accordance with these rules.

(4) In case of incapacity or absence from New Zealand, the executive board may appoint another of its members to carry out the vice president's functions temporarily.

(5) Where a vacancy occurs in the office of vice president the executive board shall elect a successor from the members of the executive board, other than the President, Tuakana, staff representative or secretariat.

64. Te Rūnanga o Ngā Toa Āwhina Convenor

(1) Tuakana shall be the Māori vice-president of the PSA and the convenor of Te Rūnanga o Ngā Toa Āwhina.

(2) Tuakana shall be a delegate of the PSA elected every two (2) years by the Committee of Te Rūnanga o Ngā Toa Āwhina in accordance with rule 38(4)(e)

(3) Tuakana will be the representative of Māori members within the PSA and will have the following functions:

- a. To attend and convene all meetings of the Committee of Te Rūnanga o Ngā Toa Āwhina and Hui Taumata;
- b. To be a member of the executive board as the representative of Māori within the PSA;
- c. To maintain an overview of the activities in sectors and Te Rūnanga o Ngā Toa Āwhina on matters Māori.

(4) Tuakana may attend, as appropriate, any sector hui or meeting of sector māngai or sector committee.

(5) Where a vacancy occurs in the office of Tuakana, Teina will act in the role until a new convenor is elected in accordance with these rules.

65. Treasurer

(1) The treasurer shall be elected from the members of the executive board, other than the President, Tuakana, staff representative or the secretariat.

(2) The treasurer shall be elected every two (2) years at the first executive board

meeting following the national delegates' congress, with the right of re-election for a further two (2) years and may stand for such office again after a break of two (2) years.

(3) The treasurer shall oversee the maintenance of the financial records of the PSA.

(4) The treasurer shall, as directed by the executive board, present the annual accounts, audit and annual budget of the union, and any other proposals of a financial nature to the annual general meeting and national delegates' congress.

(5) In the case of incapacity or absence from New Zealand, the executive board may appoint another of its members to carry out the treasurer's functions temporarily.

(6) Where a vacancy occurs in the office of treasurer, the executive board shall elect a successor from among the members of the executive board, other than the President, Tuakana, staff representative or the secretariat.

66. Secretariat

(1) The secretariat is the collective of national secretaries appointed in terms of these rules, is responsible for the operational activities of the union and is the employer of the staff of the union.

(2) Where the secretariat is required to vote in any forum it shall decide on the allocation of its votes between and within its members.

(3) The secretariat shall:

- a. Act in accordance with their employment contracts and the job descriptions set by the executive board;
- b. Call and attend meetings of the executive board, national delegates' congress, special delegates' congresses

and annual general meetings and be responsible for the taking of the minutes of such meetings;

- c. Efficiently manage the affairs and resources of the union and report to the executive board on these matters as required;
- d. Manage all matters related to the employment of staff, and report to the executive board on staff levels and needs, recommend the appropriate number of staff and to negotiate an appropriate collective employment agreement with staff;
- e. Provide such resources and servicing necessary for the treasurer to adequately and satisfactorily oversee a proper and prudent use and accounting of the union's financial resources and property;
- f. Keep the register of members required by rule 19;
- g. Be the contact persons for the Registrar, and prepare and forward to the Registrar any information required to be forwarded under the Incorporated Societies Act;
- h. Hold the seal of the PSA;
- i. Obey all lawful instructions and perform all lawful things as may be given or required to be done by the executive board, national delegates' congress or special delegates' congress or by the Incorporated Societies Act or other legislation, or under these rules;
- j. Do and perform all such other duties as may usually apply to a chief executive officer including delegating functions under this rule to appropriate staff or officers of the

PSA;

- k. Keep all proper financial records and systems as may be required under the supervision of the treasurer and executive board.

Part 12 – Casual Vacancies

67. President

(1) Where the presidency of the PSA becomes vacant for any reason other than the expiry of the term of office, that vacancy shall be filled in the following manner:

- a. Where a vacancy occurs within the last six (6) months of the president's term the vice president shall remain in office for the balance of the term of their predecessor;
- b. In all other situations, the secretariat shall call for nominations from the sectors for the position of president within one (1) month of the vacancy occurring. Such nominations are to be received within one (1) month of the call for nominations. The executive board shall then conduct an election for president at the next scheduled meeting of the executive board.

(2) A person elected in accordance with this rule shall hold office for the unexpired period of the term of office of that person's predecessor and shall be eligible for re-election thereafter, for one further two (2) year term.

68. Executive board members

(1) Where an elected member of the executive board, other than the president, vacates their position on the board for any reason other than the expiry of their term on the executive board, that vacancy shall be

filled in the following manner:

- a. The executive board shall within one (1) month of learning of the vacancy instruct either:
 - i. the sector committee; or
 - ii. the Committee of Te Rūnanga O Ngā Toa Āwhina; or
 - iii. the staff group

which elected the representative to hold an election for a new representative in accordance with the processes in these rules and the regulations. Such election is to be held as soon as reasonably possible. The sector committee or the Committee of Te Rūnanga O Ngā Toa Āwhina or the staff group must notify the secretariat of the results of this election and the new representative will be entitled to attend the next scheduled meeting of the executive board following this notice.

(2) A person elected in accordance with this rule shall be eligible to hold office for two (2) years from the date of this election and shall be eligible for re-election thereafter in accordance with rule 42(2).

Part 13 – Disputes, Complaints and Removal from Office

69. Natural justice

(1) When the executive board makes any decision under this Part, it will comply with the following elements of natural justice:

- a. Complaints and notices of intent to move a motion will be received in writing and the information provided must be sufficient to ensure that a

person against whom an allegation is made is fairly advised of the allegations concerning them, with sufficient details given to enable them to prepare a response;

- b. The person who makes the complaint has the right to be heard before any outcome is determined;
- c. The person who is subject to the allegation(s) has the right to be heard before any outcome is determined;
- d. The matter will be investigated and determined in a fair and timely manner;
- e. The executive board may refer the matter to a subcommittee or an external person to investigate and report back to the board;
- f. The executive board may decide not to proceed further, if for example, the complaint is trivial, or appears to be without foundation or there is no apparent evidence to support it; and
- g. A person may not act as a decision maker in relation to a complaint or dispute if 2 or more members of the executive board or complaints subcommittee consider that there are reasonable grounds to believe they may not be impartial, or able to consider the matter without a predetermined view.

70. Officers

(1) An officer of the PSA may at any time be removed from office by reason of:

- a. Resignation; or
- b. Death; or
- c. Inability to perform the requirements of the position; or
- d. Bankruptcy; or

- e. Neglect of duty; or
- f. Misconduct; or
- g. Misappropriation of PSA funds or property.
- h. Disqualification from being an officer under the Incorporated Societies Act 2022.

(2) In the case of resignation, death, bankruptcy or disqualification from being an officer, removal from office will be automatic and the position shall be deemed to be vacant.

(3) In all other cases, any member of the executive board may give notice of intent to move a resolution at the next meeting for removal of a specified officer or officers. The resolution shall be considered at the next meeting of the executive board. At such meeting where the notice of removal is considered the person or persons shall be invited to answer any allegations of misconduct, neglect or misappropriation and the elements of natural justice will be followed. The officer who is the subject of the resolution is counted for the purpose of reaching a quorum but will not participate in the vote on the resolution.

(4) Any member of the executive board may give notice of intent to move a motion at the next meeting for removal of a specified officer or officers. The motion (if brought forward) shall be considered at the next meeting of the executive board. At such meeting where the notice of removal is considered the person or persons shall be invited to answer any allegations of misconduct, neglect or misappropriation.

(5) If the executive board passes this resolution, the secretariat shall notify the person(s) of their removal and their position(s) shall be deemed to be vacant,

except where the person to be removed is the President, in which case:

- a. The Secretariat will call a special delegates' congress in accordance with rule 58 whose business shall be to decide on the resolution;
- b. The Secretariat shall inform the President of the time and place of any special delegates' congress that is called to consider the matter and the President shall be entitled to speak at any such meeting.
- c. Should the PSA resolve at the special delegates' congress that the President should be removed, the position(s) shall be deemed to be vacant.

71. Secretariat

The executive board shall have the power to dismiss or discipline any national secretary where that national secretary has:

- (1) Committed any breach of the rules and policies of the PSA;
- (2) Committed any breach of their employment agreement provided that the executive board shall make this decision in accordance with the provisions of natural justice, the national secretary's employment agreement, and normal employment practices.

72. Delegates and representatives

(1) Delegates and representatives are accountable to those who elect them. Accordingly they may only be removed by a vote of members within the constituency that elected them according to the processes set out in this Rule, except when removed or suspended as a member under Rule 72 or on the expiry of a non-renewable term as set out in these Rules.

(2) Where members lose confidence in a

delegate, the delegate may be suspended or removed on the resolution of members in the workplace or enterprise concerned at a meeting of members called in accordance with rule 29 and voting in accordance with rule 10.

(3) Where delegates lose confidence in a delegate elected by a constituency of delegates to a higher delegate committee, such as a regional or national delegate committee, the delegate may be suspended or removed on a vote of that constituency of delegates. The delegates within that constituency must also use their best endeavours to consult with the members or delegates they represent prior to the vote.

(4) Where members in a sector committee constituency, or members of a sector committee, lose confidence in a representative on that sector committee, the representative may be suspended or removed on the resolution of the sector committee provided that:

- a. In the case of members in a constituency losing confidence there has been a resolution from one or more enterprises in the constituency the representative represents calling for the suspension or removal of the sector committee representative;
- b. In all cases the sector committee must have used best endeavours to consult with delegates in the enterprises in the constituency the representative represents.

(5) Where members of a sector committee lose confidence in a co-convenor, the co-convenor may be suspended or removed on the resolution of the sector committee, provided that they must use their best endeavours to consult with the members and delegates they represent prior to the vote.

(6) Where members of the Committee of Te Rūnanga o Ngā Toa Āwhina lose confidence in the convenor (tuakana) or deputy convenor (teina), that person may be suspended or removed on the resolution of the Committee of Te Rūnanga o Ngā Toa Āwhina, provided that the Committee must use their best endeavours to consult with Māori members and delegates prior to the vote.

(7) Where members of Te Rūnanga O Ngā Toa Āwhina or the Committee of Te Rūnanga O Ngā Toa Āwhina, lose confidence in a sector māngai (being also a representative to both the relevant sector committee and the Committee of Te Rūnanga O Ngā Toa Āwhina) the representative may be suspended by resolution of the Committee of Te Rūnanga O Ngā Toa Āwhina provided that the Committee of Te Rūnanga O Ngā Toa Āwhina shall use their best endeavours to consult with Māori members in the sector concerned.

(8) Whenever a motion of no confidence is moved under this rule:

- a. the vote must be conducted in accordance with rule 10, except that consensus does not apply and the vote must be conducted by secret ballot; and
- b. meetings and voting may be held remotely using on-line technology provided that the ballot is able to be conducted secretly.
- c. the delegate or representative who is the subject of the motion has the right to:
 - i. be notified of the motion, and the reasons that led to its being moved, in advance of it being presented to the meeting at which it is due to be put; and

- ii. be heard by the meeting at which the motion is to be put prior to the motion being put to the vote.

73. Members

(1) The Executive Board shall have the power by formal resolution, after considering a complaint laid before it in writing by any member or group of members, to discipline any member whom it finds has committed any of the following:

- a. Knowingly acting in a manner contrary to the rules of the union;
- b. Knowingly acting in a manner contrary to the policies of the union made in accordance with these rules;
- c. Misappropriating union money or property;
- d. Knowingly divulging information confidential to the union, or the business of the union, unless otherwise authorised by the Executive Board;
- e. Wilfully ignoring a lawful resolution of the union;
- f. Wilfully assaulting an officer, elected representative of the PSA, delegate, member of the PSA or employee of the PSA;

(2) The Executive Board may impose one or more of the following penalties:

- a. Caution;
- b. Censure;
- c. Suspension or expulsion from membership of the union;
- d. Suspend the imposition of any penalty for a period not exceeding a year upon the member giving an undertaking to abide by these rules.

(3) No disciplinary action shall be taken until the member has had a chance to state their case either themselves or through a representative and the elements of natural justice have been followed.

(4) Any person expelled, censured or suffering a suspended penalty shall be entitled to appeal to the disciplinary appeal authority against the decision of the executive board. Such appeal shall be made by giving notice in writing to the secretariat within fourteen (14) days of the notification to the member of the decision appealed against.

(5) The disciplinary appeal authority shall comprise:

- a. A member nominated by the disciplined member;
- b. A member nominated by the executive board;
- c. A mutually acceptable convenor who shall be a member of the union.

(6) No member of the disciplinary appeal authority shall have prior knowledge or personal or vested interest in the case under review.

(7) Pending the hearing of any appeal by the disciplinary appeal authority, the executive board's decision shall remain in force.

74. The PSA

(1) A member may make a complaint about the PSA by giving to the executive board a notice in writing that sets out the dispute or allegation and provides sufficient information to ensure that the PSA society is fairly advised of dispute or allegation with sufficient details to enable it to prepare a response.

(2) The member making the complaint has the right to be heard before any outcome is determined.

(3) The PSA has the right to be heard before any outcome is determined and an officer may exercise this right on behalf of the PSA.

(4) The executive board will comply with the elements of natural justice when investigating and deciding the complaint.

Part 14 – Clusters and Networks

75. Clusters

(1) Clusters are groupings of members employed by agencies or enterprises that work in broadly the same area of business, with common interests that relate to that area of business and may cut across sectors.

(2) Delegates from these enterprises may meet in committees, with the approval of the Secretariat to enable the common interests of members to be addressed by the union.

(3) Cluster committees have no formal governance responsibilities and cannot speak on behalf of the PSA unless authorised by the executive board, but may work with PSA staff to:

- a. provide advice to the executive board, sector committees or the Committee of Te Rūnanga O Ngā Toa Āwhina;
- b. co-ordinate union activities that are consistent with union policies and strategies;
- c. facilitate information sharing among their members;
- d. submit notices of motion to the national delegates' congress;
- e. organise themselves in ways that are consistent with the policies, rules and regulations of the PSA.

(4) Cluster committees may exist on either an ongoing or project specific basis.

- a. Before a cluster committee is established the appropriate sector committees are to be consulted;
- b. The establishment of a cluster committee on an ongoing basis requires the approval of the executive board;
- c. Once a cluster committee has been established as ongoing the regulations shall be amended to reflect this.

76. Networks

(1) Networks are groupings of members with common interests that can cut across the sectors.

(2) Networks communicate through the use of telecommunications and face to face meetings as appropriate.

(3) Networks may be either formal or informal.

(4) Formal and informal networks may establish, or may be required by the board to establish, procedures for the management or operation of the network. Any network procedures will be subject to the approval of the executive board and any provisions in the Regulations.

(5) Members elected to leadership roles in networks shall not also hold a governance role in another union.

(6) Formal networks have no formal governance responsibilities and cannot speak on behalf of the PSA unless authorised by the executive board, but may work with PSA staff to:

- a. provide advice to the executive board, sector committees or Te Rūnanga O Ngā Toa Āwhina;
- b. co-ordinate union activities that are consistent with union policies and strategies;

- c. enable those involved to provide each other with support including mentoring;
- d. facilitate information sharing among their members;
- e. submit notices of motion to the national delegates' congress;
- f. organise themselves in ways that are consistent with the policies, rules and regulations of the PSA.

(7) Formal networks may be established with the approval of the executive board and may be included in the rules by decision of the national delegates' congress.

(8) Groupings recognised as formal networks under these rules are:

- a. PSA Pasefika (see rule 75);
- b. Women's network (see rule 76);
- c. PSA Youth network (PSAY) (see rule 77);
- d. Out@PSA (see rule 78);
- e. Deaf and disabled network (see rule 79)
- f. Eco Network (see rule 80).

(9) Informal networks exist primarily to:

- a. enable those involved to provide each other with support, including mentoring;
- b. facilitate information sharing among their members.

(10) Informal networks may exist under the following conditions:

- a. They have no governance or decision-making function and may not speak on behalf of the PSA;
- b. They may co-ordinate union activities that are consistent with union policies and strategies;

- c. Their activities will be consistent with the PSA policies, rules and regulations;
- d. They require secretariat approval to be recognised as PSA networks under these rules and recognition may be withdrawn if these conditions are breached.

77. PSA Pasefika

(1) In accordance with rule 74, there will be a PSA Pasefika of the PSA, which shall be subject to the rules, regulations and policies of the union.

(2) The PSA Pasefika exists to:

- a. promote the interests of Pacific peoples within the PSA;
- b. facilitate the sharing of information and experiences;
- c. encourage and support Pacific peoples' participation in the representative structures at all levels.

(3) PSA Pasefika will elect two national co-convenors according to network procedure and by secret ballot, every 2 years.

78. Women's Network

(1) In accordance with rule 74, there will be a Women's Network of the PSA, which shall be subject to the rules, regulations and policies of the union.

(2) The Women's Network exists to:

- a. promote the interests of women within the PSA;
- b. facilitate the sharing of information and experiences;
- c. encourage and support women's participation in the representative structures at all levels.

(3) PSA Pasefika will elect two national co-convenors according to network procedure

and by secret ballot, every 2 years.

79. PSA Youth (PSAY)

(1) In accordance with rule 74, there will be a Youth Network of the PSA, for PSA members aged 35 and under, which shall be subject to the rules, regulations and policies of the union.

(2) The Youth Network exists to:

- a. promote the interests of young people within the PSA;
- b. facilitate the sharing of information and experiences;
- c. encourage and support young people's participation in the representative structures at all levels.

(3) PSA Youth will elect two national co-convenors according to network procedure and by secret ballot every 2 years.

80. Out@PSA

(1) In accordance with rule 74, there will be an Out@PSA Network of the PSA, which shall be subject to the rules, regulations and policies of the union.

(2) The Out@PSA Network exists to:

- a. promote the interests of gay, lesbian, bi-sexual, transgender/transsexual and intersex members within the PSA;
- b. facilitate the sharing of information and experiences;
- c. encourage and support the participation of gay, lesbian, bi-sexual, transgender/transsexual and intersex members in the representative structures at all levels.

81. Deaf and disabled network

(1) In accordance with rule 74, there will be a Deaf and disabled network of the PSA, which shall be subject to the rules, regulations and policies of the union.

(2) The Deaf and disabled network exists to:

- a. promote the interests of Deaf and disabled people within the PSA;
- b. facilitate the sharing of information and experiences;
- c. encourage and support Deaf and disabled peoples' participation in the representative structures at all levels.

82. Eco Network

(1) In accordance with rule 74, there will be an Eco Network of the PSA, which shall be subject to the rules, regulations and policies of the union.

(2) The Eco Network exists to:

- a. promote environmental interests within the PSA;
- b. facilitate the sharing of information and resources;
- c. encourage engagement and action on the environment.

Part 15 – Administrative Matters

83. Financial matters

(1) The PSA shall keep accounting records in accordance with current accounting practices and taxation legislation.

(2) The funds and property of the PSA shall be vested in the PSA and managed by the executive board. Accountabilities for and management of those funds shall be in accordance with these rules.

(3) All monies received shall be paid to the credit of the PSA into a bank or banks selected for that purpose by the executive board.

(4) Cheques shall be signed in accordance with authorisations as approved from time to time by the executive board.

(5) The annual income and expenditure account and annual balance sheet shall be signed in accordance with standard accounting procedure and presented by the treasurer to the annual general meeting and national delegates' congress together with the auditor's report on the accounts;

(6) The auditor shall prepare and sign a certificate in accordance with standard auditing procedures;

(7) The PSA shall furnish the Registrar of Incorporated Societies with a copy of the audited accounts in terms of the Incorporated Societies Act.

84. Seal

(1) The PSA shall have a common seal.

(2) The executive board shall have the power to alter or renew the common seal of the union.

(3) The seal shall be kept in the custody of the secretariat.

(4) The members of the secretariat and the president shall have the power to affix the seal to any document requiring the affixing of the seal.

(5) The executive board may authorise any named person or persons in addition to those above to affix the seal.

85. Winding up

(1) The PSA may be wound up in accordance with the provisions of the Incorporated Societies Act 2022 if:

- a. At either the national delegates' congress or a special delegates' congress a resolution is passed requiring the PSA to be wound up; and
- b. That resolution is confirmed at a subsequent special delegates' congress called together for that purpose and held not earlier than thirty (30) days

after the date on which the resolution to wind up was passed.

(2) Where the PSA is wound up or dissolved or liquidated any remaining portion of the PSA's funds or the net proceeds arising from the sale of assets of the PSA may be applied, after payment of all liabilities, towards such not-for-profit entities in New Zealand whose purposes align with the Purposes of the PSA, as is determined at the final national delegates' congress or special delegates' congress provided that no portion of such assets and funds shall under any circumstances be distributed to any member of the PSA.

86. Indemnity cover

(1) The executive board shall be entitled to effect professional indemnity cover in respect of claims made against the PSA, or any officer, or delegate or employee of the PSA for matters that are:

- a. liability (other than criminal liability) for failure to comply with:
- b. a duty under sections 54 to 61 of the Incorporated Societies Act 2022 (officers' duties); or
- c. any other duty imposed on the officer, delegate or employee in their capacity as an officer, delegate or employee; or
- d. costs incurred by the officer, delegate or employee for any claim or proceeding relating to that liability.

Any officer, or delegate or employee of the PSA in their capacity as an officer, delegate or employee, including costs incurred in defending or settling any such claim.

87. Adverse events

The Executive Board may temporarily amend the application of the rules and regulations to the extent that is necessary

to allow for business continuity in circumstances where a civil defence emergency is in place, or the Board unanimously agrees that an adverse event makes following the normal rules and regulations impossible. Before doing so, the Board is to consider all reasonable alternatives to achieve compliance with the current rules and regulations.

The Board can, where necessary, amend the rules and regulations which will be in force on a temporary basis in such a way that achieves the intent of the existing rules and regulations as far as possible. The Board will consult with sector committees if that is practical in the circumstances.

The rules and regulations, as temporarily amended under this rule, shall be notified to the members as soon as possible. The rules and regulations, as temporarily amended under this rule, shall cease to apply when the civil defence emergency is lifted, or at the date set in the rules and regulations, as temporarily amended, or one year after they were amended, whichever is the earliest. On the date the temporary rules and regulations no longer apply, the normal rules which were in force before the amendments will again apply.

88. Amendments to rules

(1) A rule amendment may be promoted by either:

- a. The executive board; or
- b. Any sector committee; or
- c. The Committee of Te Rūnanga o Ngā Toa Āwhina; or
- d. Any workplace members' meeting.

(2) Any rule amendment may be made by resolution passed by a majority of the delegates voting at a national delegates'

congress or at a special delegates' congress, provided that notice of any proposed changes, and any amendments to those proposed changes, shall have been received by the secretariat and circulated according to the timetable in rule 56.

(3) Minor or technical amendments to the rules may be made in accordance with section 31 of the Incorporated Societies Act 2022.

89. Transitional Arrangements

Whenever these rules are amended in accordance with rule 86, the Executive Board shall have the power to put in place any reasonable temporary arrangements that may be required to ensure the efficient transition to full application of the amendments, provided that the national delegates' congress or special delegates' congress is advised of the intention and scope of these arrangements at the time the amendments to the rules are being considered.

The Regulations of the New Zealand Public Service Association

Te Pūkenga Here Tikanga Mahi

Part 1 - General

1. Preamble

1.1 These are the regulations of the New Zealand Public Service Association: Te Pūkenga Here Tikanga Mahi (the “PSA”), adopted by the executive board in accordance with rule 7(2) of the rules of the PSA and following consultation with the sector committees and the Committee of Te Rūnanga o Ngā Toa Āwhina.

1.2 Nothing in these regulations may be inconsistent with the rules of the PSA.

2. Application of election principles

2.1 This regulation concerns the application of rule 9 “Election Principles”.

2.2 In accordance with rule 9(1)(a) a candidate for election at any level within the PSA must be a full member and be nominated and seconded by two full members. Ideally such nomination will be in writing and in advance, but nominations may be accepted from the floor of a meeting held for the purpose of holding an election, provided that no nominations have been received by the formal closing time for nominations. If only one nomination has been received by the closing time for nominations she/he will be declared elected in accordance with rule 9(1)(f).

2.3 In accordance with rule 9(1)(b) adequate time should be allowed between the calling of the elections and the closing time for nominations. The intent of this rule is to ensure that no potential candidate should miss out on the opportunity to stand by reason of overly strict timeframes for

elections. “Adequate time” means time enough for the notice of the election to be circulated to all those entitled to vote and for those interested to get a nominator and seconder and submit a written nomination. It is dependent on the practicalities that might apply to any given election and should reflect such things as the number of workplaces in and the geographical spread of the constituency, access to e-mail and the number of those entitled to vote. As a guide this period should be not less than ten (10) working days.

2.4 In accordance with rule 9(1)(c) adequate time should be allowed between the closing date for nominations and the elections. The intent of this rule is to ensure that those entitled to vote are made aware of who the candidates are. “Adequate time” means time enough for the nominations to be advised to all those entitled to vote subject to the practical considerations set out in regulation 2.3. As a guide this period should be not less than five (5) working days.

2.5 In accordance with rule 9(1)(d) nominations need to be sent to a returning officer, or chairperson in charge of the election process, who is not a candidate in the election. Someone needs to be appointed to this role by the relevant part of the governance structure – that is, the appropriate delegate committee, the sector committee, the sector rūnanga representatives, the Committee of Te Rūnanga o Ngā Toa Āwhina or the executive board. The person appointed must be either a member or a staff member of the PSA.

3. Decision making and meeting procedures

3.1 The intention of rule 10 on decision making and meeting procedures is to allow a degree of informality and flexibility in proceedings of PSA meetings while ensuring some minimum standards are adhered to.

3.2 Consensus requires the agreement of all those attending a meeting and entitled to vote. Guidance on how consensus decision-making should work within the PSA is contained in the operating manual. It shall be the responsibility of the chair of the meeting to ascertain whether consensus has been achieved.

3.3 A member may exercise any right to vote either by being present in person, or by proxy with the approval of the secretariat (which authority may be delegated). A proxy must be appointed by notice in writing signed by the member entitled to vote and the notice must state whether the appointment is for a particular meeting. No proxy is effective in relation to a meeting unless a copy of the notice of appointment is produced before the start of the meeting.

Part 2 Membership

4. Services to members

4.1 In accordance with rule 15(1)(a) the different categories of members of the PSA are entitled to the following services and benefits of membership, subject to any strategic, policy or operational priorities decided by the executive board or secretariat:

a. Full members – services for full members include collective and individual representation consistent with the vision and objects of the PSA, and all the general

services of the PSA.

b. Associate members are entitled to receive the PSA Journal and any benefits provided through PSA Plus, and may receive other relevant publications of the PSA.

c. Honorary life members are entitled to receive the PSA Journal and any benefits provided through PSA Plus, and may receive other relevant publications of the PSA.

d. Student members are entitled to receive the PSA Journal and any benefits provided through PSA Plus, and may receive other relevant information and publications of the PSA. Advice to student members engaged in employment which is incidental to their studies may also be made available via the organising centre on terms and conditions decided by the secretariat.

5. Honorary life membership

5.1 Process for nominations

a. Nominations for honorary life membership may be made by any member, or any formally recognised membership structure, by forwarding the nomination to the executive board according to the timeframe set out in the official notice calling for nominations and notices of motion for the national delegates' congress.

b. The executive board will consider any nominations and, if it decides to accept a nomination, will place its recommendations on the agenda for congress.

5.2 Guidelines to assess nominations for honorary life membership

Honorary life membership is a special and therefore infrequently awarded honour.

The executive board will use the following guidelines to assess nominations:

- a. Length of membership – life members should be or have been members of the PSA for an extended period, of at least ten (10) years;
- b. Nature of office held – life members should have held office in the PSA, either as an employee or as an elected official. This office will usually be at a national level, but workplace and enterprise delegates will be considered;
- c. The scope of the member's contribution – it is expected that the contribution has had union-wide or national impact, or has been exceptional in some other way;
- d. The significance of the contribution - the contribution needs to be above and beyond the expected duties of the office. For example, demonstrated leadership during a particularly difficult time, or producing significant gains for members in the industrial, economic, political or social fields over a period of time;
- e. Honorary life membership would not ordinarily be awarded to a staff member while still in the employment of the PSA.

Part 3

Workplaces and enterprises

6. Numbers of delegates and constituencies

6.1 Under rule 24(3) an enterprise delegate committee can decide the number of delegates within an enterprise or workplace. This should be read in conjunction with rule 2(1)(b) that defines “constituency”.

6.2 In identifying the constituencies and number of delegates in an enterprise the

enterprise delegate committee should ensure that:

- a. every workplace has representation (which does not require there to be a delegate in every workplace);
- b. the needs of groups who might work across more than one workplace, such as occupational groups or managers, are accommodated;
- c. they consider the relative numbers of members in each constituency

6.3 Should the number of delegate positions created exceed the number eligible for time release, travel, or any other funding as may have been agreed by the employer, then the PSA is not obliged to provide any funding to support those delegates.

7. Election of workplace and enterprise delegates

7.1 Rule 25(2) specifies that workplace delegates shall be elected, under normal circumstances, at an annual members meeting. Where this is impracticable or where the size or complexity of an enterprise requires an election at a later date or by some other process, then elections may be conducted using the options in regulation 7.2.

7.2 Options available for workplace delegate and enterprise delegate committee elections are:

- a. election, by secret ballot, at a special meeting of members in that workplace, called for that purpose;
- b. election by secret ballot where the ballot box is circulated around workplaces;
- c. election by postal ballot, where costs involved have been approved;
- d. election by e-mail, where both access and a secret ballot can be assured;
- e. election by any other means, approved by

the secretariat, where all those entitled to vote are able to vote and the ballot is secret.

7.3 Under rule 25(3), where a vacancy occurs in the course of a two year term a by-election may be held at a meeting of members or by some other method approved by the secretariat under rule 25(2) and regulation

7.4. When only one nomination has been received at the closing date for nominations then no meeting, or other form of election, need be held and the sole candidate shall be declared elected.

8. Enterprise Delegate Committees

8.1 Enterprise delegate committees may be called by other titles appropriate to the enterprise, such as national delegates' committee or delegates committee.

8.2 The overriding principle concerning the structure of the enterprise delegate committee is that it should be appropriate for the enterprise concerned, subject to rule 27. The following is offered as guidance only.

- a. As provided in regulation 6 delegates may represent both workplaces and other groups within an enterprise. An enterprise committee should reflect the constituencies within the enterprise.
- b. The enterprise delegate committee could also provide for a range of roles to be allocated among the committee members in addition to the two provided for in rule 27(4). Examples include a secretary, a women's representative or a person responsible for equal employment opportunities.
- c. Other positions provided for in statute or under other authority could also sit as ex officio members of the enterprise delegate committee, such as health and safety officers and learning representatives.

9. Members meetings

9.1 Where no annual members' meeting is held, because an exemption has been granted by the secretariat under rule 28(1), the enterprise delegate committee should develop other appropriate means to ensure that the functions of the annual members' meeting are fulfilled. For example, to find a way in which members can provide guidance about the strategy of the PSA in that enterprise.

Part 4 Sectors

10. Sector descriptors

10.1 Rule 31(2) establishes that the current sectors of the PSA are the public service Rātonga mahi ā te Kāwanatanga, state sector Rāngai Tūmatanui, district health boards Pōari Hauora ā Rohe, community public service Rātonga Mahi ā Hāpori and local government Kāwanatanga-ā-Rohe. For the purposes of allocating enterprises to sectors the following descriptors apply:

- a. **Public Service Rātonga mahi ā te Kāwanatanga** - comprising all public service and non-public service departments, and offices of parliament;
- b. **State Sector Rāngai Tūmatanui** - comprising: crown entities; state owned enterprises; Public Finance Act 4th Schedule organisations; any private organisation engaging in commercial activities, including those that were previously provided by the state; and any wholly or partially owned subsidiary entities or joint ventures of the above organisations;
- c. **District Health Boards Pōari Hauora ā Rohe** - DHBs or any publicly owned

organisation established to replace the district health boards, and any wholly or partially owned subsidiary entities or joint ventures of the district health boards;

d. Community Public Services Rātonga Mahi ā Hāpori - comprising:

- i. non-governmental, not-for-profit, self-governing, voluntary organisations delivering a range of services in the community, including public services funded fully or partially by the state or local government;
- ii. private, for-profit organisations delivering community-based public services funded fully or partially by the state or local government.

e. Local government Kāwanatanga-ā-Rohe - including all local authorities and council controlled organisations, and any other wholly or partially owned subsidiary entities or joint ventures of local authorities.

11. Establishment of constituencies

11.1 Rule 32(6) provides for sector committees to decide the number of representatives on the committee, and the constituencies they serve, subject to these regulations and the approval of the executive board. In deciding the number of representatives and the constituencies the committee and the executive board must consider:

- a. What communities of interest exist within the coverage of the sector and how they may be best represented at sector committee level. These communities of interest may be based on such things as geography, the business of the enterprises concerned, or a common

industrial focus;

- b. The number of representatives on the sector committee relative to the number of members within the coverage of the sector;
- c. The costs associated with the number of sector representatives;
- d. The number of representatives on other sector committees relative to the number of members within the coverage of those sectors;
- e. The number of members represented by each sector representative.
- f. How rule (5) on gender equity applies to the constituencies.

11.2 The constituencies for each sector committee shall be identified in the sector committee procedures.

12. Quorum

12.1 Each sector committee shall establish a quorum sufficient to enable the committee to conduct its business in a representative manner.

12.2 The quorum for each sector committee shall be listed in the sector committee procedures.

13. Sector committee procedures

13.1 Rule 33(1)(g) gives each sector committee the power to establish its own procedures, subject to the approval of the executive board and the provisions of the regulations. These procedures should include the following points:

- a. the constituencies for the sector;
- b. the process for electing sector committee representatives, in accordance with the provisions of rules 5 and 32;
- c. the election of co-convenors in accordance with rule 33(1)(c);
- d. the process for selecting sector delegates to

national delegates congress or the annual general meeting in accordance with rules 5, 49 and 59;

- e. a requirement that sector committee representatives must be workplace delegates and hold a leadership role in the PSA in their enterprise.

13.2 Sector procedures must comply with the rules and these regulations and when deciding whether or not to approve these procedures the executive board will consider the extent to which they enhance the democracy of the PSA and communication with members, and the transparency with which the business of the sectors is conducted.

13.3 The procedures for each sector committee shall be published on the PSA website.

14. Transfer of enterprises

Under rule 43(2)(i) the executive board has the authority to allocate new enterprises to sectors and to transfer an enterprise from one sector to another. In applying this power the board must take into account:

- a. The alignment between the governance arrangements for the enterprise (including the extent to which the government exercises control over it) and those of other enterprises in the relevant sectors;
- b. The alignment with the industrial strategies of the PSA;
- c. Any legislation applying to the enterprise;
- d. The opinion of members in the enterprise;
- e. The opinion of the current sector committee and the proposed sector committee;
- f. Any other matter that the board has good reason to consider as relevant to the decision to transfer.

Part 5 Te Rūnanga o Ngā Toa Āwhina

15 Hinonga Māngai Māori

15.1 Rule 35(3) provides for the Hinonga Māngai Māori to be elected by Māori members within an enterprise.

- a. The election must be held in accordance with rule 9 and regulation 2.
- b. All those within the enterprise who have identified themselves as Māori on the membership form shall be entitled to vote.
- c. The rūnanga delegate structures within an enterprise should be part of the general delegate structures within that enterprise. Accordingly they should allow for rūnanga delegates (elected by Māori members) at all points of the structure, as appropriate. The rūnanga delegates in an enterprise will ultimately elect a Hinonga Māngai Māori.
- d. Given the sometimes dispersed nature of Māori membership within some enterprises, consideration should be given to using some of the alternative methods for conducting elections set out in regulation 7.2.
- e. Responsibility for ensuring there is a call for nominations for the position of Hinonga Māngai Māori rests with the enterprise delegate committee and the process should be conducted at the same time, wherever practicable.

16 Sector hui

16.1 The numbers attending sector hui and the practical arrangements are to be managed by the sector māngai, subject to normal budget parameters.

17 Sector rūnanga

17.1 Rule 37(1) establishes sector rūnanga and rules 37(2) and 36(3)(c) empowers the sector hui to appoint three(3) māngai for each sector, but allows the executive board to permit additional māngai to be appointed. The executive board, through these regulations, exercises this power to grant the DHB sector rūnanga (Te Rūnanga Hauora) permission to select eight māngai (Te Tira Hauora) – two from each of four(4) regions.

17.2 Rule 37(2) provides for the sector māngai to be the authorised representatives of Māori members in the sector on the Committee of Te Rūnanga o Ngā Toa Āwhina and the sector committee, provided that only two at a time can attend a meeting of those two bodies.

- a. It is the expectation that the sector māngai will decide a process for deciding who attends which meeting.
- b. In the event that a dispute may arise about how attendance by sector māngai at meetings of the Committee of Te Rūnanga o Ngā Toa Āwhina and sector committee is organised, the matter shall be referred to the Committee of Te Rūnanga o Ngā Toa Āwhina for decision.

18 Committee of Te Rūnanga o Ngā Toa Āwhina procedures

Rule 38(6)(f) gives the Committee of Te Rūnanga o Ngā Toa Āwhina the power to establish its own procedures for the operation of the Committee, subject to the approval of the executive board and the provisions of the regulations. These procedures should include the following points:

- a. The election of sector māngai in accordance with rules 5 and 36(3)(c)

- b. The election of the convenor (tuakana) and deputy convenor (teina) in accordance with rule 38(6)(g)
- c. The process for selecting delegates for Te Rūnanga Taumata in accordance with rule 39(4)
- d. A requirement that sector māngai must be workplace delegates and hold a leadership role in the PSA in their enterprise.

Part 6 Annual general meeting and special and national delegates' congresses

19 Selection of sector representatives

19.1 Where representatives from sectors are to be selected, in accordance with rules 49 and 59, the decision will be made by the sector committee concerned according to a process agreed by each sector committee and listed in Schedule A to these regulations.

- a. Transparent processes developed by sector committees should ensure, as is reasonably possible, that sector delegations are reflective of the sector (e.g. they reflect the age, gender, and ethnic make-up of the sector) based on up-to-date demographic data.
- b. The process needs to be transparent and democratic, so that:
 - i. all those who are interested in attending have the opportunity to be considered
 - ii. sector members are aware of how the selection process will work to ensure a delegation that is representative of the sector.

20 Consideration of remits

20.1 Rule 56 sets out the timetable for national delegates' congress, including the deadlines for the circulation of remits. The executive board may consider any remits submitted in accordance with that timetable and provide a report to congress, including recommendations on whether to accept or reject the remits.

21 Ballot for president

21.1 Rule 60(4) requires that the election for president shall be conducted by an exhaustive ballot at national delegates congress. An exhaustive ballot requires that the successful candidate must receive a majority of votes cast. Accordingly:

- a. Where there are more than two candidates the candidate with the least votes on the first ballot will be eliminated from the election. This will be repeated in every subsequent ballot until there are only two candidates remaining. In the final ballot the candidate with the majority of votes cast will be declared elected.
- b. Where there are only two candidates only one ballot will be held and the candidate with the majority of votes cast will be declared elected.
- c. Where there is only one candidate she/he will be declared elected without a ballot.

- b. The mental health committee, representing members working in mental health services in any sector within the PSA's coverage.

Part 7

Clusters and networks

22 Clusters

22.1 The following have been established as ongoing clusters in terms of rule 73(4):

- a. The science committee, representing members employed in Crown Research Institutes;

Notes

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