

**New Zealand Labour Party**  
**Incorporated**

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# **Constitution and Rules**

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**2019**

As adopted at Annual Conference, 30 November 2019



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## **PART 1 - PRELIMINARY**

### **1.1 NAME**

- 1.1.1 The name of the society is the “New Zealand Labour Party Incorporated” (the “Party”).

### **1.2 PRINCIPLES**

- 1.2.1 The Party accepts the following democratic socialist principles:

- (a) All political authority comes from the people by democratic means, including universal suffrage, regular and free elections with a secret ballot;
- (b) The natural resources of New Zealand belong to all the people and these resources, and in particular non-renewable resources, should be managed for the benefit of all, including future generations;
- (c) All people shall have equal access to all social, economic, cultural, political and legal spheres, regardless of wealth or social position, and to continuing participation in the democratic process;
- (d) Co-operation, rather than competition, should be the main governing factor in economic relations, in order that a greater amount, and a just distribution, of wealth can be ensured;
- (e) All people are entitled to dignity, self-respect and the opportunity to work;
- (f) All people, either individually or in groups, may own wealth or property for their own use, but in any conflict of interest people are always more important than property and the state must ensure a just distribution of wealth;
- (g) Te Tiriti o Waitangi/The Treaty of Waitangi is the founding document of New Zealand, and the Treaty should be honoured in the Party, government, society and the whanau;
- (h) Peace and social justice should be promoted throughout the world by international co-operation and mutual respect; and
- (i) The same basic human rights, protected by the State, apply to all people, regardless of race, sex, marital status, sexual orientation, gender identity, age, religious faith, political belief or disability.

### **1.3 OBJECTIVES AND POWERS**

1.3.1 The objectives of the Party are based on the above principles. These objectives are –

- (a) To elect competent men and women to Parliament and local bodies through free elections for the purpose of giving effect to Party policy and principles;
- (b) To build and sustain an economy which can attract and retain the intelligence, skills and efforts of all citizens;
- (c) To ensure the just distribution of the production and services of the nation for the benefit of all the people;
- (d) To promote and protect the freedoms and welfare of all New Zealand citizens; and
- (e) To educate the public in the principles and objectives of democratic socialism and economic and social co-operation.

1.3.2 Subject to the provisions of this Constitution, the Party has full power to do all things necessary to further the objectives and principles of the Party.

### **1.4 POLICY**

1.4.1 The Policy of the Party must be based on matters approved by the Annual Conference and must be:

- (a) Based on the values, principles and objectives of the Party;
- (b) Based on and consistent with the Policy Platform; and
- (c) Contained in the Manifesto issued before each General Election, which is the official policy of the Party until the next Manifesto is issued.

1.4.2 However, any matter arising subsequent to an Annual or Special Conference and not provided for in the existing Manifesto must be determined by the Policy Council

### **1.5 COMMON SEAL**

1.5.1 The Party shall adopt a common seal which shall be in the custody of the General Secretary or such other person as NZ Council shall appoint.

1.5.2 The General Secretary is authorised to affix the common seal to all documents that require it.

## **PART 2 - MEMBERSHIP**

### **2.1 DIFFERENT TYPES OF MEMBERSHIP**

2.1.1 The Party consists of the following members:

- (a) Members of Party Branches;
- (b) Members of Labour Electorate Committees (for member-based Labour Electorate Committees);
- (c) Members of affiliates; and
- (d) Life members.

2.1.2 Members of party branches and Labour Electorate Committee ("LEC") members may be individuals or families.

### **2.2 WHO CAN BE A MEMBER?**

2.2.1 Any natural person over the age of 15 years who agrees to the Constitution and policy of the Party may apply to be a member of the Party.

2.2.2 No body corporate may be a member of the Party, unless it is an Affiliate.

2.2.3 A person cannot be a member of the Party if he or she is a member of –

- (a) Another political party in New Zealand; or
- (b) Another group or organisation, membership in which is declared by the Annual Conference or the NZ Council to be incompatible with membership of the Party.

### **2.3 ADMISSIONS TO MEMBERSHIP**

2.3.1 An applicant for membership must:

- (a) complete the appropriate online or offline form, which must include providing the applicant's name and contact details; and
- (b) pay the required subscription as set by Annual Conference under rule 10.1.

2.3.2 Subject to rule 2.11.1, an applicant may designate the General Branch and Special Branches to which the member wishes to belong and at which the member will exercise his or her voting rights.

2.3.3 All applications for membership must be submitted to Head Office.

2.3.4 The membership of any person wanting to join the Party is subject to confirmation by Head Office.

2.3.5 When considering whether an application for membership should be confirmed, Head Office must determine that the person applying for membership:

- (a) is aged 15 years or over;
- (b) agrees to the Constitution and policy of the Party; and
- (c) is not disqualified from membership under rule 2.2.2 or rule 2.2.3.

2.3.6 An applicant becomes a member of the Party from the date their membership application is accepted and processed at Head Office, except if NZ Council declines their application under rule 2.4.

2.3.7 Head Office must maintain a register of the Party's current financial members.

## **2.4 DISCRETION TO DECLINE MEMBERSHIP APPLICATION**

2.4.1 The membership application of any person who has applied to join the Party can be declined at the next meeting of NZ Council (or, if the application was received within 2 weeks of a meeting of NZ Council, then at the next meeting after that). Head Office must advise an applicant if their membership is declined. No reasons need to be given.

## **2.5 WHO IS A MEMBER OF A PARTY BRANCH?**

2.5.1 A Party Branch member is a person who:

- (a) Has been registered as a member of the Party under rule 2.3; and
- (b) Has been allocated to a Party Branch; and
- (c) Is qualified to be a member of that Party Branch under rule 2.11.1.

## **2.6 WHO IS A MEMBER OF A MEMBER-BASED LABOUR ELECTORATE COMMITTEE?**

2.6.1 A member-based LEC member is a person who:

- (a) Has been registered as a member of the Party under rule 2.3; and
- (b) Has been allocated to a member-based LEC; and
- (c) Is qualified to be a member of that LEC under rule 2.11.1.

## **2.7 WHO IS A MEMBER OF AN AFFILIATE?**

2.7.1 A member of an affiliate ("an affiliated member") is a person who is a member of a Trade Union or other organisation that –

- (a) Is approved by the NZ Council of the Party ("NZ Council"); and
- (b) Agrees to the Constitution and Policy of the Party; and

(c) Affiliates with the Party.

2.7.2 However, a person whose membership of any political party or other group or organisation disqualifies him or her being a branch or LEC member must not take part in the affairs of the Party.

## **2.8 WHO IS A LIFE MEMBER?**

2.8.1 A life member is a person to whom the NZ Council has granted life membership for long and loyal or meritorious service (or both) to the Party.

2.8.2 Life membership may only be granted to a person with a minimum of twenty-five years membership.

## **2.9 WHAT IS A FAMILY MEMBERSHIP?**

2.9.1 Members of a family have family membership of a party branch or member-based LEC if those members –

- (a) Are a family group living together in the same residence; and
- (b) Have each become members of the Party under rules 2.2 and 2.3 and either rule 2.5 or 2.6.

## **2.10 TERMINATION OF MEMBERSHIP**

2.10.1 Upon joining, a person remains a member of the Labour Party unless –

- (a) A person has not paid an annual membership subscription within 3 calendar months after it has fallen due, in which case membership is terminated at the end of the last day of the third month; unless
  - (i) They are a Victory for Labour member; or
  - (ii) They are a Life Member;
- (b) At any time, they inform Head Office that they wish to resign their membership, in which case their membership is terminated from the date Head Office receives that notification;
- (c) They die, in which case their membership is terminated from the date of death;
- (d) They join another New Zealand political party, in which case their membership is terminated from the date they joined that other party;

- (e) They are expelled from the Party under rule 11.5.1(e), in which case their membership is terminated from the date specified in the resolution expelling the member, or from the date of the resolution if no date is specified.

2.10.2 Before terminating the membership of a member, Head Office must:

- (a) in the case of rule 2.10.1(a), have attempted to contact the member to inform them that their membership subscription is in arrears;
- (b) in the case of rule 2.10.1(b), (c) or (d), be confident that the resignation or information is genuine and from an appropriate source; and
- (c) in the case of 2.10.1(e), be informed of such a decision by NZ Council.

## **GENERAL RULES ABOUT MEMBERSHIP**

### **2.11 RESIDENTIAL LOCATION DETERMINES LEC MEMBERSHIP**

2.11.1 A member must be a member in the electorate in which he or she resides, except as provided in rule 2.12.

### **2.12 DISPENSATION FROM RESIDENTIAL REQUIREMENT**

2.12.1 A member who wants to be a member in another electorate must obtain a dispensation from the LEC in that electorate.

2.12.2 A member who obtains a dispensation cannot be counted for any purpose relating to the calculation of numbers under the representation provisions (Part 6) of this Constitution.

2.12.3 All dispensations under this rule are subject to ratification annually by the NZ Council.

2.12.4 Any dispute about the electorate of a member must be referred to the NZ Council whose decision is final and binding.

### **2.13 RESTRICTIONS ON SIMULTANEOUS MEMBERSHIP OF DIFFERENT BRANCHES**

2.13.1 No person can be a member of more than:

- (a) one General Branch; and
- (b) one Special Branch constituted to deal with identical special community interests (e.g. two youth branches, or two industrial branches).

2.13.2 A member may, at the time of first joining the Party, or on annual renewal of membership, designate no more than one General Branch and one Special Branch of each type at which the member will exercise his or her voting rights.

**2.14 WHO IS A REGISTERED SUPPORTER?**

2.14.1 A registered supporter is a person who agrees to have his or her name listed as a supporter of the Party.

2.14.2 A registered supporter may:

- (a) Receive Party communications; and
- (b) Attend Party meetings (except when held in committee) and Party functions.

2.14.3 A registered supporter cannot be a member of:

- (a) Another political party in New Zealand; or
- (b) Another group or organisation, membership of which is declared by the Annual Conference or the NZ Council to be incompatible with membership of the Party.

## **PART 3 - PARTY ORGANISATION**

### **3.1 COMPONENTS OF THE PARTY ORGANISATION**

#### **3.1.1** The organisation of the Party consists of:

- (a) General Branches, Special Branches and Head Office Branch;
- (b) Affiliates;
- (c) LECs;
- (d) Labour Local Body Committees;
- (e) Regional Organising Hubs;
- (f) Labour Regional Councils;
- (g) The New Zealand Council (NZ Council);
- (h) The Policy Council;
- (i) Te Kaunihera Māori, other Special Advisory Committees and Sector Councils; and
- (j) The Annual Conference.

#### **3.1.2** The Annual Conference is the supreme governing body of the Party.

#### **3.1.3** The NZ Council is, subject to any contrary provision in this Constitution, the governing body of the Party, operating through the General Secretary and Head Office.

### **3.2 CONDUCT OF MEETINGS**

#### **3.2.1** From time to time, the NZ Council may adopt and amend standing orders that govern the conduct of Party meetings ("Standing Orders"). The Standing Orders must be published on the Party's website.

#### **3.2.2** All formal meetings of Party organisations are bound by the Standing Orders.

### **3.3 TYPES OF BRANCHES**

#### **3.3.1** The Party has branches of the following kinds:

- (a) General Branches;
- (b) Special Branches; and
- (c) Head Office Branch.



### 3.3.2 Special Branches include (but are not restricted to):

- (a) Women's Branches;
- (b) University Branches;
- (c) Youth Branches;
- (d) Māori Branches;
- (e) Pacific Island Branches; and
- (f) Industrial Branches.

### 3.4 GENERAL BRANCHES

- 3.4.1 A General Branch consists of at least 10 persons aged 15 or over who qualify for branch membership in accordance with rule 2.5.

### 3.5 SPECIAL BRANCHES

- 3.5.1 A Special Branch consists of at least 10 financial members of the Party who wish to be constituted to deal with special community interests such as (but not restricted to) the following:
- (a) Women's Branch: This consists of at least ten 10 women aged 15 years or over who qualify for membership in accordance with rule 2.5;
  - (b) University Branch (and others of a similar nature): This consists of at least 10 persons, who must be members of the tertiary education institution (including staff and students) and who qualify for membership in accordance with rule 2.5;
  - (c) Youth Branch: This consists of at least ten persons, aged between 15 and 25 years, who qualify for membership in accordance with rule 2.5;
  - (d) Māori Branch: This consists of at least 10 members who descend from Māori ancestry, aged 15 years or over, who qualify for membership in accordance with rule 2.5;
  - (e) Pacific Islands Branch: This consists of at least 10 members who descend from Pacific Island ancestry, aged 15 years or over, who qualify for membership in accordance with rule 2.5;
  - (f) Industrial Branch.

### 3.6 HEAD OFFICE BRANCH

- 3.6.1 The Head Office Branch is formed for the purpose of enrolling as members persons residing in a place where no branch or member-based LEC of the Party exists.

### **3.7 DUTIES AND POWERS OF BRANCHES**

- 3.7.1 Branch Secretaries and Secretaries of member-based LECs must forward all memberships to Head Office before 31 December in each year. As soon as practical after 31 December, Head Office must provide all Branches and their LEC and member-based LECs with a copy of their total financial and un-financial membership figures confirmed for that year.
- 3.7.2 By 31 March of each year, after Annual Meetings, Branch Secretaries must complete for Head Office a return which identifies:
- (a) The level of male and female membership;
  - (b) The positions held by male and female members including officers and delegates to the LEC, Regional and Annual Conferences; and
  - (c) Specific seminars or courses or meetings held in the previous twelve months that aimed to achieve the greater involvement of women in the affairs of the Party.
- 3.7.3 Subject to the provisions of this Constitution, each Branch has control of its own affairs.
- 3.7.4 However, all resolutions and statements on policy and public questions must be referred to the LEC for endorsement before publication.

### **3.8 ACCOUNTABILITY OF BRANCHES**

- 3.8.1 Each Branch must develop annual goals and report on them to their LEC.
- 3.8.2 The annual goals will be consistent with the relevant Annual Plan of the Party.

### **3.9 HOW TO SET UP A NEW BRANCH**

- 3.9.1 If 10 or more qualified persons (as defined in rule 3.10) want to form a new branch they:
- (a) Must apply to the relevant LEC for approval to form the new branch; and
  - (b) Must send a copy of the application to the NZ Council.
- 3.9.2 The application must be accompanied by:
- (a) The registration fee as set out by Annual Conference; and
  - (b) A list of the applicants' names and addresses.
- 3.9.3 On receiving an application the relevant LEC must consider it promptly and recommend to the NZ Council that it be either:
- (a) Accepted; or
  - (b) Declined.

3.9.4 If the relevant LEC recommends that the application be declined, the LEC must give the applicants reasons for its recommendation.

3.9.5 The NZ Council:

- (a) May accept or reject the recommendation of the LEC;
- (b) Must, if it receives a recommendation from the LEC that the application be declined, consult further before making a decision on the application;
- (c) Must make the final and binding decision on whether or not to register the new branch.

### **3.10 WHO IS A QUALIFIED PERSON?**

3.10.1 A person is a qualified person under rule 3.9 if he or she:

- (a) Is a member of the Party; and
- (b) Resides in the electorate where the branch is to be formed.

3.10.2 Dispensations from rule 3.10.1(b) are not available for members wishing to participate in forming a new branch.

### **3.11 RULES FOR GENERAL OR SPECIAL BRANCHES**

3.11.3 The rules for each General or Special Branch are set out in Schedule 1.

## **AFFILIATES**

### **3.12 WHAT IS AN AFFILIATE?**

3.12.1 An affiliate of the Party is a Trade Union or other organisation which has applied for membership, agrees to the Constitution and Policy of the Party, and has been approved by the NZ Council.

3.12.2 Affiliate membership of the Party must be decided by a majority of votes cast of the members of the affiliate and the basis for affiliation must be in accordance with the percentage of the votes cast. The NZ Council may verify the affiliate membership by requiring the affiliate to produce a certificate from the affiliate's auditor.

3.12.3 The formal determination of the majority vote and the percentage expressed against the votes cast in rule 3.12.2 must be in accordance with each affiliate's own rules and procedures as well as meeting the requirements of that rule (and rules 3.12.4 and 3.12.5).

3.12.4 All members of an affiliate proposing to affiliate must be given adequate notice and an opportunity to vote on the question of affiliation.

3.12.5 The question of affiliation must be decided by either a ballot of the members of the affiliate proposing to affiliate or, in the absence of a ballot, by a method of formal determination:

- (a) Communicated by the Secretary of the particular affiliate to the General Secretary of the Party:
- (b) Certified by the General Secretary of the Party as being satisfactory for the purposes of proving proper procedures for formal determination of the question of affiliation.

3.12.6 To meet all the requirements of a formal determination to affiliate, the General Secretary of the Party must receive written certification from the Secretary of the Trade Union or other organisation proposing to affiliate:

- (a) That the affiliate's rules and the Party's rules on the question of affiliation have been followed; and
- (b) Setting out the percentage in favour of affiliation expressed against the votes cast in accordance with rule 3.12.2.

### **3.13 ALLOCATION OF AFFILIATE MEMBERSHIP IN ELECTORATES**

3.13.1 Each affiliate must allocate their membership to each electorate on the basis of membership records by 31 December in each year and notify the NZ Council by forwarding the membership list to Head Office.

3.13.2 This allocation is determined as follows:

- (a) The total Labour Party vote recorded at the previous General Election is divided by the actual Labour vote recorded in a particular electorate to determine the percentage figure;
- (b) The percentage figure calculated in paragraph (a) is then divided into the registered total affiliated numbers nation-wide for a particular affiliated Trade Union or other organisation, to yield the notional number of affiliated members in a particular electorate;
- (c) This notional number calculated in paragraph (a) and (b) provides the basis for calculating entitlements for participation purposes for affiliates in each electorate;
- (d) In the case of a non-Trade Union affiliate, the NZ Council may resolve to allocate their membership to each electorate on the basis of actual membership in each electorate adjusted by the percentage determined in paragraph (a) but only if they are an

organisation that has a prior existence and a clear and independent role apart from their relationship from the Party.

### **3.14 NAMES AND ADDRESSES OF MEMBERS OF AFFILIATES**

3.14.1 The names and addresses of members of affiliates must be made available to the General Secretary of the Party for the purposes of inspection only, to enable the General Secretary to verify the eligibility of affiliated members to take part in the constitutional processes of the Party at electorate level.

3.14.2 Those lists remain the property of the affiliate.

## **LABOUR ELECTORATE COMMITTEES**

### **3.15 ONE LABOUR ELECTORATE COMMITTEE FOR EACH ELECTORATE**

3.15.1 A Labour Electorate Committee ("LEC") must be formed in each electorate.

### **3.16 MAIN ROLE OF LABOUR ELECTORATE COMMITTEES**

3.16.1 An LEC is the governing body within its electorate.

3.16.2 LECs must loyally observe the decisions of the Annual Conference and the NZ Council.

3.16.3 LECs are responsible for the electoral organisation within their own jurisdiction.

3.16.4 Rule 3.16.1 is subject to any contrary provision in this Constitution.

### **3.17 LABOUR ELECTORATE COMMITTEE MEMBERSHIP**

3.17.1 An LEC consists of either:

- (a) Financial members who are appointed as delegates by branches and affiliates and a Women's Liaison Officer and Youth Officer co-opted on to the LEC as a delegate; or
- (b) Representatives who are financial members, resident in the electorate and who are elected by financial members, in the electorate; and
  - (i) affiliates; and
  - (ii) a Women's Liaison Officer co-opted to the LEC as a representative; and
  - (iii) a Youth Officer co-opted to the LEC as a representative.

3.17.2 The membership structure described in rule 3.17.1(a) is known as a branch-based LEC.

3.17.3 The membership structure described in rule 3.17.1(b) is known as a member-based LEC.

### **3.18 MEMBER-BASED LABOUR ELECTORATE COMMITTEES**

3.18.1 Where a branch-based LEC wishes to operate as a member-based LEC, the following steps must be undertaken to enable the NZ Council to rule on the matter:

- (a) An application must be made in writing to NZ Council with supporting arguments for the change;
- (b) On receiving the application, the NZ Council must conduct a ballot of all financial members of the electorate to establish the majority preference for the preferred organisational structure;
- (c) The NZ Council must consider the application and supporting arguments, and the result of the ballot, and inform the electorate:
  - (i) of its decision; and
  - (ii) when it comes into effect.

3.18.2 Member-based LECs are required to follow the guidelines on their structure and operation as approved and issued by the NZ Council from time to time.

3.18.3 The guidelines will ensure that member-based LECs:

- (a) work in reasonably consistent ways; and
- (b) maximise the involvement of members, including in decision-making and the operation of networks of members.

### **3.19 ACCOUNTABILITY OF LABOUR ELECTORATE COMMITTEES**

3.19.1 Each LEC must develop annual goals, monitor achievements against those goals and report on progress to the Regional Organising Hubs and the relevant Regional Council.

3.19.2 The annual goals will be consistent with the relevant Annual Plan of the Party.

### **3.20 RULES FOR LABOUR ELECTORATE COMMITTEES**

3.20.1 The Rules for each LEC are set out in Schedule 2.

## **LABOUR LOCAL BODY COMMITTEES**

### **3.21 FORMATION OF LABOUR LOCAL BODY COMMITTEES**

3.21.1 The NZ Council may approve the formation of a Labour Local Body Committee:

- (a) On the request of Party organisations in a territorial Local Body administration area; and

- (b) On the recommendation of the Labour Regional Council, or the Regional Representative where no Regional Council exists.

3.21.2 Where 2 or more branches from different LECs fall within a Local Body area to be officially contested by Party members, a Labour Local Body Committee must be formed.

3.21.3 The conditions under which a Labour Local Body Committee is constituted must be as best meets the needs of the constituent bodies within its area and are subject to confirmation by the appropriate Regional Council and the NZ Council.

### **3.22 CONSTITUTIONAL REQUIREMENTS**

3.22.1 The Labour Local Body Committee Constitution must include:

- (a) Representation by constituent bodies including a method of affiliate representation;
- (b) Provision for Ward Committees, if required;
- (c) Method of funding; and
- (d) Candidate selection procedures.

### **3.23 OBJECTS OF LABOUR LOCAL BODY COMMITTEES**

3.23.1 The objects of Labour Local Body Committees are:

- (a) Local body policy formation;
- (b) Liaison between the Party and elected representatives to ensure implementation of the policy;
- (c) The organisation of the conduct of local body elections for which it is granted jurisdiction; and
- (d) To reach agreement with constituent bodies of the Labour Local Body Committee on the funding, fundraising and administrative functions of the Labour Local Body Committee.

### **3.24 LABOUR LOCAL BODY COMMITTEE DELEGATES AND MEETINGS**

3.24.1 The Labour Local Body Committee must comply with all constitutional requirements of the Party with regard to nomination of delegates and notification.

3.24.2 The Annual Meeting of the Labour Local Body Committee must be held in April of each year.

3.24.3 Each affiliate must have representation on the Labour Local Body Committee where its members reside.

- 3.24.4 Delegate entitlement for each affiliate must be allocated according to the Constitution of the Labour Local Body Committee.

### **3.25 PUBLICITY**

- 3.25.1 Where a Labour Local Body Committee exists, it is the primary body that speaks on behalf of the Party on local body affairs in the area.

## **HUBS AND LABOUR REGIONAL COUNCILS**

### **3.26 ROLE AND AREA OF HUBS**

- 3.26.1 Hubs consist of groups of electorates and parts of electorates and are the main campaigning units for the party vote.
- 3.26.2 The NZ Council may designate Hub areas and, after consultation with the Regional Councils (where they exist) and LECs within those areas, may constitute Hubs for the purpose of co-ordinating Party policy and organisation within those areas.
- 3.26.3 The NZ Council may review the Hub areas where Hubs are constituted as circumstances warrant.

### **3.27 LABOUR REGIONAL COUNCILS**

- 3.27.1 The NZ Council may designate Regional Areas and, subject to the consent of the LECs within those areas, may constitute Labour Regional Councils for the purpose of co-ordinating Party policy and organisation within those areas.
- 3.27.2 The NZ Council may review the Regional Areas where Labour Regional Councils are constituted as circumstances warrant.

### **3.28 CONDITIONS OF FORMATION**

- 3.28.1 The conditions under which a Hub or Labour Regional Council is constituted must be such as best meets the needs of the constituent bodies within that area and are subject to confirmation by the NZ Council.

### **3.29 ACCOUNTABILITY OF HUBS AND REGIONAL COUNCILS**

- 3.29.1 Each Hub and Regional Council must develop annual goals, monitor achievements against those goals and report on progress to the relevant LECs, and to the NZ Council through the relevant Regional Representative.
- 3.29.2 The annual goals will be consistent with the relevant Annual Plan of the Party.



### **3.30 HUB BUDGETS AND POLICIES**

#### **3.30.1 Hubs must:**

- (a) Develop budgets and lead campaigning plans for General Election party vote campaigns and local body election campaigns (in conjunction with Labour Local Body Campaigns where they exist); and
- (b) Report to LECs and to the NZ Council, and Regional Councils (where they exist), on progress against their plans.

3.30.2 Each Hub must include party vote campaigning for both general and Māori seats in its plan and activities.

### **3.31 HUB ORGANISING GROUPS**

3.31.1 Each Hub must establish a Hub Organising Group to administer the Hub.

3.31.2 Membership of the Hub Organising Group must be determined by each Hub, and must include:

- (a) The local Members of Parliament and buddy MPs, Regional Representatives, representatives from each electorate or part-electorate; and
- (b) In an election year the electorate campaign managers.

3.31.3 Sector groups and special branches may also be represented.

### **3.32 FUNDING AND INTERNAL ORGANISATION OF HUBS**

3.32.1 Hubs must have funds (in part contributed by participating electorates), a Treasurer, and maintain properly audited accounts.

3.32.2 The internal organisation and officers of Hubs must be developed on a case-by-case basis and must then be submitted to the NZ Council for approval.

### **3.33 LABOUR REGIONAL COUNCIL RULES**

3.33.1 The rules for each Labour Regional Council (including in relation to Regional Conferences) are set out in Schedule 3.

## **NZ COUNCIL**

### **3.34 NZ COUNCIL IS GOVERNING BODY**

3.34.1 The NZ Council is the governing body of the Party when the Annual Conference is not in session.

### **3.35 MEMBERSHIP OF THE NZ COUNCIL**

3.35.1 The NZ Council has –

- (a) The following members elected by the delegates entitled to vote at the Annual Conference:
  - (i) the President of the Party;
  - (ii) a Senior Vice-President of the Party;
  - (iii) a Māori Senior Vice-President of the Party;
  - (iv) an Affiliate Vice-President of the Party;
  - (v) a Pacific Islands Vice-President of the Party;
  - (vi) a Women's Vice-President of the Party;
  - (vii) a Youth Vice-President of the Party;
  - (viii) a Rainbow Representative;
  - (ix) a Rural/Regional Vice President;
- (b) 8 regional representatives elected in accordance with rules 7.3 to 7.7;
- (c) 1 Policy Council representative who is:
  - (i) the person who is the highest polling candidate under rule 3.39; or
  - (ii) the next highest polling candidate who wishes to be a member of the Council and who is not already a member of the Council in another position that the person wishes to retain;
- (d) 2 representatives elected by Te Kaunihera Māori, one of whom must be a woman;
- (e) The General Secretary of the Party.

### **3.36 GENERAL SECRETARY**

3.36.1 The General Secretary:

- (a) Holds office on terms and conditions agreed with the NZ Council; and
- (b) Must be confirmed in office at the first Annual Conference after his or her appointment.

### **3.37 RULES OF NZ COUNCIL**

3.37.1 The rules for the NZ Council are set out in Schedule 4.

## **POLICY COUNCIL**

### **3.38 MEMBERSHIP**

3.38.1 The Policy Council consists of:

- (a) 5 people elected by constituent organisations, at least 2 of whom must be women;
- (b) 5 Caucus representatives, who are the only Members of Parliament who can be members of the Policy Council, and at least 2 of whom must be women;
- (c) 2 representatives elected by and from Te Kaunihera Māori, 1 of whom must be a woman; and 1 representative elected by and from each Sector Council;
- (d) The President;
- (e) The General Secretary.

### **3.39 ELECTION OF POLICY COUNCIL**

3.39.1 Immediately after each General Election, nominations must be called for from all constituent organisations for the 5 positions on the Policy Council.

3.39.2 Nominations must also be called for the Policy Committee positions established in accordance with rule 3.43.

3.39.3 The Policy Council representatives must be elected by ballot (as per rules 7.3 – 7.7).

3.39.4 Within 1 month of their election, Policy Council must meet and appoint the Policy Committees from nominations received.

### **3.40 FUNCTIONS OF POLICY COUNCIL**

3.40.1 The main functions of the Policy Council include:

- (a) The preparation of the Policy Platform;
- (b) The preparation of policies to be included in the Party's Manifesto;
- (c) Developing new Party policy;
- (d) Revising existing Party policy;
- (e) Considering any matters referred to it by the NZ Council or the Parliamentary Labour Party.

### **3.41 REPORTING BY POLICY COUNCIL**

3.41.1 The Policy Council must report to each Annual Conference.

### **3.42 MONITORING ROLE OF MEMBERS**

3.42.1 The Policy Council representative on the NZ Council must ensure that:

- (a) The policy making procedures in Part 4 of this Constitution are carried out; and
- (b) Report regularly to the NZ Council on this process.

## **POLICY COMMITTEES**

### **3.43 POLICY COUNCIL MUST ESTABLISH POLICY COMMITTEES**

3.43.1 The Policy Council must establish up to 10 Policy Committees each having no less than 5 members appointed by the Policy Council.

3.43.2 The Policy Council must ensure wherever practicable:

- (a) That Policy Committees fairly represent Tangata Whenua, gender balance, our multicultural society, age, youth, disability and sexual orientation; and
- (b) There is due regard for geographical spread in the membership of Policy Committees; and
- (c) In recognition that many groups of people, previously under-represented in Parliament, have skills which will enhance the Parliamentary process, that there is a spread of all these groups across the range of Policy Committees.

### **3.44 ROLE OF POLICY COMMITTEES**

3.44.1 The Policy Committees are working bodies that must develop detailed party policies in their allocated area.

3.44.2 The Policy Committees must work with:

- (a) Relevant Caucus spokespeople; and
- (b) Sector Councils; and
- (c) Other relevant organisations; and
- (d) Individuals outside the Party.

3.44.3 The Policy Committees must:

- (a) Maintain the Policy Platform;
- (b) Consolidate for Annual Conferences policy proposals passed at Regional Conferences;

- (c) Prepare policy discussion papers for each Annual Conference and for constituent organisations to discuss and debate; and
- (d) Manage amendments to the Policy Platform.

### **3.45 FURTHER GUIDANCE OF ROLE OF POLICY COMMITTEES**

- 3.45.1 The Policy Council must allocate to each Policy Committee responsibility for defined areas of policy consistent with the chapters on the Policy Platform.
- 3.45.2 There must be a reasonable balance of significant areas of policy between the Policy Committees.
- 3.45.3 Te Kaunihera Māori must work with the Policy Council to develop Māori policy.
- 3.45.4 If a Sector Council is established under rule 3.47(a) it must work with the Policy Council to develop policy for that sectoral interest.
- 3.45.5 There will be no Policy Committee dealing with Sector Council interests.

### **3.46 POLICY COMMITTEE PROCEDURE**

- 3.46.1 A Policy Committee must elect its own chairperson and secretary.
- 3.46.2 The Committee must meet at least 3 times a year.

## **TE KAUNIHERA MĀORI, SPECIAL ADVISORY COMMITTEES AND SECTOR COUNCILS**

### **3.47 NZ COUNCIL MAY ESTABLISH SECTOR COUNCILS ETC**

- 3.47.1 The NZ Council may, for the purpose of promoting and fostering the objectives of the Party, establish –
  - (a) Councils including:
    - (i) Te Kaunihera Māori;
    - (ii) Labour Women’s Council;
    - (iii) Young Labour Council;
    - (iv) Rural and Provincial Affairs Council;
    - (v) Industrial Affiliates Council;
    - (vi) Local Government Sector Council;
    - (vii) Rainbow Council;
    - (viii) Senior Sector Council;

(ix) Pacific Islanders Council; and

(x) Any other Sector Council the NZ Council decides to establish.

(b) Any Special Advisory Committee; and

(c) With the prior endorsement of the Annual Conference, any other special committee.

3.47.2 Before establishing a Sector Council, Special Advisory Committee, or other committee, the NZ Council must:

(a) Have regard to Part 1 of this Constitution; and

(b) Be satisfied that the establishment is justified by a special need.

3.47.3 The establishment of a Sector Council, Special Advisory Committee, or other committee is on the terms and conditions:

(a) Decided by the NZ Council; and

(b) Set out in a constitutional document approved by the NZ Council; and

(c) Must be reported by the NZ Council to the Annual Conference.

3.47.4 A constitutional document for a Sector Council, Special Advisory Committee, or other committee may not be altered unless the NZ Council approves the alterations.

### **3.48 REPORTING DUTIES OF SECTOR COUNCIL AND COMMITTEES**

3.48.1 A Sector Council, Special Advisory Committee or other committee must report to the NZ Council or the Annual Conference.

3.48.2 In March each year each Special Advisory Committee must report to the NZ Council on:

(a) The level of involvement and decision making by women in general and Māori and Pacific Island women in particular; and

(b) Any activities undertaken that have been specifically aimed at encouraging that involvement.

3.48.3 Each Sector Council must develop annual goals, monitor achievements against those goals and report on progress to the NZ Council through the relevant Sector Representative or the General Secretary.

3.48.4 The annual goals will be consistent with the relevant Annual Plan of the Party.

### **3.49 FURTHER DUTIES OF POLICY COMMITTEES AND SECTOR COUNCILS**

#### **3.49.1 Policy Committees and Sector Councils:**

- (a) Are responsible for maintaining reference groups of Party members and supporters interested in their allocated areas of policy in order to collect ideas, discuss policy proposals, and promote debate and discussion among constituent organisations and Party members;
- (b) Must meet regularly with the relevant Parliamentary Labour Party Caucus Committee and the relevant Minister or spokesperson;
- (c) Must allow members of the Policy Council to attend their meetings; and
- (d) May attend meetings of the Policy Council if the Policy Council agrees that attendance is appropriate.

## **PART 4 – POLICY**

### ***SUBPART 1 – POLICY PLATFORM***

#### **4.1 WHAT THE POLICY PLATFORM IS**

4.1.1 The Policy Platform is a high-level statement that includes:

- (a) The values and principles underpinning the Party’s approach to government;
- (b) The priorities for action in government; and
- (c) The Party’s approach to policy in all major areas.

#### **4.2 POLICY PLATFORM IS BINDING**

4.2.1 The Policy Platform is binding on:

- (a) The Policy Council;
- (b) The NZ Council;
- (c) Members of the Parliamentary Labour Party Caucus;
- (d) All Labour Party members elected to public office who describe their affiliation as “Labour” or “Labour Party” on the ballot.

4.2.2 The detailed and specific election policy contained in the Manifesto of the Party must be consistent in every material respect with the Policy Platform.

4.2.3 After a General Election, and during coalition or confidence and supply negotiations, parts of the Policy Platform and Manifesto can be conceded.

4.2.4 As soon as practicable following the announcement of the formation of a new Government of which the Labour Party is a part, the final coalition and/or confidence and supply agreements must be presented to the New Zealand Council and the Policy Council with an explanation of why any changes to Party policy were agreed by the negotiation team.

#### **4.3 PROCEDURE TO DEVELOP POLICY PLATFORM**

4.3.1 The procedure to be followed for the development of the Policy Platform is as follows:

- (a) Each year, constituent bodies of the Party may propose to their Regional Conference amendments to the Policy Platform;
- (b) All such proposals passed at the Regional Conferences must be submitted to the appropriate Policy Committee or Sector Council(s) as soon as possible;



- (c) The Policy Committee or Sector Council(s) must –
  - (i) consider all proposals; and
  - (ii) develop a set of consolidated proposed amendments to the Policy Platform, which must be finalised by the Policy Council and sent to each constituent organisation at least 6 weeks before the date of the Annual Conference;
- (d) Each Policy Committee or Sector Council must report back in writing to each region, explaining what has happened to the proposals received from that region in the preparation of the consolidated proposed amendments, at least 8 weeks before the date of the Annual Conference;
- (e) A member or members of each Policy Committee or Sector Council must introduce the consolidated proposed Policy Platform amendments to the Annual Conference;
- (f) Policy Committees and Sector Councils must, in their consolidated proposed amendments, include a maximum of 5 recommendations for Annual Conference to debate, as well as a general recommendation to adopt or reject the remaining proposed amendments;
- (g) After Annual Conference, the Policy Council is responsible for preparing and publishing a revised edition of the Policy Platform, and must do so within 6 weeks;
- (h) The procedure outlined in (a) to (g) above must be followed at the first and second Annual Conferences after a General Election;
- (i) Each year, the Policy Council (after consulting the NZ Council) must decide whether Annual Conference will deal with consolidated amendments for the whole Policy Platform, or only for some chapters of it. When making this decision, the Policy Council must ensure that there is the opportunity to amend each chapter of the Policy Platform at least once;
- (j) The Policy Council must make this decision and communicate it to all constituent organisations no later than 1 March in each year.

#### **4.4 DEPARTURES FROM POLICY PLATFORM**

- 4.4.1 This rule applies if any Party organisation, including the Parliamentary Labour Caucus, wishes to adopt or implement policy that may not be consistent with the Policy Platform due to changed circumstances or coalition requirements.

- 4.4.2 The Party organisation must seek and receive the agreement of the Policy Council for any alternative approach to that contained in the Policy Platform before deciding on the policy question involved or implementing change.
- 4.4.3 The Policy Council may approve a departure from the Policy Platform only with the support of a two thirds majority of its entire membership.
- 4.4.4 If the Policy Council approves a departure from the Policy Platform, the Policy Council must report on the departure to the next Annual Conference or Congress. Any departure does not change the Policy Platform itself or the obligation on all Party organisations to seek to form a government that can give effect to as much as possible of the Policy Platform.

#### **4.5 OTHER PARTY POLICY**

- 4.5.1 Other Party policy that is not in the Policy Platform must be:
  - (a) Consistent with the Policy Platform; and
  - (b) Prepared by the Policy Council and adopted or amended by the Annual Conference from time to time.

### **SUBPART 2 - THE MANIFESTO**

#### **4.6 PROCEDURE FOR DEVELOPING THE MANIFESTO**

- 4.6.1 The procedure to be followed for the making of policy to be incorporated in a Manifesto to be produced by the Party before each General Election is as follows:
  - (a) The policy to be included in the Manifesto must be developed over the period between General Elections, and must be based on and consistent with the Policy Platform;
  - (b) Each year the constituent bodies of the Party may submit policy proposals to their Regional Conference;
  - (c) All policy proposals passed at the Regional Conferences must be submitted to the appropriate Policy Committee or Sector Council(s) as soon as possible;
  - (d) The Policy Committee or Sector Council(s) must consolidate the policy proposals and prepare discussion papers for circulation to each constituent organisation at least 6 weeks before the date of the Annual Conference;
  - (e) In every year that the Parliamentary Labour Party Caucus forms the Government of New Zealand, the Policy Council must prepare an annual progress report advising what part of the Party's policy contained in the Manifesto has been implemented and

whether any action taken by the Parliamentary Labour Party Caucus has been contrary to the Party's policy. This report must be circulated to each constituent organisation at least 6 weeks before the date of the Annual Conference or Congress;

- (f) A member or members of each Policy Committee or Sector Council must introduce the policy proposals to Annual Conference as part of the Policy Platform amendments debate;
- (g) The Policy Committees and Sector Councils are limited to submitting 5 policy proposals each to Policy Council for consideration for debate at Annual Conference. The Policy Council must choose 10 or fewer policy proposals for debate, with a catch-all resolution to adopt or reject the remaining policy proposals;
- (h) The procedure outlined above must be followed at the first and second Annual Conference after a General Election;
- (i) The Policy Council must consider the Policy Platform, policy proposals adopted for Conference, the reports of the Policy Committees and Sector Councils and any other relevant information to be used in the preparation of a draft election Manifesto;
- (j) The draft election Manifesto must be completed before the General Election and it must be submitted to a joint meeting of the NZ Council and the Parliamentary Caucus for approval; and
- (k) The policy of the Party must be contained in the Manifesto produced before each General Election.

#### **4.7 CHANGES MADE AT ANNUAL CONFERENCE**

4.7.1 The Annual Conference may decide that certain matters be included in the Manifesto. The following procedure must be applied:

- (a) A procedural motion, "That a Manifesto card vote be taken on this policy proposal", must be moved in writing to the Chairperson of Annual Conference before the commencement of debate on that policy proposal;
- (b) At the start of debate on that policy proposal, the Chairperson must advise Annual Conference of any procedural motion so moved;
- (c) The procedural motion must be put to Annual Conference immediately before the vote on the policy proposal;

- (d) If the procedural motion is carried, a card vote must immediately be taken on the policy proposal; and
- (e) If the policy proposal is carried by two-thirds of the vote cast, the remit will be included in the Manifesto as policy.

#### **4.8 POLICY PROPOSALS**

- 4.8.1 All policy proposals passed by a majority at Annual Conferences since the previous General Election must automatically be included with other material in the draft policy papers, including reports from all Policy Committees and Sector Councils, for formal consideration by Policy Council.

## **PART 5- ANNUAL CONFERENCE OR CONGRESS**

### **5.1 CONVENING OF ANNUAL CONFERENCES OR CONGRESSES**

- 5.1.1 The NZ Council must convene an Annual Conference in the 1<sup>st</sup> and 2<sup>nd</sup> years after the General Election.
- 5.1.2 The NZ Council must convene a Congress in General Election year.
- 5.1.3 The timing of Annual Conferences or Congresses is determined by the NZ Council.
- 5.1.4 The General Secretary must notify all members of the Party of the venue, date and time of Annual Conference at least 4 months in advance.

### **5.2 EXPENSES AND FACILITIES**

- 5.2.1 Each organisation represented at Annual Conference or Congress is responsible for the expenses of its delegates.
- 5.2.2 Childcare facilities must be provided as necessary for delegates attending Annual Conferences or Congress.

### **5.3 VENUE**

- 5.3.1 Each Annual Conference or Congress must be held in Wellington unless held elsewhere under this rule.
- 5.3.2 If a particular centre wants to host the Annual Conference or Congress it must apply in writing to the NZ Council more than 3 months before the date of the Annual Conference or Congress at which a decision as to venue must be made.
- 5.3.3 If the NZ Council receives one or more suitable applications to host the Annual Conference or Congress outside Wellington, the venue for the following Annual Conference or Congress must be decided by formal vote at the Annual Conference or Congress at which a decision about venue must be made.

### **5.4 CONSTITUTIONAL CHANGES**

- 5.4.1 Each Annual Conference must set aside a special session for discussion of changes to the Constitution. Changes to the Constitution are not discussed at Congresses.

### **5.5 CHANGES TO POLICY PLATFORM AND PARTY POLICY**

- 5.5.1 Proposals to amend the Policy Platform and new policy proposals must be dealt with in accordance with rules 5.6 to 5.15.

## **5.6 NOTICE TO CONSTITUENT ORGANISATIONS**

5.6.1 By 1 March in each year the NZ Council must contact all constituent organisations inviting them to submit, for consideration at Regional Conferences:

- (a) Proposals to amend the Policy Platform;
- (b) Other policy proposals.

5.6.2 A constituent organisation includes:

- (a) A Policy Committee established by the Policy Council; and
- (b) A Sector Council recognised by the NZ Council.

## **5.7 RECEIPT OF POLICY PROPOSALS BY REGIONAL CONFERENCE ORGANISER**

5.7.1 A constituent organisation must submit any policy proposal to the Regional Conference organiser at least 6 weeks before the date of the Regional Conference.

5.7.2 A policy proposal must be clearly stated, and where appropriate, be accompanied by supporting arguments.

5.7.3 Policy proposals that comply with this rule must be included in the Order Paper for the Regional Conference.

## **5.8 SCRUTINY OF POLICY PROPOSALS BY REGIONAL COUNCILS**

5.8.1 Regional Councils must:

- (a) Consolidate policy proposals;
- (b) Scrutinise them; and
- (c) Group them into sections matching the chapters of the Policy Platform.

5.8.2 If the intention of the policy proposal is unclear, the Regional Conference committee must to the extent practicable:

- (a) Seek clarification of the intent from the constituent organisation that submitted it; and
- (b) Work with that organisation using its best efforts to improve the quality of the policy proposal and any associated policy proposals.

5.8.3 If the constituent organisation does not clarify a policy proposal that the Regional Council considers unclear, the Regional Council:

- (a) Must nevertheless accept the policy proposal; but
- (b) May note its dissatisfaction to the Regional Conference; and

- (c) May recommend to the Regional Conference that the policy proposal be rejected.

## **5.9 CIRCULATION OF PROPOSALS BEFORE REGIONAL CONFERENCE**

- 5.9.1 The Regional Council must circulate all policy proposals to be considered at the Regional Conference, at least one month before the date of the Regional Conference.

## **5.10 DUTY OF REGIONAL COUNCIL TO REPORT**

- 5.10.1 Immediately after each Regional Conference, the Regional Council must send to the NZ Council:

- (a) Copies of the Order Paper for the Regional Conference; and
- (b) Regional Conference decisions on it (including any amendments made).

## **5.11 POLICY COMMITTEE OR SECTOR COUNCIL CONSIDERATION**

- 5.11.1 Policy Committees or Sector Councils must:

- (a) Consider proposed amendments to the Policy Platform and other policy proposals passed by Regional Conferences, that are relevant to their Committee or Council;
- (b) Consolidate similar proposed amendments and policy proposals and prepare them for inclusion in the Annual Conference paper;
- (c) Prepare a brief note to each proposal indicating which Regional Conference has considered, and endorsed it or rejected it or amended it, and the relationship of the proposal to existing policy;
- (d) Identify the options available to the Annual Conference in respect of contradictory or mutually exclusive proposals; and
- (e) Identify any other factual material of particular relevance.

- 5.11.2 The NZ Council must send a copy of the Annual Conference Order Paper (including proposed amendments to the Policy Platform and other policy proposals) to each constituent organisation at least 6 weeks before the Annual Conference.

## **5.12 URGENT AND EMERGENCY SITUATIONS**

- 5.12.1 If the NZ Council considers a matter of sufficient importance to merit further consideration, it may accept the matter for consideration at the Annual Conference or Congress, even though it might have been rejected for consideration.
- 5.12.2 If any emergency arises of sufficient importance to justify immediate attention, the NZ Council may call a Special Conference.

### **5.13 PRESENTATION OF PROPOSALS TO ANNUAL CONFERENCE**

5.13.1 Each section of the proposed amendments to the Policy Platform or for new policy must be introduced at the Annual Conference by a member of the Policy Committee.

5.13.2 One or more members of the relevant Policy Committee must present to the Annual Conference or Congress a paper on each section of policy under consideration which includes recommendations on the suitability of the proposals, having particular regard to:

- (a) The principles and objectives of the Party set out in this Constitution;
- (b) The Policy Platform; and
- (c) The official policy of the Party as outlined in the most recent Manifesto.

### **5.14 CONSIDERATION OF PROPOSED CONSTITUTIONAL AMENDMENTS**

5.14.1 The Rules Review Committee of the NZ Council must:

- (a) Consider all proposed amendments to the Constitution passed by Regional Conferences and, where necessary, consolidate them;
- (b) Prepare a brief note to each proposed amendment, indicating which Regional Conference had considered, and endorsed it or rejected it, or amended it;
- (c) Identify any consequential amendments to this Constitution that would be required; and
- (d) Send the consolidated proposals and notes to the NZ Council for inclusion among the proposals to be considered at the Annual Conference.

### **5.15 REPORT ON MATTERS CONSIDERED BY ANNUAL CONFERENCE OR CONGRESS**

5.15.1 A full report must be produced by the General Secretary on the Annual Conference or Congress, including any proposed amendments to the Policy Platform, Manifesto or Constitution, and any other policy proposals (as amended) that are passed by the Annual Conference or Congress.



## PART 6 – REPRESENTATION

### ANNUAL AND REGIONAL CONFERENCES OR CONGRESSES

#### 6.1 REPRESENTATION AT ANNUAL AND REGIONAL CONFERENCES OR CONGRESSES

6.1.1 Representation at Annual and Regional Conferences or Congresses is on the following basis:

	Votes	Delegates
Labour Regional Councils	2	2
Labour Local Body Committees	1	1
Electorate organisations as in rules 6.1.2 – 6.1.7		
Affiliates with membership not exceeding 200	1	1
Affiliates with membership from 201-500	2	2
Affiliates with membership from 501-1000	3	3
Affiliates with membership from 1001-1500 with one extra delegate and vote for each additional 500 members or part of that number	4	4
Members of the NZ Council, elected members of Local Bodies whose campaigns were granted campaigning rights by the NZ Council, and Parliamentary Labour Party Caucus members	1	

6.1.2 Delegates and votes for LECs and Branches shall be calculated as follows. The number of delegates and votes within an electorate shall be 4 plus 1 for each 20 unique financial members or part thereof.

6.1.3 For branch-based LECs:

- (a) 4 of the total number of delegates are delegates from the LEC; and
- (b) The remainder of the delegates are distributed pro rata across the branches on the basis of the number of financial members in the branch.

6.1.4 The delegates provided for in rule 6.1.3(b) must be selected by and officially represent branches.

6.1.5 Branches with fewer than 10 financial members at the end of December in any year are ineligible to be represented by a voting delegate in the following year unless:

- (a) the LEC passes a resolution justifying the Branch having a delegate and forwards the resolution to the NZ Council, through the General Secretary; and
- (b) the NZ Council is satisfied under the justification provided in accordance with rule 6.1.5(a) that the Branch should have a delegate.

6.1.6 For member-based LECs all delegates calculated in accordance with rule 6.1.2 are delegates for the LEC.

6.1.7 Members' numbers are based on financial members at the end of the previous December.

## **6.2 SELECTION AND ALLOCATION OF DELEGATES ACROSS REGIONS**

6.2.1 If an LEC (including a Māori LEC) overlaps more than one region, their branch allocation of delegates to the Regional Conference must be allocated to the region in which the branch is located.

6.2.2 The LEC must allocate:

- (a) 3 delegates to any region in which the majority of the electorate's population is located; and
- (b) 2 delegates to any region in which a minority of that electorate's population is located.

6.2.3 The representation provided in this rule also applies to representation under rule 8.24.

## **6.3 POWER OF REGIONAL CONFERENCE TO INCREASE REPRESENTATION**

6.3.1 A Regional Conference may increase the representation provided in rule 6.2 on a pro rata basis with the approval of the NZ Council.

## **6.4 WOMEN DELEGATES**

6.4.1 All delegations to Regional and Annual Conferences or Congresses comprising 2 or more delegates must ensure that women are part of their delegation.

6.4.2 An organisation that does not include women:

- (a) Must justify their absence to the Chair and to the members of the NZ Council present or, if applicable, to the NZ Council; and
- (b) Loses one vote.

6.4.3 If, in the opinion of the Chair and the members of the NZ Council present, the justification is inadequate, the organisation loses all but one of their voting entitlements.

## **6.5 VOTING RIGHTS OF AFFILIATES**

- 6.5.1 No affiliate may exercise more than 12 votes unless it is represented by at least 4 delegates.

## **6.6 ATTENDANCE AND VOTING RIGHTS OF NZ COUNCIL**

- 6.6.1 Members of the NZ Council are entitled to attend Annual Conferences or Congress as delegates from the Council with power to vote.

- 6.6.2 No delegate so appointed is entitled to more than one vote.

## **6.7 ATTENDANCE AND VOTING RIGHTS OF MP'S**

- 6.7.1 Members of the Parliamentary Labour Caucus are entitled to speaking rights at Annual Conferences or Congresses and Regional Conferences and one vote if not representing a constituent organisation.

## **6.8 ORGANISATIONS MUST BE FINANCIAL**

- 6.8.1 Representation at Annual and Regional Conferences or Congresses is confined to organisations which are financial according to this Constitution.
- 6.8.2 Delegates to Annual and Regional Conferences or Congresses must be financial members of the Party.

## **6.9 PROXIES**

- 6.9.1 Any delegate appointed by a Party organisation listed in rule 3.1.1(a) – (d) and (f) remains a delegate until the next Annual Meeting of that organisation, unless that delegate resigns, dies or is removed as a delegate by a Special Meeting.
- 6.9.2 Any proxy delegate appointed must be authorised by the Secretary and the Chairperson of the Party organisation in writing.
- 6.9.3 No proxy delegate can represent more than one delegate at any one time, and must not simultaneously carry an ordinary delegate's credential.
- 6.9.4 Any proxy delegate representing an affiliate organisation must be a bona-fide member of (or employed by) a Trade Union or other organisation and must be authorised by the Secretary of the affiliated organisation at any time, and must not simultaneously carry an ordinary delegate's credential.

## **LABOUR ELECTORATE COMMITTEES**

### **6.10 REPRESENTATION AT LABOUR ELECTORATE COMMITTEES**

- 6.10.1 Delegates to, or representatives on, LECs must be:

- (a) financial members of the Party resident in the electorate concerned; and/or
- (b) bona fide financial members of the affiliate they represent.

6.10.2 The NZ Council may grant dispensation from the residential qualification in special cases, but the delegate or representative must not participate in the Parliamentary Candidate Selection process.

6.10.3 Dispensations granted under rule 6.10.2 must be reviewed annually by the NZ Council.

#### **6.11 LIMITATIONS ON ABILITY TO REPRESENT**

6.11.1 No person may be a delegate to or representative on more than one LEC.

6.11.2 However, the NZ Council may grant an exemption for a delegate to serve on one Māori LEC and one General LEC.

#### **6.12 ENTITLEMENTS OF BRANCHES AND AFFILIATES TO REPRESENTATION**

6.12.1 Branches and affiliates are entitled to representation at each branch-based LEC according to the financial membership within the electorate as at the end of the previous December, and on the following basis:

10-20 members	one delegate
21- 50 members	two delegates
51-100 members	three delegates
> 100 members	one additional delegate for each additional 50 members or part of that number

6.12.2 Despite rule 6.12.1, no affiliate may have more than 14 delegates to the LEC.

#### **6.13 FORMULA FOR REPRESENTATION**

6.13.1 Representation on member-based LECs is determined on the total financial membership of the Party, and the total financial membership of the affiliates, resident in the electorate.

#### **6.14 APPLICATION OF FORMULA TO AFFILIATES**

6.14.1 The same formula for allocation of representatives to the member-based LECs applies to both electorate and affiliate members, but no affiliate may have more than 7 delegates.

#### **6.15 MINIMUM SIZE REQUIREMENTS**

6.15.1 The minimum size of a member-based LEC is 14 and the maximum size is 30.

## **6.16 NZ COUNCIL DETERMINES FORMULAE ETC**

6.16.1 The size of the LEC, the formula for representation, and the committee election methods are determined by the NZ Council at the same time as it approves the establishment of the LEC.

6.16.2 The LEC Charter must be reviewed by the NZ Council as required in conjunction with the LEC.

## **6.17 MEMBERSHIP OF MP'S ON LABOUR ELECTORATE COMMITTEES**

6.17.1 Each endorsed candidate and each Member of the Parliamentary Labour Party Caucus is automatically a representative on his or her respective LEC, with full voting and speaking rights.

6.17.2 A List candidate or List member of the Parliamentary Labour Party Caucus is a representative with full voting and speaking rights on either their assigned base LEC, or on the LEC in the electorate where they live.

## **6.18 NZ COUNCIL MAY APPROVE INCREASE IN DELEGATES**

6.18.1 The NZ Council may approve an increase of delegates to a branch-based LEC on a pro-rata basis in accordance with rule 6.10.

## **6.19 REPRESENTATION ON 2 OR MORE LABOUR ELECTORATE COMMITTEES**

6.19.1 If affiliates or branches with members in more than one LEC area want representation on more than one LEC they must apply to the NZ Council for the necessary approval.

## **6.20 REPRESENTATION WHERE MEMBERSHIP IN AN ELECTORATE IS SMALL**

6.20.1 A Branch or affiliate is entitled to representation on one LEC even if its resident membership within the electorate is less than 10, subject to the written approval of the NZ Council.

## **6.21 REPRESENTATION WHERE THERE ARE 2 OR MORE BRANCHES**

6.21.2 If there is more than one branch of an affiliate in any LEC area, representation on the LEC is based on the total membership of those branches.

# **LABOUR LOCAL BODY COMMITTEES**

## **6.22 REPRESENTATION ON LABOUR LOCAL BODY COMMITTEES**

6.22.1 Representation on any Labour Local Body Committee must be in accordance with the formula approved when the NZ Council approves the formation of the Committee.

## **LABOUR REGIONAL COUNCILS**

### **6.23 REPRESENTATION ON LABOUR REGIONAL COUNCILS**

- 6.23.1 Those members of the NZ Council and members of the Parliamentary Labour Party resident within a region are ex-officio members of the relevant Labour Regional Council.

## **PART 7 - ELECTION OF OFFICERS**

### **7.1 VOTING SYSTEMS**

- 7.1.1 The preferential system of voting must be used for all single vacancies, in elections of more than two candidates.
- 7.1.2 In all multiple elections, or single vacancy elections with fewer than 3 candidates, the “First past the post” system must be used.

## **ELECTION OF NZ COUNCIL**

### **7.2 CONDUCT OF ELECTION**

- 7.2.1 At least 6 months before each Annual Conference the General Secretary must contact all constituent organisations inviting nominations for the positions on the NZ Council as set out in rule 3.35.1(a)(i)-(ix).
- 7.2.2 All nominations must be received by the General Secretary at least 3 months before the date of the Annual Conference.
- 7.2.3 Within a fortnight of the date of closing of nominations, the General Secretary must provide all Party organisations with a list of nominees and biographical data of members standing for the NZ Council.
- 7.2.4 Despite rules 7.2.1 to 7.2.3, there is no election of officers during the year in which a General Election is held.

## **ELECTION OF REGIONAL REPRESENTATIVES ON NZ COUNCIL**

### **7.3 ELECTION OF REGIONAL REPRESENTATIVES TO NZ COUNCIL**

- 7.3.1 Regional Representatives must be elected to the NZ Council to represent one or more of the regions as designated from time to time by the NZ Council and in accordance with rule 3.27.

### **7.4 GENERAL SECRETARY MUST INVITE NOMINATIONS**

- 7.4.1 At least 6 months before the date of the Annual Conference, the General Secretary must contact all member-based LECs, Branches and Affiliates inviting the nomination of a member of the Party resident in the region as Regional Representative of that area on the NZ Council.
- 7.4.2 Nominations in the prescribed form close with the General Secretary at the Head Office of the Party not less than one month from the date of invitation.

- 7.4.3 Despite rules 7.4.1 and 7.4.2, there is no election of Regional Representatives during a year in which a General Election is held.

## **7.5 WHEN BALLOT IS REQUIRED**

- 7.5.1 A ballot must be conducted by the General Secretary for each region for which more nominations are received than positions available.

## **7.6 VOTING ENTITLEMENTS**

- 7.6.1 Branches and LECs are entitled to vote in a ballot according to their financial membership at the end of the previous December using the entitlements from rules 6.1.2 to 6.1.3
- 7.6.2 Branches with fewer than 10 financial members at the end of December in any year are ineligible to cast a vote in electorate, regional or Party-wide elections held in the subsequent year, unless the NZ Council is satisfied that the Branch should have a vote under rule 6.1.5.
- 7.6.3 Affiliates are entitled to vote in a ballot according to their affiliated membership on the following basis:

Up to 50 members	1 vote
51 – 250 members	2 votes
251-500 members	3 votes
501-1000 members	4 votes
Over 1000 members	5 votes

## **7.7 BALLOT**

- 7.7.1 The ballot must be completed at least one week before the Annual Conference and the names of all the Regional Representatives must be announced to Annual Conference.
- 7.7.2 Each nominee for Regional Representative must be:
- (a) Notified at least one week in advance of the date and place of the counting of the ballot; and
  - (b) Be invited to appoint a Scrutineer to observe that count.
  - (c) Scrutineers must be financial members, must maintain the confidentiality of the election results, and must adhere to the guidelines provided by the relevant Returning Officer.



- 7.7.3 Any region with more than one representative must elect their representatives on a first-past-the-post basis and must elect at least one woman.
- 7.7.4 The General Secretary must declare elected:
- (a) For single vacancies, the highest polling candidate; and
  - (b) In the case of multiple positions, the highest polling woman candidate and the other candidate(s) receiving the highest number of votes.

## **ELECTION OF LABOUR REGIONAL COUNCILS**

### **7.8 ELECTIONS**

- 7.8.1 At least 1 month before the date of the Annual Meeting of each Labour Regional Council, the Secretary must contact all constituent bodies in the area informing them of the venue, date and time of the Annual Meeting and inviting nominations for the positions of Chairperson, Vice-Chairperson, Secretary-Treasurer and 7 members for the Council Executive.
- 7.8.2 The Secretary may rely on the contact information provided by Head Office to contact constituent bodies when giving notice of the General Meeting and inviting nominations under rule 7.8.1.
- 7.8.3 Nominations in the prescribed form must be sent to the Labour Regional Council Secretary in sufficient time to have them sent to all constituent bodies in the area 4 weeks before the Annual Meeting.
- 7.8.4 The election of Officers and Executive Members must:
- 7.8.5 Be held during the Annual Meeting of the Labour Regional Council; and
- 7.8.6 Be conducted by a Returning Officer and Scrutineers elected for that purpose.
- 7.8.7 No person who has accepted nomination for any other position may be appointed as Returning Officer or Scrutineer.

## **ELECTION OF LABOUR ELECTORATE COMMITTEES**

### **7.9 NOMINATIONS AND ELECTIONS FOR BRANCH-BASED LABOUR ELECTORATE COMMITTEES**

- 7.9.1 At least 1 month before the date of the Annual Meeting of a branch-based LEC, the Secretary must contact all Branches and Affiliates, informing them of the venue, date and time of the Annual Meeting and inviting nominations for the positions of Chairperson, Vice-Chairperson, Secretary-Treasurer, and (if the LEC has agreed to the formation of an Executive, or if an Executive is in place and the LEC supports its continuation) 6 members for the LEC Executive.

- 7.9.2 The Secretary may rely on the contact information provided by Head Office to contact all Branches and Affiliates when giving notice of the General Meeting and inviting nominations under rule 7.9.1.
- 7.9.3 For branch-based LECs nominations in writing must be sent to the Secretary in sufficient time to have them circulated to all Branches and Affiliates at least 2 weeks prior to the Annual Meeting.
- 7.9.4 The election of Officers and Executive Members must be held during the Annual Meeting of the branch-based LEC and must be conducted by a Returning Officer and Scrutineers.
- 7.9.5 No person who has accepted nomination for any other position may be appointed as Returning Officer or Scrutineer.

#### **7.10 NOMINATIONS AND ELECTIONS FOR MEMBER-BASED LABOUR ELECTORATE COMMITTEES**

- 7.10.1 At least 1 month before the date of the Annual Meeting of a member-based LEC, the Secretary must contact all members and Affiliates, informing them of the venue, date and time of the Annual Meeting and inviting nominations for representatives on the LEC in accordance with the Charter of that LEC.
- 7.10.2 The Secretary may rely on the contact information provided by Head Office to contact all members and Affiliates when giving notice of the General Meeting and inviting nominations under rule 7.10.1.
- 7.10.3 For member-based LECs, the submission of nominations in writing and the results of the ensuing ballot must be completed in sufficient time to allow the new representatives to participate in the Annual Meeting of the LEC.

### **ELECTION OF LABOUR LOCAL BODY COMMITTEES**

#### **7.11 CONDUCT OF ELECTIONS**

- 7.11.1 At least 2 months before the date of the Annual Meeting of each Local Body Committee the Secretary must contact constituent bodies informing them of the venue, date and time of the Annual Meeting and inviting nominations for the positions of Chairperson, Vice-Chairperson, Secretary-Treasurer, and (if the LEC has agreed to the formation of an Executive, or if an Executive is in place and the LEC supports its continuation) 6 members for the Local Body Committee Executive.

- 7.11.2 The Secretary may rely on the contact information provided by Head Office to contact constituent bodies when giving notice of the General Meeting and inviting nominations under rule 7.11.1.
- 7.11.3 Nominations in writing must be given to the Secretary in sufficient time to have them sent to all constituent bodies and Affiliates at least 3 weeks before the Annual Meeting.
- 7.11.4 The election of Officers and Executive Members must:
- (a) Be held during the Annual Meeting of the Local Body Committee; and
  - (b) Be conducted by a Returning Officer and Scrutineers elected for that purpose.
- 7.11.5 No person who has accepted nomination for any other position may be appointed as Returning Officer or Scrutineer.

## **ELECTION OF BRANCH OFFICERS**

### **7.12 CONDUCT OF ELECTIONS**

- 7.12.1 The nomination and election of the Chairperson, Vice-Chairperson, Secretary-Treasurer, and delegates to other Labour Party organisations must take place at the Annual Meeting.
- 7.12.2 The persons elected take office from the conclusion of that meeting.
- 7.12.3 Despite rules 7.12.1 and 7.12.2 delegates to Annual Conferences or Congresses or Regional Conferences may be elected at any formal Branch meeting.

## **PART 8- SELECTION OF CANDIDATES FOR PARLIAMENTARY AND LOCAL BODY ELECTIONS**

### **SUBPART 1 – GENERAL RULES ABOUT PARLIAMENTARY CANDIDATES**

#### **8.1 DUTIES OF NZ COUNCIL**

- 8.1.1 The NZ Council, at a time it decides, must call for nominations for Parliamentary candidates.
- 8.1.2 The NZ Council must contact all constituent bodies calling for nominations for Parliamentary candidates for Constituency or List selections (or both).
- 8.1.3 The NZ Council must develop the Strategic Selection Criteria in close consultation with the Parliamentary Labour Party Caucus.
- 8.1.4 The NZ Council will finally decide the Strategic Selection Criteria.

#### **8.2 CALLING OF NOMINATIONS**

- 8.2.1 Each Labour Regional Council and each LEC, in consultation with the NZ Council, must contact all constituent bodies calling for nominations for Parliamentary candidates for Constituency or List selections (or both).
- 8.2.2 The closing date for the receipt of nominations must not be less than 2 months from the date of issuing of the invitation that calls for nominations.
- 8.2.3 However, in the case of by-elections called at short notice, or in other cases of urgency, this period may be varied by the NZ Council.
- 8.2.4 At least one month before the closing date (except for by-elections, elections called at short notice or other cases of urgency when this period may be varied) LECs and Affiliates must advise their members that nominations are open.

#### **8.3 ELIGIBILITY FOR NOMINATION**

- 8.3.1 Any person who has been a bona-fide member of the Party or affiliate of the Party for at least one year immediately before the date of the calling for nominations is eligible for nomination as a Parliamentary candidate.

#### **8.4 WAIVER OF LENGTH OF MEMBERSHIP REQUIREMENT FOR NOMINEES**

- 8.4.1 Waivers to the length of membership requirement (rule 8.3) may be granted by the NZ Council.
- 8.4.2 The Selection Meeting must be notified of any waiver granted for any nominee seeking selection at that meeting.

- 8.4.3 That notification must be provided formally in the notice to nominees and the notice to the local Party members about the Selection Meeting, and verbally by the Chair both before and after all nominees have addressed the meeting.

## **SUBPART 2 – ELECTORATE SELECTION PROCEDURES**

### **8.5 FORM OF NOMINATIONS**

- 8.5.1 Nominations must be on the official form supplied by the NZ Council and must be signed by:
- (a) At least 6 financial members of the Party living in the electorate concerned; or
  - (b) Any constituent organisation in the electorate, if the nomination has been endorsed at a properly constituted meeting of the organisation.

- 8.5.2 Nominees must provide standardised written curriculum vitae with their nomination.

### **8.6 QUESTION AND ANSWER MEETING**

- 8.6.1 The LEC must arrange a Question and Answer Meeting to which all nominees and Party members are invited.
- 8.6.2 The Question and Answer Meeting must be held after nominations close and before the Selection Meeting.

### **8.7 PRIORITY OF SELECTION OF CANDIDATES**

- 8.7.1 The priority of selection of candidates for individual electorates is decided by the NZ Council in consultation with the Labour Regional Councils and LECs.
- 8.7.2 LECs without sitting Labour Members of Parliament may write to the NZ Council seeking the selection of candidates at any time after 12 months have elapsed since the previous General Election.

### **8.8 PROCESS AFTER CLOSE OF NOMINATIONS**

- 8.8.1 After the closing of nominations and at a time agreed by the NZ Council and the LEC concerned, all nominees must address selection meetings convened for the purpose of enabling a Selection Committee to hear them.
- 8.8.2 This meeting is open to all financial members of the Party.
- 8.8.3 The NZ Council must determine a pre-selection process in consultation with the LEC concerned where it considers it necessary to reduce the nominations to a more manageable number.

## **8.9 SELECTION MEETINGS WHERE MULTIPLE NOMINATIONS RECEIVED**

- 8.9.1 If more than one nomination is received, each LEC is required to conduct a Selection Meeting.
- 8.9.2 The official Selection Meeting comprises a combination of a formal speech and a question and answer session.
- 8.9.3 The use of Māori protocol is permitted.
- 8.9.4 Nominees must deliver formal speeches and participate in question and answer sessions and any social gatherings organised by the LEC.

## **8.10 SELECTION MEETINGS WHERE THERE IS ONLY ONE NOMINATION RECEIVED**

- 8.10.1 Where the NZ Council advises, after the close of nominations, that there is only one eligible candidate for an electorate, the NZ Council must review the nomination and decide whether to:
  - (a) proceed with a confirmation meeting or
  - (b) extend the nomination period.
- 8.10.2 When reviewing the sole nomination, NZ Council must take into consideration the Strategic Selection Criteria.
- 8.10.3 The LEC, with the approval of NZ Council, is able to determine the type and formation of the confirmation meeting of Party members for that electorate to confirm the nomination that candidate.

## **8.11 COMPOSITION OF THE SELECTION COMMITTEE**

- 8.11.1 The Selection Committee for an Electorate candidate consists of:
  - (a) 3 members appointed by and on behalf of the NZ Council, at least one of whom must be a woman and, in the case of the Māori Constituency seats, at least 2 of whom must be Māori and at least one of whom must be a woman.
  - (b) Subject to rules 8.11.3 and 8.11.5, either one or 2 local LEC representatives elected by the LEC.
  - (c) One local Party members' representative elected by and from local Party members present at the Selection Meeting entitled to take part in the floor ballot, who must be elected before the nominees' presentations.

8.11.2 In addition, there is one vote for the preferred nominee selected by preferential ballot (or First Past the Post for fewer than 3 nominees) by eligible Party members present at the Selection Meeting.

8.11.3 The LEC has 2 representatives under rule 8.11.1(b) if –

- (a) It has held at least 6 quorate meetings (including meetings held by its predecessor committee where there has been a recent boundary change) in the 12 months before the calling of nominations; and
- (b) The electorate has at least 100 financial members as at 31 December of the year prior to the calling of nominations.

8.11.4 At least one of the representatives under rule 8.11.3 must be a woman.

8.11.5 If the requirements of rule 8.11.3 are not satisfied the LEC may elect one representative for the purposes of rule 8.11.1(b) representation at the Selection Committee if 4 LEC delegates are present at the Selection Meeting.

## **8.12 VOTING FOR LABOUR ELECTORATE COMMITTEE REPRESENTATIVES**

8.12.1 The test of eligibility to participate in the vote of an LEC to elect 2 local LEC representatives to a Selection Committee for the purpose of selecting a Parliamentary candidate:

- (a) For branch-based LECs, each branch or affiliate delegate, Women's Liaison Officer and Youth Officer must demonstrate from the attendance record of the LEC, attendance at least at one-half (50%) of LEC meetings in the 12 months before the calling of nominations;
- (b) For member-based LECs, each representative and affiliate delegate, Women's Liaison Officer and Youth Officer must demonstrate from the attendance record of the LEC, attendance at least at one-half (50%) of LEC meetings in the 12 months before the calling of nominations;
- (c) For branch-based LECs, the number of delegates entitled to participate is determined by calculating the average attendance by duly authorised representative delegates of the Branch or Affiliate or Women's Liaison Officer from the attendance record of the LEC in the 12 months before the calling of nominations. (The annual average determines the number of delegates entitled to participate);
- (d) Any LEC delegate or representative who has been a financial member for less than one year before the date on which the circular is sent calling for nominations is not eligible

to be an electorate representative on the Selection Committee or take part in the election of the electorate representative on the Selection Committee.

- 8.12.2 Where one local LEC representative is to be selected under rule 8.11.5, that person must be elected by a meeting of all duly authorised representative delegates to the LEC concerned who are present.

### **8.13 ELECTION OF ELECTORATE REPRESENTATIVES**

- 8.13.1 The election of the electorate representatives on the Selection Committee must take place before the Selection Meeting which the nominees address.
- 8.13.2 Both the LEC meeting for the election of the Selection Committee and the Selection Meeting must be chaired by a member of the NZ Council.
- 8.13.3 Only financial members, including affiliated members, who have held membership in the Party or the Affiliate for at least one year at the date of the notice calling for nominations and are resident in the electorate, are eligible for election to the Selection Committee to represent the electorate.
- 8.13.4 Nominations for the Selection Committee can be made by any Party member present at the Selection Meeting and resident in the electorate.

### **8.14 SELECTION COMMITTEE MUST CONDUCT SECRET FLOOR BALLOTS**

- 8.14.1 The Selection Committee, before retiring, must conduct 2 secret floor ballots on a preferential basis of the preferred nominee amongst Party and Affiliate members of the electorate concerned, present at the Selection Meeting.

### **8.15 CRITERIA FOR VOTING IN SECRET FLOOR BALLOTS**

- 8.15.1 A person wishing to vote in the first secret floor ballot must satisfy the following criteria immediately before the calling of nominations:
- (a) Residence in the electorate concerned; and
  - (b) Financial membership for at least one year of:
    - (i) an affiliate; or
    - (ii) a Branch represented in the relevant LEC; or
    - (iii) a member-based LEC.
- 8.15.2 The outcome of the first secret floor ballot must be:
- (a) Given to the Selection Committee; and



- (b) Count as one vote for the preferred candidate at the Selection Meeting; and
- (c) Be given particular weight by the Selection Committee.

8.15.3 A person wishing to vote in the second secret floor ballot must either satisfy the following criteria or the criteria as outlined in rule 8.15.4 or 8.15.5:

- (a) Not having voted in the first secret floor ballot; and
- (b) Holding immediately before the calling for nominations:
  - (i) Residence in the electorate concerned; and
  - (ii) Financial membership of:
    - a. an Affiliate; or
    - b. a Branch represented in the relevant LEC; or
    - c. a member-based LEC.

8.15.4 A person not resident in the electorate but who has held financial membership of a branch represented at the LEC for at least one (1) year prior to the calling for nominations may participate in the second secret floor ballot.

8.15.5 A person who is a member of a Maori electorate, who also resides in the electorate concerned, and who has held financial membership of a branch represented at the LEC for at least one (1) year prior to the calling for nominations may participate in the second secret floor ballot.

## **8.16 PROCESS AFTER SELECTION OF ELECTORATE CANDIDATE**

8.16.1 When the Selection Committee has selected a candidate it must, where practicable, announce the name of the successful candidate to the meeting.

8.16.2 If the Selection Committee cannot decide on a candidate by consensus or, failing that, by a formal majority vote, then it must refer the matter to the NZ Council for a decision on the candidate.

8.16.3 The decision of NZ Council is final and binding.

## **8.17 PROCESS WHERE ALL NOMINEES DECLINED**

8.17.1 If all nominees have been declined by the Selection Committee, the Selection Committee may proceed to select a suitable Party member as the candidate, or refer the selection back to the NZ Council.

## **8.18 NZ COUNCIL MAY WITHDRAW CANDIDATES**

8.18.1 The NZ Council may withdraw the candidacy of any candidate:

- (a) Who fails to honour the terms of the pledge; or
- (b) Whose candidate's biographical statement knowingly includes information that is inaccurate or misleading in any material respect or omits significant relevant material.

8.18.2 The NZ Council may request a selection be held again where it has evidence that the Constitution has been seriously breached.

## **SUBPART 3 – LIST SELECTION PROCEDURES**

### **8.19 NOMINATION OF LIST CANDIDATES**

8.19.1 A nominee for the Party List must be nominated by either:

- (a) 6 financial members; or
- (b) Any constituent organisation within the Party.

8.19.2 The nomination form used must be the form provided by the General Secretary and approved by the NZ Council.

8.19.3 The persons proposing and seconding nominees must have been financial members of the Party for at least one year before the date of the calling of nominations.

8.19.4 There is no limit to the number of persons nominated.

### **8.20 ELECTORATE CANDIDATES**

8.20.1 All Electorate Candidates (including sitting MPs) must be nominated for the Party List through either a Te Kaunihera Māori List Conference or a Regional List Conference, unless they are exempted under rule 8.20.2.

8.20.2 Electorate Candidates (including sitting MPs) who do not wish to be nominated for the Party List may request an exemption from the Leader, the President and the Māori Senior Vice President of the Party.

8.20.3 When making a decision about a request received under rule 8.20.2, the Leader, the President and Māori Senior Vice-President of the Party will:

- (a) Consider the strategic interests of the Party; and
- (b) Consult with any person, sector or group they consider necessary.

- (c) A decision of the Leader, President and Māori Senior Vice-President of the Party made under rule 8.20.2 is final.

8.20.4 Any exemption from being nominated for the Party List for an Electorate Candidate must be obtained before the Regional List Conferences for the region in which the relevant electorate is located, or the relevant Te Kaunihera Māori List Conference, is held.

## **8.21 QUALIFICATIONS OF NOMINEES**

8.21.1 Nominees may reside anywhere in New Zealand and must have been financial members of the Party for a period of one year immediately before the date of the calling for nominations.

8.21.2 Waivers to this length of membership requirement may be granted by the NZ Council.

8.21.3 Regional List Conferences must be advised of any waiver issued in respect of any person seeking selection at that Regional List Conference.

8.21.4 The Moderating Committee must be advised if any person for whom a waiver has been granted is on a list submitted by any Regional List Conference.

8.21.5 Any person accepting nomination as a list candidate must individually sign the pledge to abide by the Party Rules and Principles, and the nominee's signature must be witnessed by at least 2 financial members (see rule 12.4).

## **LOCAL OR REGIONAL INPUT INTO SELECTION OR RANKING OF NOMINEES**

### **8.22 ALLOCATION OF NOMINATIONS TO APPROPRIATE REGIONS**

8.22.1 When all nominations for List Candidates have been received at Head Office, they must be allocated by the General Secretary to the appropriate region in the Party according to the wishes of the nominee.

### **8.23 DUTIES OF REGIONAL ORGANISATIONS**

8.23.1 Each Labour Regional Council must hold one or more Regional List Conferences in its region to ensure members in the region have a reasonable opportunity to participate in forming an indicative list ranking the list nominees from that region.

8.23.2 The indicative list from each region will inform the Moderating Committee's decisions on the final Party List.

8.23.3 NZ Council will approve the number, location and dates of the Regional List Conferences for each region after considering the recommendations of the Labour Regional Councils.

## **8.24 REGIONAL LIST CONFERENCE PROCESS**

- 8.24.1 Regional List Conferences will only be open to current financial members of the Party and financial affiliate members residing in the region.
- 8.24.2 Regional List Conferences comprise a combination of formal speeches and a question and answer session.
- 8.24.3 Nominees must deliver a formal speech and participate in the question and answer session.
- 8.24.4 The use of Māori protocol is permitted.

## **8.25 MATTERS TO BE TAKEN INTO ACCOUNT**

- 8.25.1 Financial members and affiliate members voting at Regional List Conferences must:
  - (a) recognise that the Treaty of Waitangi guarantees Māori representation; and
  - (b) take into account the Strategic Selection Criteria.
- 8.25.2 Financial members and affiliate members voting at Regional List Conferences must also at all times have due regard to creating a list which reflects balance in the region so that it:
  - (a) Fairly represents Tangata Whenua, gender, ethnic groups such as Pacific Island peoples, people with disabilities, sexual orientations, and age and youth;
  - (b) Ensures there is due regard for the geographic spread of the population;
  - (c) Recognises that many groups of people, previously under-represented in Parliament, have skills that will enhance the Parliamentary process; and
  - (d) Ensures that there is a spread of all these groups across the List.

## **8.26 PROCESS FOR VOTING AT REGIONAL LIST CONFERENCES**

- 8.26.1 People eligible to vote at Regional List Conferences (Eligible Voters) are either:
  - (a) Members of the Party who were financial members as at 31 December of the previous year; or
  - (b) Individual members of Affiliates who were financial members of their organisation as at 31 December of the previous year; and
  - (c) must not have already voted at another Regional List Conference or Te Kaunihera Māori List Conference.
- 8.26.2 Eligible voters present at each Regional List Conference will vote by ranking the nominees (including sitting MPs) from their region in order of the Eligible Voter's individual preference.

8.26.3 Ballot papers will be issued at the Regional List Conferences and will be of a standard design (subject to the order of the names of the nominees for each region being randomised).

8.26.4 All ballot papers will contain the following statement:

*“By voting at this Regional List Conference I am declaring that I am not a member of any political party other than the New Zealand Labour Party”.*

8.26.5 Voting will be conducted on the basis of One Member One Vote.

8.26.6 Proxy voting will not be allowed.

8.26.7 Family members aged over 15 and named on the Party membership record are to be treated as individual voters.

8.26.8 The General Secretary will rule on disputes over membership status, and his/her decision will be final.

## **8.27 COUNTING VOTES AND INDICATIVE LISTS**

8.27.1 The General Secretary will be the Returning Officer for the Regional List Conference ballots.

8.27.2 The votes at each Regional List Conference will be collected and secured by the Returning Officer or his / her agent. The votes will only be accessed by the Returning Officer or with the Returning Officer’s express authorisation for the purpose of counting the votes and producing the indicative list for the relevant region.

8.27.3 The preference votes will be counted using a preferential voting system to rank all the nominees in each region according to their preferential rankings.

8.27.4 At each stage of the vote count, spoilt or otherwise invalid or non-transferable voting papers will be discounted. The Returning Officer will rule on any discounted votes, and his/her decision will be final.

8.27.5 After the final Regional List Conference but before the Moderating Committee meets, the results for the indicative list for each region will be notified to the Moderating Committee.

## **8.28 TE KAUNIHERA MĀORI LIST CONFERENCES**

8.28.1 Te Kaunihera Māori List Conferences will take place as soon as practicable after the Regional List Conferences are completed, but before the Moderating Committee meets.

8.28.2 The rules for Regional List Conferences shall apply to Te Kaunihera Māori List Conferences as if Te Kaunihera Māori is a Labour Regional Council, including New Zealand Council approving the number, location and dates of the Te Kaunihera Māori List Conferences recommended

by Te Kaunihera Māori. Te Kaunihera Māori must submit to NZ Council the proposed number and location of Te Kaunihera Māori List Conference(s) no less than one (1) month prior to the start of the first Regional List Conference.

8.28.3 The Te Kaunihera Māori List Conferences will produce an indicative list that will inform the Moderating Committee's decision on the final Party List.

8.28.4 Candidates for Māori electorates and list-only nominees who are on the Māori electoral roll will be eligible to be nominated for the Te Kaunihera Māori List. A person may not accept nomination for both an indicative regional list and the Te Kaunihera Māori List.

8.28.5 Eligible voters at Te Kaunihera Māori List Conferences must be on the Māori electoral roll, as well as being Eligible Voters under rule 8.26.

8.28.6 Eligible Voters may vote at a Te Kaunihera Māori List Conference or a Regional List Conference, but not both.

## **MODERATING COMMITTEE**

### **8.29 MODERATING COMMITTEE IS ESTABLISHED**

8.29.1 A Moderating Committee is established for the purpose of producing the final nationwide List of Party candidates in rank order.

### **8.30 MEMBERSHIP OF MODERATING COMMITTEE**

8.30.1 The Moderating Committee consists of:

- (a) NZ Council; and
- (b) 3 Caucus members including the Leader and Deputy Leader. The third member must be elected by Caucus and at least one of the Caucus representatives must be a woman.

### **8.31 VOTING**

8.31.1 Each Moderating Committee member has one vote.

### **8.32 ROLE OF PARTY PRESIDENT**

8.32.1 The Party President:

- (a) Chairs the Moderating Committee; and
- (b) Has a casting vote in the event of a tie.

### **8.33 SPECIAL RULES**

- 8.33.1 No member of the Moderating Committee (except for the 3 Caucus members) may be a nominee for a list seat or a candidate for an electorate seat.
- 8.33.2 Any NZ Council member who is also a nominee for a list seat or a candidate for an electorate seat is excluded from the Moderating Committee.
- 8.33.3 If a NZ Council member who is a regional representative is excluded from the Moderating Committee under rule 8.33.2, that region will be permitted to elect a different representative to serve on the Moderating Committee.
- 8.33.4 If a NZ Council member who is not a regional representative is excluded from the Moderating Committee under rule 8.33.2, the NZ Council must:
- (a) Call for nominations for a replacement member of the Moderating Committee;
  - (b) Consult with Te Kaunihera Māori, relevant Sector Councils and other relevant Party organisations; and
  - (c) Appoint a replacement member of the Moderating Committee.

### **8.34 ROLE OF MODERATING COMMITTEE**

- 8.34.1 The Moderating Committee must:
- (a) Examine the indicative regional lists produced by the Regional List Conferences and the Te Kaunihera Māori List Conferences; and
  - (b) Consider the representation across all lists of Tangata Whenua, gender, ethnic groups, persons with disabilities, age and youth, sexual orientations, geographic spread, and range of skills.
- 8.34.2 Sector Councils that do not have a representative on NZ Council will have the right to make a presentation in person to the Moderating Committee before it begins its deliberations. The presentations can address:
- (a) The Sector Council's views on the merits of the candidates for the Party List;
  - (b) The priority of particular criteria for selecting Party List candidates; and
  - (c) Any other matters the Sector Council considers relevant.
- 8.34.3 The Moderating Committee, in exceptional circumstances where the requirements of rules 8.39.1 and 8.39.2 are unlikely to be met, may nominate additional nominees.

### **8.35 RANKING OF BALLOT**

- 8.35.1 The Moderating Committee must rank List nominees by a process of exhaustive ballot taken singly for at least the first 65 positions, followed optionally by preferential voting in bands of 5 (e.g. positions 66-70, etc.).
- 8.35.2 There must be a pause for an equity review after each 5 position ballots are completed.
- 8.35.3 Each equity review must include the electorate candidates likely to be elected at the relevant level of Party vote.
- 8.35.4 Māori on the indicative regional lists and the Te Kaunihera Māori List must be included in the equity review at each stage.

### **8.36 SPECIFIC RANKING RULES**

- 8.36.1 Positions 1 and 2 on the list are taken by the Leader and the Deputy Leader.
- 8.36.2 The first position to come up for ballot for the Moderating Committee is position 3.
- 8.36.3 The Chairperson calls for nominations for the third position on the list.
- 8.36.4 Moderating Committee members vote for one name only.
- 8.36.5 The votes must be counted and if there is no nominee who achieves 50% + 1 of all available votes, the lowest polling nominee is deleted and the vote is taken again out of the remaining nominees nominated for that position.
- 8.36.6 This process must be repeated until a nominee emerges with a minimum of 50% + 1 of all available votes.
- 8.36.7 The process in rules 8.36.3 to 8.36.6 must be repeated until each list position subject to this process is filled.
- 8.36.8 At any time before the taking of each vote, the Chairperson must allow discussion from the Committee.
- 8.36.9 The length of that discussion is determined by the Moderating Committee by the usual methods of time limits or procedural motions.

### **8.37 MINIMUM NUMBER OF LIST CANDIDATES**

- 8.37.1 The list must have at least 65 places.
- 8.37.2 The final number of places is determined by the Moderating Committee.



### **8.38 GENDER BALANCE**

8.38.1 The Moderating Committee must, in determining the list, ensure that for any percentage of the Party Vote likely to be obtained, and taking into account the electorate MPs likely to be elected with that level of Labour support, the resultant Caucus will comprise at least 50% women.

### **8.39 MANDATORY CONSIDERATIONS IN RANKING LIST**

8.39.1 The Moderating Committee must:

- (a) recognise that the Treaty of Waitangi guarantees Māori representation;
- (b) take into account the Strategic Selection Criteria.

8.39.2 The Moderating Committee must also, having regard to the indicative regional lists and the Te Kaunihera Māori indicative list, produce a final List which:

- (a) Fairly represents Tangata Whenua, gender, ethnic groups such as Pacific Island peoples, persons with disabilities, sexual orientations, and age and youth;
- (b) Ensures there is regional representation proportional to the geographic spread of the population;
- (c) Recognises that many groups of people, previously under-represented in Parliament, have skills that will enhance the Parliamentary process;
- (d) Ensures that there is a spread of all these groups across the list.

### **8.40 DECISIONS OF MODERATING COMMITTEE FINAL**

8.40.1 The decisions of the Moderating Committee are final and not open to appeal.

## **SUBPART 4 – SELECTION OF PARLIAMENTARY CANDIDATES: MISCELLANEOUS MATTERS**

### **SELECTION ORDER**

#### **8.41 TIMING OF CONSTITUENCY AND LIST NOMINATIONS**

8.41.1 Constituency and List nominations must be called at the same time.

#### **8.42 SITTING MP'S AND OTHER CANDIDATES**

8.42.1 Sitting Members of Parliament must be subject to the same Constituency and List election process as other candidates.

**8.43 TIMING OF CONSTITUENCY SELECTIONS**

- 8.43.1 Constituency selection must be completed or nearly completed before the Regional List Conferences take place.

**8.44 CANDIDATES CHOICES**

- 8.44.1 Candidates may be nominated for either Constituency or List selection or both if they choose.

**OTHER MATTERS****8.45 BY-ELECTIONS**

- 8.45.1 Parliamentary by-election campaigns are under the control of the NZ Council.
- 8.45.2 The NZ Council may levy all electorates to help defray expenses incurred in by-election campaigns.

**8.46 ELECTION PETITIONS**

- 8.46.1 All matters in connection with petitions against the declarations of Returning Officers in Parliamentary elections shall be under the full control of the NZ Council.

**SUBPART 5 – LOCAL BODY ELECTIONS****8.47 LOCAL BODY ELECTIONS**

- 8.47.1 Where a Labour Local Body Committee has jurisdiction over an area in respect of a particular local body election it may delegate its authority in respect of that election to any one or more LECs or Labour Ward Committees or Branches, having members living in that area.

**8.48 WHERE MEMBERS MAY STAND AS INDEPENDENTS**

- 8.48.1 Where no constituent body of the Party has been granted campaigning rights to contest a Local Body election by the NZ Council, Labour Members may stand independently.

**8.49 USE OF PARTY FUNDS FOR LOCAL BODY ELECTIONS**

- 8.49.1 Where no constituent body of the Party has been granted campaigning rights to contest a Local Body election by the NZ Council, no Party funds may be spent on promoting candidates.

**8.50 GRANTS OR LOANS**

- 8.50.1 Grants or loans to any organisation not affiliated with the Party must not be made without the prior consent of the NZ Council.

## **8.51 LOCAL BODY ELECTION POLICY**

8.51.1 Local Body election policy must:

- (a) Not conflict with this Constitution or the Policy of the Party; and
- (b) Must be determined by the constituent body of the Party authorised to contest the election (if any).

## **8.52 FUNDING OF LOCAL BODY ELECTION ACTIVITY**

8.52.1 Where a constituent body of the Party has been granted campaigning rights by the NZ Council to contest a Local Body election within the area under its jurisdiction, the necessary funding and organisational assistance required from Branches or LECs (or both) which make up that body must be provided by those Branches or that body.

8.52.2 Full consultation must be carried out with these constituent bodies before agreement is reached, on the extent of that assistance.

## **8.53 PLEDGE MUST BE SIGNED BY CANDIDATES**

8.53.1 Any person accepting nomination as a Party candidate contesting a Local Body election must individually sign the pledge to abide by the Party Rules and Principles in the presence of not less than 2 financial members (see rule 12.4).

## **8.54 SELECTION PROCESS FOR PARTY CANDIDATES AT LOCAL BODY ELECTION**

8.54.1 The selection procedure for Party candidates for any Local Body election must be in accordance with the constitution of the body granted campaigning rights by the NZ Council or by a process considered appropriate locally and approved by the Regional Council and endorsed by the NZ Council.

8.54.2 The selection process should be as close as possible to that followed by the Party for Electorate selections.

8.54.3 There must be seats on the selection panel for Maori electorates to take up if they choose.

## **8.55 LIMITATION ON PARTY MEMBERS STANDING**

8.55.1 The authority of any constituent body of the Party which has been granted campaigning rights for a ward or other constituency in a Local Body election or District Health Board election is required for any Party member to stand as a candidate in that ward or constituency.

## **8.56 AFFILIATION TO OTHER BODIES**

- 8.56.1 Any constituent body of the Party granted campaigning rights by the NZ Council to contest a Local Body election must not, without the prior consent of the NZ Council, affiliate with, or send delegates to, any organisation not affiliated with the Party.

## **8.57 REPRESENTATION RIGHTS OF ELECTED MEMBERS**

- 8.57.1 All members of the Party elected to local government office on a ticket organised by the Party:

- (a) Have the rights of representation on their Labour Local Body Committee or the constituent body of the Party which organised their campaign; and
- (b) Are entitled to one vote.

- 8.57.2 All members of the Party elected to public office on a Party ticket including those whose campaign was organised by a constituent body of the Party which was granted campaigning rights by the NZ Council are entitled to:

- (a) Speaking rights at Annual Conference, and the Regional Conference in which their Local Body is situated; and
- (b) One vote if not representing a constituent organisation under rules 6.1.1 or 8.24.

## **8.58 ALLOCATION OF LOCAL BODY ELECTION CAMPAIGNING RIGHTS**

- 8.58.1 In July of the year before Local Body elections, NZ Council must call for applications from constituent bodies of the Party for the rights to organise Local Body elections campaigns within their territorial area.

- 8.58.2 Those applications need only be made when there is no functioning Labour Local Body Committee in that area.

- 8.58.3 Applications close before the penultimate NZ Council meeting of the year before the Local Body elections so that the Local Government Sector Council can make recommendations on the allocation of rights to organise campaigns to the NZ Council meeting.

- 8.58.4 Each constituent body of the Party which applies for the right to organise a campaign must submit details of:

- (a) The geographical area over which it claims jurisdiction;
- (b) The particular election for which it is claiming campaigning rights;
- (c) Elections within the area for which it does not wish to claim a campaigning right;

(d) An outline of the type of ticket it intends to run.

8.58.5 The following priorities must be taken into account in the allocation of campaigning rights to constituent organisations of the Party:

- (a) Party tickets in the Party name;
- (b) Groups of Party members where no Party ticket exists;
- (c) Party teams in coalition with other groups.

8.58.6 Where they exist, Labour Local Body Committees have the strongest claim to campaigning rights in any Local Body area, subject to the priority rights of the type of ticket they intend to run.

8.58.7 On the recommendation of the Sector Council, the NZ Council may define election areas in which no Party ticket will be run.

8.58.8 The NZ Council must, after consultation with the Local Government Sector Council, rule on any conflicts which may arise.

8.58.9 The Local Government Sector Council must ensure that there is adequate consultation and negotiation with the parties to any dispute before a recommendation to NZ Council is made.

## **PART 9 - PARLIAMENTARY LABOUR PARTY CAUCUS**

### **9.1 DUTY OF LABOUR MP'S TO OBEY PARTY RULES**

- 9.1.1 Members of the Parliamentary Labour Caucus must comply with the Rules of the Parliamentary Labour Party Caucus.
- 9.1.2 In the event of a conflict between any Rule of the Parliamentary Labour Party Caucus and this Constitution, this Constitution prevails.

### **9.2 RIGHTS TO ATTEND CAUCUS**

- 9.2.1 Only members of the Parliamentary Labour Party Caucus and nominated representatives of the NZ Council have the right to attend the Caucus of the Parliamentary Labour Party.

### **9.3 NZ COUNCIL REPRESENTATIVES ON CAUCUS**

- 9.3.1 The nominated NZ Council representatives entitled to attend the Parliamentary Labour Party Caucus are the President and the General Secretary of the Party and 2 other members elected by and from the NZ Council.
- 9.3.2 Those persons must be notified of all meetings of the Parliamentary Labour Party Caucus.
- 9.3.3 Those persons, or other members of the NZ Council deputised to represent them, may attend Caucus but have no vote.
- 9.3.4 If the President of the Party is also a Member of Parliament, the NZ Council must elect 3 of its members together with the General Secretary to represent it.

### **9.4 STATUS OF POLICY PLATFORM AND POLICY OF THE PARTY**

- 9.4.1 The Policy Platform and policy of the Party are binding on all members of the Parliamentary Labour Party Caucus.
- 9.4.2 However, on matters other than Policy Platform and policy, members must vote in accordance with the decisions of a duly constituted Caucus.

### **9.5 LABOUR MP'S RIGHTS OF ATTENDANCE AT PARTY MEETINGS**

- 9.5.1 A member of the Parliamentary Labour Party Caucus may attend, speak and vote at any Party organisation meeting (except the NZ Council and Regional Council Executive Meetings), having jurisdiction over any part of the electorate represented by that Member of Parliament.

## **9.6 CONTACT WITH PARTY ORGANISATIONS**

9.6.1 Each member of the Parliamentary Labour Party Caucus must:

- (a) Maintain the closest possible contact with Party organisations in the member's electorate; and
- (b) Assist the NZ Council, as required by the Council.

## **9.7 LABOUR MP'S SPEAKING AND VOTING RIGHTS AT CONFERENCES**

9.7.1 Each member of the Parliamentary Labour Party Caucus may attend the Annual Conference and Congress of the Party and the relevant Regional Conferences; and –

- (a) Exercise speaking rights; and
- (b) Cast one vote, if not representing a constituent organisation.

9.7.2 Rule 9.7.1 does not apply if the member's electorate is a general electorate which has not paid its levy to the Party.

## **9.8 PARLIAMENTARY LABOUR PARTY MUST REPORT TO ANNUAL CONFERENCE OR CONGRESS**

9.8.1 The Parliamentary Labour Party must prepare and present to the Annual Conference or Congress a report on the work of the Party in Parliament during the previous year.

## **9.9 LEADER OF LABOUR PARTY**

9.9.1 The leader of the Labour Party must be a Member of Parliament.

## **9.10 WHEN ELECTION FOR LEADER TO BE HELD**

9.10.1 An election for the position of Leader of the Labour Party must be held –

- (a) When the position becomes vacant; or
- (b) On receipt by the President of the Party of written notification that the Caucus has passed a motion that the Leader of the Labour Party is not endorsed by at least 50% plus one of the Caucus; or
- (c) In the circumstances outlined in rule 9.11.3.

## **9.11 CAUCUS VOTE TO ENDORSE LEADERSHIP**

9.11.1 No later than 3 months after the date of a General Election, there must be a caucus vote to endorse the Leader of the Labour Party.

9.11.2 The number of votes required to endorse the leader are 60% of the votes cast plus one.

- 9.11.3 If the Party Leader is not endorsed a Leadership Election process, as described in 9.12 below, is triggered.

## **9.12 ELECTORAL COLLEGE FOR ELECTIONS**

- 9.12.1 The election of the Leader of the Labour Party must be determined by the votes cast in an electoral college composed of the following:

- (a) Parliamentary Labour Party Caucus (40% of the total vote):
- (b) Party members (40% of the total vote):
- (c) Affiliate Party members (20% of the total vote).
- (d) Voting must be preferential and concurrent in all cases.

## **9.13 ADMINISTRATIVE RULES TO GOVERN LEADERSHIP ELECTION**

- 9.13.1 The NZ Council, in conjunction with the Parliamentary Labour Party Caucus, must ensure that at all times there are administrative rules for the leadership election (including timeframes, processes, eligibility to participate as voters, candidate spending limits, behaviour pledges, balloting, results announcements and any other detail needed for the election to be conducted with integrity). (See Schedule 5)



## **PART 10 – CONTRACTING, FINANCE AND PROPERTY**

### **SUBPART 1 – SUBSCRIPTION AND CAPITATION**

#### **10.1 MINIMUM SUBSCRIPTION**

- 10.1.1 The minimum subscription for a member must be set or confirmed each year by Annual Conference.

#### **10.2 DONATIONS**

- 10.2.1 Donations from supporters must be accepted and officially receipted.

#### **10.3 CAPITATION FEES**

- 10.3.1 Capitation fees on behalf of affiliated organisations must be paid annually at the rate determined by Annual Conference per member based on the formula as set out in rule 3.13.2.

#### **10.4 SETTING AND PAYMENT OF FEES**

- 10.4.1 No increase in membership fees or annual levy shall be authorised by the NZ Council unless approved by Annual Conference before the increase.
- 10.4.2 Annual electorate levies will be reviewed in the year following each General Election.
- 10.4.3 Capitation and membership fees are due on 1 January of each year.
- 10.4.4 Membership fees may be paid using automatic bank deductions.

#### **10.5 WHAT HAPPENS IF THERE IS NON-PAYMENT**

- 10.5.1 Branches, affiliates and electorates more than 3 months in arrears of payment of fees, calculated on a monthly pro rata basis:
- (a) Are to be treated as unfinancial; and
  - (b) Are not permitted to take part in the affairs of the Party.
- 10.5.2 The NZ Council may:
- (a) Review cases of hardship; and
  - (b) Vary the rate of payment as a result of the review.

## **SUBPART 2 – PARTY FINANCE AND PROPERTY**

### **10.6 RESPONSIBILITIES**

10.6.1 The General Secretary is responsible for managing the Party's finances and property under the supervision of NZ Council, and may authorise the Party's expenditure and administer its assets.

10.6.2 The General Secretary is responsible for:

- (a) maintaining the Party's financial records; and
- (b) collecting money owing to the Party.

10.6.3 At the end of each financial year the General Secretary must prepare the Party's financial statements.

### **10.7 INVESTMENT**

10.7.1 The General Secretary is authorised to invest any funds available for investment, provided the investment does not conflict with the Party's principles and objectives and complies with any investment guidelines set by NZ Council (including requirements for ethical investment).

### **10.8 BORROWING**

10.8.1 Subject to NZ Council's prior agreement, the Party may borrow money from time to time with or without security and upon such terms as to priority or otherwise as NZ Council's sees fit.

### **10.9 AUDIT**

10.9.1 As soon as practicable after the end of the financial year, the General Secretary must arrange for the Party's financial statements to be audited.

10.9.2 NZ Council appoints the auditor.

## **SUBPART 3 – FINANCE AND PROPERTY OF CONSTITUENT BODIES**

### **10.10 PERSONS TO OPERATE BANK ACCOUNT AND ADMINISTER ASSETS OF CONSTITUENT BODIES**

10.10.1 Each LEC, Labour Regional Council, Labour Local Body Committee and Branch, or other Party organisation which has been authorised by NZ Council in accordance with clause 3 of Schedule 6, must appoint annually at least 2 persons, one of whom must be the Secretary-Treasurer, to administer the funds and operate a bank account on behalf of the organisation concerned.

10.10.2 Those persons are also responsible for the administration of assets such as furniture and equipment held in the name of the organisation.

#### **10.11 PARTY OVERSIGHT OF CONSTITUENT BODIES' FINANCES**

10.11.1 Subject to the conditions set out in this rule, the General Secretary is authorised to administer the funds and operate all bank accounts of the constituent bodies and persons described in clause 1 of Schedule 6 ("Constituent Bank Accounts").

10.11.2 Except as provided below, the General Secretary cannot make any payment from, nor transfer any funds out of, any Constituent Bank Account.

10.11.3 With the prior approval in writing of the relevant constituent body or person, the General Secretary may make the approved payment or transfer from the applicable Constituent Bank Account.

10.11.4 Prior approval for the General Secretary to act in relation to a Constituent Bank Account must be provided by a duly authorised person acting where required on the resolution of the relevant constituent body.

#### **10.12 OTHER FINANCE RULES FOR CONSITUENT BODIES**

10.12.1 The rules for the finances of constituent organisations are set out in Schedule 6.

### **SUBPART 4 – OTHER MATTERS**

#### **10.13 CONTRACTING RULES**

10.13.1 The rules for constituent organisations contracting on behalf of the Party are set out in Schedule 6.

#### **10.14 ACCOUNTING FOR GST**

10.14.1 The Party must register with the Inland Revenue Department to account for GST.

10.14.2 No Branch, LEC, Labour Regional Council, Labour Local Body Committee, Sector Council nor any committee, club or other organisation established by or under the auspices of any part of the Party may register for the payment of GST separately from the Party.

#### **10.15 LIABILITY FOR FINES OR OTHER PAYMENTS**

10.15.1 Liability for GST and income tax, and for fines or other payments associated with default in returns for GST or income tax must be met by the respective Party organisation in default.

**10.16 REAL ESTATE**

10.16.1 Real estate such as buildings and property must be held and administered by either:

- (a) New Zealand Labour Party Incorporated;
- (b) Labour Party Properties Inc.; or
- (c) Labour Party Properties Limited; or
- (d) the Party's long-term capital fund.

**10.17 ASSET REGISTERS**

10.17.1 All Party organisations must prepare each year an asset register recording all forms of property including bank balances held in the name of the organisation, and a copy of the asset register must be submitted to the General Secretary on or before 31 March of each year.

10.17.2 A consensus must be reached as to the management of any branch-based property before an application to change to a member-based LEC can be approved by the NZ Council.

10.17.3 Any agreement reached under rule 10.17.2 must be included in the Charter of the member-based LEC.

## **PART 11 - MEMBER CONDUCT AND DISCIPLINE**

### **SUBPART 1 – CONDUCT**

#### **11.1 CONDUCT POLICIES**

- 11.1.1 From time to time, the NZ Council may adopt and amend policies governing the conduct of Party members and events, and of any supporters and volunteers who participate in Party events (“Conduct Policies”).
- 11.1.2 In addition to a general code of conduct, NZ Council must adopt and maintain policies on the following matters of conduct:
- (a) bullying and harassment;
  - (b) sexual harm prevention; and
  - (c) the supply and consumption of alcohol at Party events.
- 11.1.3 All members of the Party, including MPs and those elected to local government office, are bound by the Conduct Policies.
- 11.1.4 All Conduct Policies must be published on the Party’s website.

#### **11.2 GROUNDS FOR DISCIPLINARY ACTION**

- 11.2.1 Disciplinary action may be taken on the following grounds:
- (a) for contravention of the Principles, Rules and policies of the Party as contained in the current Constitution and policy documents of the Party;
  - (b) for a breach of one of the Conduct Policies;
  - (c) for bringing the Party into disrepute;
  - (d) for standing as a candidate in opposition to, or publicly campaigning against, an official Labour Parliamentary candidate or candidates or a Local Body candidate or candidates selected pursuant to the allocation of campaign rights under rule 8.58.

### **SUBPART 2 – INVESTIGATIONS AND DISCIPLINARY ACTION**

#### **11.3 ROLE OF NZ COUNCIL**

- 11.3.1 The NZ Council is responsible for investigating and determining any alleged ground for Disciplinary Action against a Party member; and may do so either:
- (a) On its own motion; or

- (b) On an application by any constituent body of the Party.

#### **11.4 PROCESS**

- 11.4.1 The NZ Council must adopt and maintain a procedural policy for conducting and determining investigations, which it must publish on the Party's website.
- 11.4.2 The NZ Council may delegate its powers of investigation to any person or committee, who must report back to NZ Council for determination.
- 11.4.3 The NZ Council may not delegate any Disciplinary Decision that may follow. Only NZ Council can discipline a Party member.
- 11.4.4 Before making a Disciplinary Decision the NZ Council must:
  - (a) Provide the affected persons with reasons for the proposed action; and
  - (b) Give the person the opportunity to state his or her case before the NZ Council.
- 11.4.5 The rules of natural justice apply.

#### **11.5 FORMS OF DISCIPLINE**

- 11.5.1 Forms of discipline available are ("the Disciplinary Decision"):
  - (a) censure;
  - (b) prohibition from seeking or holding any office;
  - (c) prohibition from seeking or holding candidacy;
  - (d) suspension of membership; and
  - (e) expulsion from the Party.
- 11.5.2 Any person standing as a Parliamentary candidate and to whom rule 11.2.1(d) applies must, from the closing of candidate nominations, have their membership of the Party automatically suspended or be not permitted to join the Party for a period of 2 years unless the NZ Council specifically makes a different decision in that case. Any such person standing as a Local Body candidate must have the suspension or the ban on joining the Party as set out applied by resolution of NZ Council.
- 11.5.3 Any of these disciplinary measures may be imposed, as appropriate, for specified periods of time, according to the NZ Council's resolution.
- 11.5.4 Any communication, whether verbal or in writing or otherwise, made by any member or committee or organisation of the Party to another member or committee or organisation of the Party under to or arising out of action taken under rule 11.3 is privileged.

**11.6 RIGHTS OF APPEAL**

- 11.6.1 Any person who is disciplined, and any person who has made a complaint that has been investigated, may appeal to NZ Council against the investigation, determination or Disciplinary Decision of the NZ Council.
- 11.6.2 The NZ Council may delegate its power to hear appeals to a person or body appointed for the purpose by NZ Council, but may not delegate any Disciplinary Decision, which must be reported back to NZ Council for final decision.
- 11.6.3 The NZ Council or its delegate must determine any appeal based on the completed report, records, and/or evidence of the preceding investigation. The NZ Council need not hear evidence on appeal unless the NZ Council considers that doing so is necessary in the interests of fairness and then only to that extent.
- 11.6.4 The ruling of NZ Council or its delegate regarding any appeal is final and binding on the parties, and cannot be further appealed.

## **PART 12 - DISPUTES PROCEDURE AND OTHER MATTERS**

### **SUBPART 1 – DISPUTES PROCEDURE**

#### **12.1 DISPUTES**

12.1.1 A dispute is any disagreement between members or constituent organisations that does not involve grounds for Disciplinary Action.

12.1.2 A dispute is dealt with under this Part 12. Any grounds for Disciplinary Action are dealt with under Part 11.

#### **12.2 DISPUTES PROCEDURE**

12.2.1 Any serious dispute within any part of the Party organisation must be referred to the NZ Council for resolution.

12.2.2 A dispute may be referred to the NZ Council by any Party member or Party organiser.

12.2.3 When a dispute is referred to the NZ Council it must:

- (a) Appoint a member of the NZ Council to act as a conciliator in an endeavour to amicably resolve the dispute;
- (b) If the conciliator reports that the dispute has not been resolved, appoint a 3 person Dispute Committee to investigate the dispute and recommend the appropriate solution and action to the NZ Council;
- (c) The NZ Council must rule on the dispute, after receiving the recommendation of the Dispute Committee.

12.2.4 A Dispute Committee must determine its own procedure, but all parties to the dispute must produce any written material requested by the Committee.

12.2.5 All proceedings before the Committee are privileged.

12.2.6 The ruling of the NZ Council on any dispute referred to it is final and binding on all parties to the dispute.

### **SUBPART 2 – PLEDGES**

#### **12.3 DELEGATES PLEDGE**

12.3.1 All delegates to Annual Conference and other formal representative meetings of the Party must sign the Pledge in the following form:



"I, ..... a delegate from  
 ..... hereby declare:

- (a) I am not a member of any other political party or of any organisation membership of which is declared by the Annual Conference or the NZ Council to be incompatible with membership of this Party.
- (b) I will faithfully observe the Constitution and Policy of the Party.
- (c) I will faithfully uphold any decisions which may be made from time to time pursuant to the Constitution.
- (d) I will work for and support the candidates of the Party selected in accordance with the Constitution."

#### **12.4 PARTY CANDIDATES PLEDGE**

12.4.1 Any person accepting nomination as a Party candidate must sign a pledge, in the following form in the presence of not less than two financial members.

*"Having been nominated as a Candidate for selection in accordance with the provisions of the Constitution for the ..... I hereby accept nomination and declare:*

- (a) I am not a member of any political party or any organisation membership of which is declared by the Annual Conference or the NZ Council to be incompatible with membership of the New Zealand Labour Party ("the Party").*
- (b) I will wholeheartedly support the duly selected candidates of the Party.*
- (c) If selected as a candidate, I will not withdraw without the consent of the Party organisation controlling the election.*
- (d) I understand that all candidates standing in a General Election must stand for the Party List and that I am not able to withdraw from the List after the Moderating Committee process is complete (General Election candidates only).*
- (e) I will faithfully observe the Constitution and Policy Platform and Policy of the Party.*
- (f) If elected, I will vote on all questions in accordance with the decisions of the Caucus of the Parliamentary Labour Caucus or, in the case of Local Body questions, a duly constituted meeting of Party representatives on such body.*
- (g) If elected, I will pay to the Party all contributions and levies properly decided to be required of Labour Members of Parliament."*

- (h) *I will not publish unauthorised communications materials or designs including leaflets, websites and election hoardings etc.*
- (i) *I will take personal responsibility to ensure my campaign keeps proper financial records and that my election expenses return will be completed in accordance with guidance from the Party organisation controlling this election.*
- (j) *During this election I will adhere to all reasonable requests given by the party leadership or campaign manager for this election.*
- (k) *I understand that, if unsuccessful, my public status as a candidate ceases the day after the election.*
- (l) *I understand that if I fail to comply with this candidate pledge that I could be subject to disciplinary action in line with rule 11.3 of the Party Constitution.*

### **SUBPART 3 – AMENDING THIS CONSTITUTION**

#### **12.5 AMENDMENTS TO CONSTITUTION AND RULES**

- 12.5.1 Amendments to this Constitution may only be made by Annual Conference following due notice being given to the Party organisations in writing at least 4 months before Annual Conference.
- 12.5.2 The proposed amendments to this Constitution under rule 12.5.1 may only be altered by amendments lodged with the General Secretary at least 3 weeks (21 days) before Annual Conference.
- 12.5.3 During the 6 months after any amendment is made to the Constitution and Rules, the General Secretary must publish a complete and current list of all amendments made to the Constitution and Rules since they were last published in full.

#### **12.6 OTHER REQUIREMENTS FOR CONSTITUTIONAL AMENDMENTS**

- 12.6.1 Every amendment of the Party's constitution and rules must be—
  - (a) in writing; and
  - (b) signed by at least 3 members of the Party; and
  - (c) delivered to the Registrar of Incorporated Societies accompanied by a certificate signed by the General Secretary certifying that the alteration has been made in accordance with this constitution.

## **SUBPART 4 – AMENDING RULES OF CONSTITUENT ORGANISATIONS**

### **12.7 RULE CHANGES REQUIRE PRIOR APPROVAL**

- 12.7.1 Any proposed Rules or Rule change for any bodies established by any constituent organisation of the Party must receive the prior approval of NZ Council.

## **SCHEDULE 1 - GENERAL AND SPECIAL BRANCH RULES**

### **BRANCH RULES**

1. The following Rules apply to all General and Special Branches.

#### **Branch name**

2. The name of the Branch is “The ..... Branch of the New Zealand Labour Party”.

#### **Branch functions**

3. The functions of branches are to:
  - (a) Debate policy and participate in Party policy development;
  - (b) Become involved in community issues;
  - (c) Campaign in local and general elections;
  - (d) Recruit members and supporters;
  - (e) Raise funds for the Party;
  - (f) Engage in social and other activities which are conducive to building a strong and effective branch, and campaigns where appropriate in partnership with community organisations.

#### **Branch objectives**

4. The objectives of the Branch are those prescribed in the Constitution of the Party. The Branch must enforce the Constitution in all matters and observe loyally the resolutions and decisions of Annual Conference, of the NZ Council, and of the local LEC. If a Branch considers that an LEC decision is interfering unnecessarily with its domestic affairs, it may appeal to the NZ Council.

#### **Branch role in General Elections**

5. The Branch is responsible to the local LEC for all General Election organisation allotted to it and must endeavour to implement any decisions of the LEC to that organisation.

#### **Branch role in Local Body Elections**

6. Where an LEC, Labour Local Body Committee or Labour Regional Council decides to contest any Local Body Election within the area under its jurisdiction, all Branches within that area must provide any assistance required by the local LEC, Labour Local Body Committee or Labour Regional Council.

### **Raising funds**

7. Except where an LEC assumes this responsibility for the Branches in the electorate, the Branch must raise the amounts required from time to time by the NZ Council and remit those amounts to the Council. For local election purposes, the Branch must also assist the LEC to meet its financial commitments.

### **Restriction on affiliation**

8. Branches must not, without the prior consent of the NZ Council, affiliate with or send delegates to any organisation not affiliated with the Party.

### **Enrolments**

9. Enrolment of Labour Party members by post, email or over the internet may be permitted subject to the conditions in rule 2.2.

### **Branch Transfers**

10. A Party member coming to reside within another LEC area may be granted full privileges of membership in that LEC area on production of a clearance from the LEC to which membership fees for the current year have been paid.

### **Branch Membership Fees**

11. The annual subscription is due on 1 January in each financial year. Members who join after 30 June must pay half the annual subscription in the initial year.

### **Members in arrears**

12. Members who are more than 3 months in arrears are deemed un-financial and are not permitted to take part in the affairs of the Party until those arrears are paid.

### **Branch Officers**

13. The officers of the Branch are the Chairperson, Vice-Chairperson and Secretary-Treasurer, who must be elected by and from the members of the Branch. A separate office of Treasurer may be created if warranted and desired by the Branch.

### **Administrative Committee**

14. The Branch may elect an Administrative Committee to carry out the operational requirements of the Branch. The Administrative Committee (if any) must report to the Branch on its activities on a regular basis or as required.

**Proportion of women officers**

15. At least 50% of the officers of the Branch must be women.

**Branch Officer Vacancies**

16. Vacancies must be filled by by-elections.

**Branch Meetings**

17. The Chairperson, if present, must preside at all formal meetings of the Branch. In the absence of the Chairperson from any meeting, the Vice Chairperson must preside. In the absence of both the Chairperson and Vice-Chairperson, the members present must elect one of their number to chair the meeting. The Chairperson has a deliberative vote and a casting vote. The Party's Standing Orders govern how all formal meetings of the branch must be conducted.

**Voting at Branch meetings**

18. Members of the branch who are entitled to take part in Party matters have 1 vote each.

**Minimum number of meetings per year**

19. Branches must hold a minimum of 3 formal meetings each year: an Annual General Meeting, a meeting to elect delegates to Regional Conference and a meeting to debate policy proposals and elect delegates to Annual Conference. Other informal meetings may be held to focus on branch and Party goals. Annual Meetings must be held in February of each year.

**Special Formal Meetings**

20. A Special Formal Meeting may be called by:
  - (a) the Chairperson and Secretary;
  - (b) a Resolution of an Ordinary Meeting;
  - (c) the Secretary on receipt of a requisition signed by not less than one-fourth (25%) of the members; or
  - (d) in response to a direction from the LEC.

**Purpose of meetings**

21. Meetings must be devoted to Branch business including:
  - (a) the raising of finance as required by clause 7;
  - (b) discussions on policy;

- (c) political, educational and cultural topics;
- (d) matters of local public interest.

#### **Combined meetings**

- 22. Branches within the area of general electorate LEC may arrange combined meetings.

#### **Rights of Branches to communicate**

- 23. Branches may communicate with all other branches and affiliates within the Party subject to the cost being borne by the originating Branch.

#### **Application of rules**

- 24. These Special and General Branch Rules apply only to formal meetings of the Branch.

#### **Branch Meeting quorum**

- 25. A quorum for Branch meetings consists of at least 5 members.

#### **Winding Up of a Branch**

- 26. If a Branch does not formally meet for 12 successive months or fails for any period of 12 consecutive meetings or more to be represented at its LEC meetings and efforts by the LEC or other bodies have failed to revive it, the books and assets of the defunct Branch must be recovered by any person authorised by the General Secretary. Failure to file accounting and membership returns for a period of 2 successive years is sufficient evidence to declare the Branch defunct.

#### **Voluntary cessation or suspension of a Branch**

- 27. Should a Branch wish to disband or go into recess the books and assets of such Branch must be forwarded by the Branch Secretary to the General Secretary.

## **SCHEDULE 2 – LABOUR ELECTORATE COMMITTEE RULES**

### **Application**

1. The following rules apply to all LECs –

### **Labour Electorate Committee name**

2. The name of the Committee is “The ..... Labour Electorate Committee of the New Zealand Labour Party”.

### **Functions of Labour Electorate Committees**

3. An LEC must ensure that all members, branches and affiliates under its jurisdiction are fully conversant with their duties and implement any instructions that are issued from time to time.

### **Member engagement by member-based Labour Electorate Committees**

4. A member-based LEC must encourage and support the establishment of member-based interest groups in the electorate to facilitate such business as:
  - (a) Discussions on politics;
  - (b) Discussions on political, educational and cultural topics;
  - (c) Social interaction;
  - (d) Election organisation activity;
  - (e) Raising of finance;
  - (f) Matters of local public interest;
  - (g) Campaigning where appropriate in partnership with community organisations.

### **Labour Youth section**

- 5.1 LECs must create and support at all times a Labour Youth section consisting of members within the electorate aged between 15 and 25 years (inclusive).
- 5.2 The Labour Youth section, with the active support of the LEC, must bring together young people so as to afford them opportunities of:
  - (a) Enjoying social functions;
  - (b) Obtaining experience in public speaking and procedure of meetings;
  - (c) Understanding the functions of government; and



- (d) Playing their part in furthering the aims and objectives of the party.

#### **Transfer of members**

6. As soon as changes to electorate boundaries are finalised, each LEC must ensure that:
  - (a) Branch or LEC secretaries transfer members in accordance with clause 10 of Schedule 1;
  - (b) Lists of known supporters and registered supporters are made available;
  - (c) There is an equitable distribution of assets to the new Electorate Committees and Branches;
  - (d) In branch-based electorates, Branches are organised in accordance with rule 2.5 and clause 7 so that every member has an opportunity to be represented on the LEC of the electorate where the member resides.

#### **Delegates and Representatives must be elected**

7. The Secretary of each LEC must, in December of each year, notify all members, Branches and Affiliates, including any not currently sending or appointing delegates to the LEC, that delegates or representatives to represent them on the LEC must be elected in time to enable them to assume office immediately after the adoption of the Annual Report and Balance Sheet at the Annual Meeting of the LEC.

#### **Name of delegates and representatives must be notified**

8. The names of those delegates or representatives must be forwarded to the LEC Secretary in time for circulation to the constituent organisations before the Annual Meeting of the LEC.

#### **Failure to notify Labour Electorate Committee of delegates and representatives**

9. Failing receipt of that notification, the organisation concerned must be notified of this by

#### **Labour Electorate Committee Officers**

10. The Secretary of the LEC and asked to appoint delegates or representatives immediately. The officers of a LEC are the Chairperson, Vice-Chairperson and a Secretary-Treasurer, or a Secretary and a Treasurer, and any other officers that the LEC may from time to time decide, all of whom must be elected by and from the members of the LEC.

#### **Labour Electorate Committee Executive**

11. An Executive of the LEC consists of officers ex officio and 6 other members elected by and from members of the LEC.

### **Absence without leave**

12. If an Executive member is absent without leave from 3 consecutive meetings of the Executive, the position must be declared vacant.

### **Labour Electorate Committee Vacancies**

13. Vacancies on the LEC must be filled by by-elections.

### **Labour Electorate Committee Administrative Committee**

14. The LEC may elect an Administrative Committee to carry out the operational requirements of the LEC. An Administrative Committee (if any) must report to the LEC on its activities on a regular basis or as required.

### **Labour Electorate Committee Meetings**

- 15.1 The Chairperson presides at all formal meetings of the LEC and of the Executive.
- 15.2 In the absence of the Chairperson, the Vice-Chairperson presides.
- 15.3 In the absence of both the Chairperson and Vice-Chairperson, the members present must elect one of their number to Chair the meeting.
- 15.4 The Chairperson has a deliberative vote and a casting vote.
- 15.5 The Party's Standing Orders govern how all formal meetings of the LEC must be conducted.

### **Voting at LEC meetings**

- 16.1 For branch-based LECs, only delegates to the LEC (as defined in rule 3.16.1(a)) are eligible to vote and each delegate has one vote.
- 16.2 For ordinary meetings of member-based LECs, only duly elected Committee Members are eligible to vote and each Committee Member has one vote.
- 16.3 For General and Special meetings of member-based LECs, all members of the LEC who are entitled to take part in Party matters have 1 vote.

### **Minimum number of meetings per year**

17. The LEC is required to hold at least 4 formal meetings a year to fulfil its constitutional requirements:
  - (a) An Annual Meeting;
  - (b) A meeting to elect delegates to Regional Conference and discuss Regional Conference business;

- (c) A meeting to debate Policy Proposals, elect delegates to Annual Conference and discuss Conference business; and
- (d) One other meeting.

#### **Ordinary meetings**

- 18.1 The LEC must hold at least 3 other ordinary meetings throughout the year to discuss other issues, including recruitment, membership matters, fundraising, campaigning and policy.
- 18.2 These meetings can be held at one address or held by way of a teleconference call.
- 18.3 Except where otherwise resolved by the LEC, ordinary meetings must be held monthly.

#### **Special Formal Meetings**

- 19. Additional Special Formal Meetings may be called by:
  - (a) the Chairperson and Secretary;
  - (b) a Resolution of a Formal Meeting;
  - (c) the Secretary, on receipt of a requisition signed by not less than one-fourth (25%) of the members;
  - (d) a direction of the NZ Council.

#### **Method of convening Special Formal Meetings of LECs**

- 20.1 Special Formal Meetings must be convened by circular notice delivered, posted or emailed to each delegate or representative so as to be received not less than 48 hours prior to the time of the meeting.
- 20.2 The notice must state the business for consideration.

#### **Attendance at Labour Electorate Committee Formal Meetings**

- 21.1 Party members and registered supporters not accredited as delegates or representatives may attend LEC formal meetings as observers but may speak only with the consent of the meeting.
- 21.2 A roll containing the names and addresses of each delegate or representative and the date of admittance, or in the case of representatives the date of election, must be kept by the Secretary. The attendance of each member must be recorded and checked against the roll at each of the 4 formal meetings described in clause 17.

- 21.3 In the year following the Annual General Meeting of the LEC, should any delegate or representative be absent without leave or without an accepted apology from 2 consecutive meetings of the 4 formal meetings of the LEC (as described in clause 17) –
- (a) the Secretary must notify the organisation concerned and, failing a satisfactory explanation, request it to appoint another delegate or representative:
  - (b) the Secretary must notify the LEC and the representative concerned of the intention to invoke clause 17 and paragraph (a) of this clause, failing a satisfactory explanation.

#### **Labour Electorate Committee Annual Meetings**

- 22.1 The Annual Meeting of an LEC must be held by 31 March and must be conducted by the delegates or representatives for the year to which the Annual Report and Balance Sheet apply.
- 22.2 The Annual Meeting must be counted as 1 of the 4 formal meetings required to be held by an LEC.

#### **Election of new officers**

23. Immediately after the adoption of the Annual Report and Balance Sheet, the delegates appointed or the representatives elected for the ensuing year constitute the LEC for the purpose of electing the new officers.

#### **Eligibility to vote at Annual Meeting**

24. The test of eligibility to participate as a voting delegate at the Annual Meeting of a branch-based LEC is:
- (a) Each individual delegate representing a branch or an affiliate must demonstrate that the branch or affiliate has duly authorised delegates to represent the Branch or affiliate for the ensuing year at the LEC;
  - (b) The number of delegates entitled to participate at the Annual Meeting of the LEC is determined by calculating the average attendance by duly authorised representative delegates of a branch or affiliate from the attendance record of the 4 formal meetings of the existing LEC over the previous year as detailed in clause 17;
  - (c) The annual average determines the number of delegates entitled to participate at the Annual Meeting;
  - (d) In other respects, rules 6.19 and 6.20 apply.

### **Proportion of Women Officers**

- 25.1 At least 50% of the officers of any LEC must be women.
- 25.2 Where, after or during any election or group of elections to office, the requirement in clause 25.1 is not met, or it becomes apparent this requirement cannot be met:
- (a) Where necessary, the post of the last elected officer will remain vacant; and
  - (b) Remaining positions will not be filled; and
  - (c) A new election or elections will be held until the requirement is met.
- 25.3 Each LEC must:
- (a) Use all reasonable endeavours to encourage diversity in general (whether in regard to race, sex, marital status, sexual orientation, gender identity, age, religious faith, political belief, disability or any other basis); and
  - (b) Ensure that the Party is representative of all within New Zealand.

### **Business at Annual Meeting**

- 26.1 The business to be transacted at the Annual Meeting is:
- (a) Confirmation of the Minutes of the previous Annual Meeting;
  - (b) Adoption of the Annual Report, Statement of Receipts and Payments and Balance Sheet;
  - (c) Election of officers.
- 26.2 At the conclusion of the elections of Officers, the LEC may resume with the new Officers installed for the purposes of concluding the formal meeting.

### **Secretary to make returns**

27. The Secretary of each LEC must, immediately following the Annual Meeting of the LEC, give the NZ Council a return which identifies the:
- (a) Level of male/female membership;
  - (b) Positions held by women including executives and delegates to Labour Regional Council;
  - (c) Specific seminars or courses or meetings held in the previous twelve-month period that aimed to achieve the greater involvement of women.

### **Labour Electorate Committee quorum**

- 28.1 At all of the 4 formal meetings of the LEC a quorum consists of 50% of the number of the Committee or 10 members, whichever is the less.
- 28.2 If all branches and affiliates have been informed of their right and opportunity to appoint delegates or representatives to the LEC, only members formally appointed to the LEC may be counted for the purpose of determining the quorum under this clause and rules 8.11 and 8.12.
- 28.3 5 members form a quorum at an Executive meeting of the LEC.
- 28.4 The NZ Council may intervene in the management of an LEC where it has reached the conclusion that there has been a clear breach of the Rules.

### **Joint meetings of Labour Electorate Committees**

- 29.1 Two or more LECs may arrange meetings to discuss matters of referral interest, including party vote campaigning, recruitment and policy.
- 29.2 Two or more LECs may form a joint committee to manage matters of mutual interest and to act as an organising body for shared activities.
- 29.3 The 2 LECs may delegate to the joint committee formed under clause 29.2 the power to manage financial matters with the agreement of the LECs concerned.
- 29.4 If one or both of the LECs wishes to terminate the arrangement described in clause 29.3, resources will be fairly and equitably divided between the 2 LECs.
- 29.5 Joint electorate meetings for any purpose may be convened from time to time by the NZ Council.

### **Application of LEC Rules**

- 30. These LEC Rules will only apply to formal meetings of LECs.

### **SCHEDULE 3 – RULES FOR LABOUR REGIONAL COUNCILS**

#### **Application**

1. The following rules apply to each Labour Regional Council.

#### **Labour Regional Councils' Name**

2. The name of the Council is "The .....Labour Regional Council of the New Zealand Labour Party".

#### **Labour Regional Councils' Objectives**

3. The objectives of a Labour Regional Council are the co-ordination of Party activities within the region concerned with special reference to:
  - (a) election organisation;
  - (b) fundraising;
  - (c) the maintenance of efficient and effective electoral organisation in constituent bodies;
  - (d) the promotion of suitable educational programmes and public understanding of Party policy;
  - (e) the regional co-ordination of Party activity in local body elections;
  - (f) the organisation, in conjunction with regional conferences, of a report-back session open to all Party members, at which representatives from each of the NZ Council, Policy Council, the Parliamentary Labour Caucus and, where appropriate, local government will report on the current activities and decisions of their respective bodies.

#### **Labour Regional Councils' delegates**

4. A Labour Regional Council consists of delegates from constituent bodies and affiliates within the designated region.

#### **Ex-Officio members**

5. Members of the NZ Council, and members of the Parliamentary Labour Party Caucus, resident within the region are ex-officio members of the Labour Regional Council.

#### **Responsibility to provide information and training**

6. A Labour Regional Council must ensure that all LECs, Branches and Affiliates under its jurisdiction are fully conversant with their duties and implement those instructions that are issued from time to time.

### **Power to determine affiliation**

7. The Labour Regional Council may determine whether it will affiliate with or send delegates to any organisation not affiliated with the Party.

### **Election of delegates**

8. The Secretary of each Labour Regional Council must, in February of each year, notify all its constituent bodies that delegates to represent each organisation on the Council should be elected to enable them to assume office immediately after the adoption of the Annual Report, Statement of Receipts and Payments and Balance Sheet at the May meeting of the Council.

### **Names of delegates**

9. The names of those delegates must be forwarded to the Labour Regional Council Secretary on or before the May meeting of the Council.

### **Failure to notify**

10. Failing the receipt of that notification, the organisation concerned must be notified of this by the Secretary of the Labour Regional Council and asked to elect delegates immediately.

### **Returns of information**

11. The Secretary of each Labour Regional Council must, in September, and immediately following the Annual Meeting of the Labour Regional Council, give the NZ Council a return which identifies the:
  - (a) level of male/female delegates;
  - (b) positions held by women;
  - (c) specific seminars or courses or meetings held in the previous six month period that aimed to achieve the greater involvement of women.

### **Labour Regional Councils' Officers**

12. The officers are:
  - (a) The Chairperson, who must be elected by the delegates present at the Annual Meeting of the Regional Council;
  - (b) The Vice-Chairperson, who must be elected by the delegates present at the Annual Meeting of the Labour Regional Council;



- (c) A Secretary-Treasurer or a Secretary and a Treasurer, who must be elected by delegates present at the Annual Meeting of the Labour Regional Council.

#### **Labour Regional Councils' Executive**

- 13. The Executive consists of the officers ex-officio, and not less than 7 other members elected by and from delegates to the Labour Regional Council.

#### **Absence without leave**

- 14. If an Executive member is absent without leave from 3 consecutive meetings of the Executive, the position must be declared vacant and filled by a by-election.

#### **Meetings of Labour Regional Councils**

- 15.1 The Chairperson presides at all meetings of the Labour Regional Council and of the Executive.
- 15.2 In the absence of the Chairperson, the Vice-Chairperson presides.
- 15.3 In the absence of the Chairperson and the Vice-Chairperson, the members present must elect one of their number to Chair the meeting.
- 15.4 The Chairperson has a deliberative vote and a casting vote.
- 15.5 The Party's Standing Orders govern how all formal meetings of the LRC must be conducted.

#### **Voting at Labour Regional Council meetings**

- 16. Only delegates appointed by their constituent organisations are eligible to vote and each delegate has one vote.

#### **Monthly meetings**

- 17. Except where otherwise resolved by the Labour Regional Council, ordinary meetings must be held monthly.

#### **Special meetings**

- 18. A Special Meeting may be called by:
  - (a) the Chairperson and Secretary;
  - (b) a resolution of an ordinary meeting;
  - (c) the Secretary on receipt of a requisition signed by not less than a quarter of members of the Labour Regional Council;
  - (d) a direction from the NZ Council.

### **Notice of Special meetings**

19. Special Meetings may be convened by circular notice delivered, posted or emailed to each delegate so as to be received not less than 48 hours prior to the time of the meeting. The notice shall state the business for consideration.

### **Procedure of ordinary meetings**

- 20.1 At all meetings of the Labour Regional Council, every person who is a Regional Council Officer or is a delegate to the Council or is otherwise a member of the Council may speak and vote. However, except in the case of the exercise of a casting vote, no person may exercise more than 1 vote.
- 20.2 Party members not accredited as delegates or otherwise members of a Labour Regional Council may attend any meeting of a Labour Regional Council as observers and may, with the consent of the meeting, be granted speaking rights but may not vote.
- 20.3 Childcare facilities must be provided as necessary for delegates attending Labour Regional Council meetings.

### **Records of meeting to be kept**

21. A roll containing the names and addresses of each delegate and the date of admittance must be kept by the Secretary. The attendance of each member must be recorded and checked against the roll at each meeting.

### **Absence without leave**

22. Should any delegate be absent without leave or without an accepted apology from three consecutive meetings of the Labour Regional Council, the Secretary must notify the organisation concerned and, failing a satisfactory explanation, request it to appoint another delegate.

### **Labour Regional Councils' Annual Meeting**

23. The Annual Meeting of the Labour Regional Council must be held in May and must be conducted by the delegates for the year to which the Annual Report, Statement of Receipts and Payments and Balance Sheet apply.

### **Election of new officers and executive**

24. Immediately after the adoption of the Annual Report and Balance Sheet, the delegates appointed for the ensuing year constitute the Labour Regional Council for the purpose of electing the new officers and Executive.

### **Business at Annual Meeting**

25. The business to be transacted at the Annual Meeting consists of:
- (a) Confirmation of the Minutes of the previous Annual Meeting; and
  - (b) Adoption of the Annual Report and Balance Sheet.

### **Meeting may resume**

26. At the conclusion of the election of officers and Executive members, the Annual Meeting must close, but the Labour Regional Council may resume, with the new officers installed, for the purposes of conducting an ordinary monthly meeting.

### **Labour Regional Council Meeting quorum**

27. At all meetings a quorum consists of one-half of the members of the Labour Regional Council, or a majority of representation from the constituent bodies, whichever is the less.

### **Quorum for Executive meetings**

28. A quorum for Executive meetings consists of 6 members.

### **Regional Seminars**

29. A Labour Regional Council may convene seminars within its area of jurisdiction to promote Labour Party objectives and is responsible for all costs so incurred. All arrangements for these seminars must be notified well in advance to the NZ Council.

### **Regional Conferences**

- 30.1 Two or more regions may combine for the purposes of conducting annual Regional Conferences.
- 30.2 The purpose of the Regional Conferences is to receive and discuss Policy Proposals, proposed amendments to the Policy Platform and remits on general matters and the Constitution.
- 30.3 After a Regional Conference, the accepted policy proposals and proposed Constitutional amendments (if any) will be combined and forwarded to the NZ Council for referral to the appropriate Committees before presentation at Annual Conference.
- 30.4 Childcare facilities must be provided as necessary for delegates attending Regional Conference.

## **SCHEDULE 4 - RULES OF NZ COUNCIL**

### **Application**

1. The following rules apply to the NZ Council.

### **Power to establish groups and delegate**

- 2.1 The NZ Council may establish subcommittees and working groups:
  - (a) To which it may delegate tasks and responsibilities; and
  - (b) Must carry out the tasks and responsibilities delegated to it.
- 2.2 A subcommittee or working group established by the NZ Council under clause 2.1:
  - (a) Must report to the Council; and
  - (b) Has no power separate from the Council.
- 2.3 The NZ Council must ensure that there is equitable gender representation on the bodies that it establishes.

### **Rights of attendance**

3. The following persons have the right to attend but not vote at meetings of the NZ Council:
  - (a) The Chairperson of the Parliamentary Labour Caucus;
  - (b) The Secretary of the Parliamentary Labour Caucus;
  - (c) A member of the Labour Caucus authorised by the Caucus to represent its members at meetings of the NZ Council.

### **Vacancy in position of President**

- 4.1 If the position of President becomes vacant before the next Annual Conference, the General Secretary must, within 14 days of the position becoming vacant, invite the constituent organisations with voting rights to provide nominations for the position of President, to the General Secretary.
- 4.2 Nominations in the prescribed form close one month after the date of the invitation for nominations.
- 4.3 If more than one nomination is received a ballot must be conducted by the General Secretary.
- 4.4 Two scrutineers from the NZ Council must be appointed.
- 4.5 Rule 6.1.1 sets out the rules about the weighting of votes.

- 4.6 The ballot must be completed within one calendar month from the date on which nominations close.

**Vacancy in position of Senior Vice-President**

- 5.1 If either of the Senior Vice-President positions becomes vacant before the next Annual Conference, the next highest polling candidate assumes the position until the next Annual Conference.
- 5.2 If there was no election for the position or the next highest polling candidate is not available, then the process for filling the vacancy is as set out for the President in clause 4.

**Vacancy in position of Vice-President**

- 6.1 If any of the Vice-Presidential positions becomes vacant before the next Annual Conference, the next highest polling candidate assumes the position until the next Annual Conference.
- 6.2 If there was no election for the position or the next highest polling candidate is not available, then the process for filling the vacancy is as set out for the President in clause 4.

**Vacancy in position of Regional Representative**

- 7.1 If any of the positions of Regional Representative becomes vacant more than 4 months before the next Annual Conference, the General Secretary must, within 14 days of the position becoming vacant, invite the constituent organisations with voting rights to provide one or more nominations of a member of the Party resident in the region, as the Regional Representative of that area to the NZ Council until the next Annual Conference.
- 7.2 Nominations in the prescribed form close one month after the date of the invitation for nominations.
- 7.3 If more than one nomination is received a ballot must be conducted by the General Secretary in accordance with rule 7.7.
- 7.4 Ballot papers must be completed and returned within 3 weeks of the date of their issue.

**Vacancy in position of Te Kaunihera Māori or Rainbow representatives**

8. If the position of Representative of Te Kaunihera Māori or the Rainbow Representative becomes vacant, their replacement until the next Annual Conference must be elected by their sector in a manner and procedure proposed by their sector and agreed to by the NZ Council.

### **Vacancy in position of Policy Council representative**

9. If the position of Policy Council Representative becomes vacant, the position must be replaced by the next highest polling candidate for the remainder of their 3-year term.

### ***NZ Council meetings***

#### **Chairing Meetings**

- 10.1 The President of the Party chairs meetings of the NZ Council.
- 10.2 In the absence of the President, either of the Senior Vice-Presidents presides.
- 10.3 The Chairperson has a deliberative vote and a casting vote.

#### **Minimum number of meetings**

11. The NZ Council must meet at least 5 times annually.

### ***Reports***

#### **Reports on representation of women**

- 12.1 The NZ Council must require the relevant organisations of the Party to provide twice yearly to the Council, reports on:
- (a) The overall membership of women in the Party;
  - (b) The numbers of women holding office in –
    - (i) the NZ Council;
    - (ii) Labour Regional Councils;
    - (iii) LECs;
    - (iv) Branches.
- 12.2 The obligation to require reports ceases once women are represented at least equally at all levels of the Party.

#### **Reports must be provided by Special Advisory Committee**

- 13.1 The NZ Council must require annual reports from all Special Advisory Committees on:
- (a) The level of involvement, and the decision making positions held, by women; and
  - (b) Any activities specifically undertaken to promote the role and status of women.
- 13.2 The NZ Council must require annual reports from all Special Advisory Committees on:

- (a) The level of involvement, and the decision making positions held by Māori and Pacific Island women members; and
- (b) Any activities undertaken that have been specifically aimed at encouraging such involvement.

### ***Attendance rights at other meetings***

#### **Attendance rights**

- 14.1 Members of the NZ Council are eligible to attend any Branch, Electorate Committee, Local Body Committee or Labour Regional Council meeting with the right to speak.
- 14.2 However, a member of the NZ Council has no voting rights at the meeting attended, unless the member is accredited as a delegate or resident in the area covered by the organisation concerned.

#### **NZ Council Quorum at Meetings**

- 15. At all meetings of the NZ Council a quorum consists of 8 members.

#### **NZ Council Annual Report**

- 16. The NZ Council must prepare and circulate before Annual Conference a report:
  - (a) Covering the activities of the Party during the past financial year; and
  - (b) Specifying action taken on remits referred to NZ Council by the previous Annual Conference.

#### **Honorarium and Expenses for NZ Council Members**

- 17. The President of the Party must be paid an honorarium.

#### **Reimbursement of expenses**

- 18.1 Members of the NZ Council must be reimbursed for travelling, accommodation and other reasonable expenses incurred in attending meetings of the Council.
- 18.2 Childcare facilities must be provided as necessary for members of the NZ Council when attending meetings of the NZ Council or Executive or Policy Council.

## SCHEDULE 5 - ELECTION RULES FOR THE PARLIAMENTARY LABOUR PARTY LEADERSHIP ELECTIONS

### The principles and key elements of the system

**Approved by New Zealand Council on 25 August 2013, last revised 1 October 2014**

#### 1. Introduction and definitions

This document establishes the principles and essential elements of the election system for the Leader of the Parliamentary Caucus of the New Zealand Labour Party (“the NZLP”), and provides the administrative rules for those elections. These rules are designed to provide certainty for what will happen in any given circumstance. The three sections of the Electoral College are made up of two entities and one grouping, namely the New Zealand Labour Party, the Parliamentary Labour Party (the Caucus) and the various Party affiliates. These three elements of the Electoral College are referred to as the sections through this document.

This document is mandated by a series of constitutional amendments passed by the 2012 Annual Conference of the NZLP, summarised as follows:

***Election of the Leader of the Parliamentary Labour Party – the Leader must be a Member of Parliament; an election for the position of Leader is triggered if there is a vacancy, or if requested by a simple majority of Caucus (at any time), or if the Leader fails to obtain the support of 60% plus 1 of the Caucus membership in a vote held within three months after a General Election (and in February 2013, as a one-off); the Electoral College comprises 40% party members, 40% Caucus (both One Member One Vote), and 20% affiliates (varying voting systems); the first version of administrative rules will be developed by NZ Council, in conjunction with the Caucus, by end 2012.***

The New Zealand Council has constitutional responsibility to ensure that procedures, including the length of any election process, are laid down in advance of any such contest, and that the procedures are adhered to throughout the campaign. Much of the detail underlying that responsibility is devolved to the Returning Officer, and the Leadership Election Advisory Group (see 3.7 below) will have oversight of the process, and will reflect the interest of all stakeholders in the NZLP.

<b>Agent</b>	Someone appointed by a candidate to represent their interests in the election process
<b>Affiliates</b>	Those bodies affiliated to the NZLP



<b>the Campaign</b>	The process of nominated candidates for the Labour leadership communicating to voters in that election
<b>Candidates</b>	People duly nominated as candidates for the Leadership Election
<b>Caucus Rules</b>	The Rules set by Labour Caucus from time to time to govern the affairs of the Caucus
<b>CAWU</b>	Central Amalgamated Workers' Union
<b>College</b>	the Electoral College
<b>Code/s of Conduct</b>	Rules specific to certain groupings of people involved in the implementation of the Leadership Rules
<b>Deputy</b>	Someone in an elected substitute position in an affiliate organisation who is nominated to exercise a vote because the delegate themselves is not allowed to vote in the Leadership Election
<b>DWU</b>	New Zealand Dairy Workers Union
<b>Electoral College</b>	The combination of Party Members, Caucus and affiliate sections in a NZLP Leadership Election
<b>Electronic address</b>	e-mail address
<b>Eligible member</b>	Someone who qualifies to vote in the Leadership Election
<b>EPMU</b>	NZ Amalgamated Engineering, Printing and Manufacturing Union Inc
<b>Financial members</b>	People who are current members of the NZLP through virtue of payment or otherwise (e.g. people who are Life Members)
<b>Fully randomised</b>	The order of candidates on the ballot paper differs randomly between each paper

<b>Husting meetings</b>	Meetings open to party members and eligible voters at which the candidates will speak and will be asked questions
<b>LEAG</b>	Leadership Election Advisory Group
<b>Leadership Rules</b>	The Election Rules for the Parliamentary Labour Party Leadership Elections
<b>MUNZ</b>	Maritime Union of New Zealand
<b>NZ Council</b>	The New Zealand Council, governing body of the NZLP
<b>NZLP</b>	New Zealand Labour Party
<b>MWU</b>	New Zealand Meat Workers Union
<b>One eligible member, one vote</b>	The voting process for the Party members and for the members of the Service Workers Union
<b>Parliamentary staff</b>	Staff employed by Members of Parliament and funded by Parliamentary Service
<b>Party constitution</b>	The NZLP Constitution and Rules
<b>Preferential ballots</b>	A voting system in which candidates are ranked by voters in order of preference
<b>Proxy voting</b>	Someone duly appointed to vote on behalf of someone else.
<b>Returning Officer</b>	The person who runs the election and deals with
<b>RMTU</b>	Rail and Maritime Transport Union of New Zealand
<b>Scrutineers</b>	People appointed by the various sections of the College to represent their interests when the vote is counted
<b>Sections</b>	The three sections of the College – Party members, Caucus members and affiliates
<b>Senior Whip</b>	The person elected by the Labour caucus to be their Senior Whip

<b>SFWU</b>	Service and Food Workers Union
<b>Single-round preferential voting system</b>	A system where people vote once, ranking all the candidates in their order of preference
<b>Valid form</b>	The technically correct way
<b>Voter preferences</b>	The stated candidate preference of voters

## 2. Status and principles

The bulk of this document is non-constitutional Administrative Rules for the New Zealand Labour Party.

The four proposed key principles of the leadership election system are as follows:

- Democratic integrity and certainty;
- Transparency and fairness;
- Membership participation; *and*
- Party growth.

## 3. Key elements

### 3.1 Nomination

- 3.1.1 Where an election is triggered by a resignation or death of the Leader, the Senior Whip shall be responsible for formally notifying the Party President and General Secretary of the fact as soon as practicable.
- 3.1.2 The closing date and time for nominations for the position of Leader of the Parliamentary Labour Party will be set by the NZ Council in the face-to-face or teleconference meeting in which they establish the timetable for the whole election; that will be held as soon as practicable and within 48 hours of an election being triggered.
- 3.1.3 All nominations must be received by the Returning Officer by the time and date detailed in the agreed timetable. All nominations will be supported by a nominator and a seconder, both of whom must be members of the Labour Caucus and neither of whom can be the candidate being nominated. Nominations will remain valid once submitted, unless the nominated candidate withdraws in writing to the Returning Officer. Nominations will be recorded and

published on the Labour Party website as soon as practicable after closure of nominations. The Returning Officer will write to the nominated candidates confirming whether their nomination has been accepted or whether further information is required.

- 3.1.4 The Returning Officer shall ensure that nominations are filed securely, electronically and in the original paper copy. If a nomination is provided in hard copy then it should be scanned and saved in a secure folder relating to the election. Nominations shall be retained for at least six months from the closing date for nominations, and afterwards destroyed.
- 3.1.5 Members shall be electronically notified of any major changes to the process and of any nominations, once information has been published by the Party.
- 3.1.6 In the event of only one nomination being received by the due date and time, the nominee will be declared by the Party President as duly elected.

### **3.2 Voting system**

- 3.2.1 There will be an **Electoral College** comprising Party membership votes, Caucus votes and affiliate votes. The affiliate vote will be divided between the affiliates in proportion to the registered total affiliated numbers nationwide for each affiliate<sup>1</sup>, as per the New Zealand Labour Party's constitution.
- 3.2.2 Each Caucus member will receive **one vote** in the Caucus section, and each Party member will receive one vote in the Party section. Voting in the affiliate section will be undertaken at an affiliate's National Conference delegate level, or amongst the eligible membership of an affiliate when agreed by that affiliate. Affiliates will not individually or collectively vote as a bloc.
- 3.2.3 The **votes of each candidate in each section** will be calculated as a percentage of the total votes cast in that section, and shall then be apportioned as follows:
  - Section 1, individual members of the New Zealand Labour Party – 40%
  - Section 2, members of the Parliamentary Labour Party – 40%
  - Section 3, the affiliate vote as detailed above – 20%.
- 3.2.4 Based on the existing NZLP Rules, which mandate preferential ballots, the system to be utilised for an election in which there are more than two candidates will be a **single round preferential voting system**. The winner will need to gain the support of a simple majority of the entire Electoral College. That will require all voters to return individual ballot papers detailing the

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<sup>1</sup>As of 10/14, CAWU 2.02%, DWU 13.71%; EPMU 33.33%; MUNZ 3.41%; MWU 19.55%; RMTU 6.06%; SFWU 21.92%

preference votes cast for each candidate. The first preference votes cast for each candidate will then be aggregated nationally, appropriately weighted, across all three sections of the Electoral College. If no candidate gets a simple majority of the Electoral College votes in the first round, the Electoral College result will be recalculated, eliminating the candidate with the lowest percentage of Electoral College and redistributing those votes according to expressed preferences until one candidate exceeds the 50% threshold.

- 3.2.5 There will be one **Returning Officer** for the whole election, to be appointed by the NZ Council, with the expectation that they will be the NZLP General Secretary unless the NZ Council resolves that the NZLP General Secretary has a conflict of interest in relation to one or more of the candidates.

NZ Council must allow the General Secretary to address the Council about any potential **conflicts of interest** that have been brought to the attention of the Council, and how any conflicts may be removed or managed. Before NZ Council decides to appoint another person as the Returning Officer, it must ensure that the appointee is not a member of another political party and does not have a conflict of interest. Nothing in this clause prevents the Returning Officer from being eligible to vote in the election.

- 3.2.6 The Returning Officer may assign **Deputy Returning Officers** to assist with the running of the ballot, within or across sections, and any Deputy Returning Officers must declare any conflict of interests to the Returning Officer before commencing duties. All Deputy Returning Officers, including affiliate-appointed Deputy Returning Officers (*see A2*), must act impartially in the conduct of their duties and under the direction of the Returning Officer. Nothing in these rules prevents the Returning Officer from appointing deputies where affiliate Deputy Returning Officers have also been appointed.
- 3.2.7 Each candidate will be obliged to appoint an **Agent** to liaise with the Returning Officer and the Leadership Election Advisory Group (*see 3.7 after*) on matters concerning the election. An Agent must be a Party member. All Agents must attend the Code of Conduct meeting with the candidate (*see 3.7.9*), and agree to abide by the Party Constitution, the rules and the Code of Conduct for candidates.

### **3.3 Eligibility to vote**

- 3.3.1 **Affiliate delegates** or **affiliate members** eligible at the time that the election is called (according to the voting system adopted by each Affiliate) will be eligible to vote in the Affiliate section. **Members of the Parliamentary Caucus** will be eligible to vote in the Caucus section. **Current financial members of the New Zealand Labour Party** will be eligible to vote in the

Party section. People who are members of other political parties will not be able to vote in any section.

3.3.2 **Members separately entitled to vote** in more than one section of the College can do so. **Proxy voting** will not be allowed.

3.3.3 **Membership** of the New Zealand Labour Party, leading to eligibility to vote, will be open until midnight on the day after the day that the election is triggered for new members and unfinancial members shall have until the conclusion of the final hustling meeting, date to be determined by the Returning Officer, to pay any outstanding membership fees. For the purposes of this clause, membership is deemed to have started from the date that the initial membership application is duly submitted. *(This is intended to account for situations, for example, where there may have been an administrative error in the payment of the fees, a delay in the membership form being sent through the post or where further consideration by NZ Council needs to be made as to whether to finally accept the membership application).*

3.3.4 Nothing in these rules prevents the Returning Officer, Deputies, Party staff, members of LEAG, or NZ Council members from being **eligible to vote** in the election where they otherwise satisfy the voter eligibility criteria.

### 3.4 **Voting process**

3.4.1 For the party section **ballot papers will be sent to the postal or electronic address registered** for the member on the system at Party Headquarters. Affiliates and the party staff must make best endeavours to ensure that the lists of voters provided are up-to-date and accurate. Affiliates which are not organising voting at hustling meetings, and the SFWU, will provide distribution lists to Party headquarters.

3.4.2 Affiliates must instruct their members that **if they belong to another political party** they are not eligible to vote in the election.

3.4.3 **Ballot papers** for voting in all three sections of the Electoral College will be of a standard design (subject to the order of the names of the candidates being fully randomised), with various paper colours and logos for the different sections of, or elements in each section of, the Electoral College being utilised. This will enable the Returning Officer to extrapolate the vote according to the College composition and weighting. The ballot papers will include a unique identifier to enable checks for duplicates.

All ballot papers will contain the following statement:

*"By voting in this election I am declaring that I am not a member of any political party other than the New Zealand Labour Party".*

3.4.4 Apart from ballot papers issued at meetings to affiliates who select that method of voting, all ballot papers in all three sections will be issued by post or electronically on days that have been pre-approved by the Returning Officer, directly by the Party or by an independent contractor on behalf of the Party. This **election mailing** will be the only mailing undertaken by/on behalf of the Party centrally to voters, with the exception of mailings forwarded on behalf of candidates (*see 3.6 below*) or re-sent ballot papers where the original has been lost or not received.

3.4.5 The **election mailing** will comprise:

- a cover letter or email describing the process and options for returning the vote and, for affiliates, encouraging them to join the Party as individual members and explaining how they are eligible to vote in the election as a member of an affiliate and not a member of another political party;
- the ballot paper; for email election mailings, instructions for electronic voting;
- candidate information sheets (standard maximum length);
- an appeal for donations to cover the cost of the election, including a 0900 number; and
- in the case of a postal mailing, 2 (two) reply-paid and pre-addressed FastPost envelopes (one is for the donation to be sent separately, so that the ballot papers are separate and remain anonymous).

The envelopes for the affiliates' vote mailing will include a Labour membership form.

3.4.6 Ballot papers with identifiers will be **available for issue at meetings** for specific affiliates (on request, with staffing provided).

3.4.7 Each Affiliate, except the SFWU, will provide to the Party the **labels for a mailing to those eligible to vote** or email addresses for the purposes of electronic voting in the ballot for their section, and will fund their portion of that mailing. In the case of the SFWU, which will be balloting eligible and attending members at meetings (*as described in Appendix A below*) and authorising the issuing of some postal votes (*see Appendix A*), a complete and current membership list will be provided to the Returning Officer.

3.4.8 The Senior Whip of the Parliamentary Caucus shall provide the Party with the **labels for a mailing to those eligible to vote** or email addresses for the purposes of electronic voting in

the ballot for their section, and will fund their portion of that mailing. The default physical address for this mailing shall be the MP's Parliamentary office in Wellington but the Returning Officer shall have the discretion to post to another address if the MP in question agrees to this in writing.

- 3.4.9 A final date will be set for the **re-issuing of ballots that have been lost or not received**, to avoid bias towards the location where ballot papers are issued.
- 3.4.10 In accordance with NZLP practice, all **voter preferences** must be completed by the voter in valid form, or the vote will be discounted. Guidance will be offered on the ballot paper and otherwise provided at the time of voting (in the case of electronic voting).
- 3.4.11 **Voting facilities** for voters in the Party members' section, the Caucus section and (on request, with staffing provided) for specific Affiliates will be available at candidates meetings (*see 3.6.1 below*).
- 3.4.12 Apart from votes cast in 3.4.6, all ballot papers must be **returned** to Fraser House or to an independent contractor for processing and counting, by a defined time on a defined date. Paper-based returns may be made by post, in person, by fax, or by emailing of a scanned copy to a dedicated e-mail address. Electronic returns will be made through the electronic voting system agreed to by NZ Council.

The Returning Officer must ensure that the unique identifier and corresponding voter information are electronically **recorded and stored securely**, to prevent improper access and use. This information should only be accessed by the Returning Officer or with the Returning Officer's express authorisation for the purposes of validating the election mailing or results.

- 3.4.13 **Scrutineers** for the vote count will be appointed by the candidates (one each), Affiliates (two, including one for the SFWU), Caucus (one), and New Zealand Council, on behalf of the Party membership (two). Issues arising will be referred for decision to the Returning Officer. The Returning Officer will be responsible for ensuring that the electronic voting system is operating fairly and without bias.
- 3.4.14 At each stage of the vote count, any **spoilt, duplicate, otherwise invalid or non-transferable voting papers** will be discounted.
- 3.4.15 **Results** for each candidate will be published on the NZ Labour Party's website for each section of the Electoral College as percentages at each stage of the count. The result will be announced by the Party. Ballot papers and associated records will be retained in the event of a review of the count being necessitated.



- 3.4.16 The Returning Officer shall ensure that **votes are filed securely electronically and in paper copy**, to prevent improper access and use. This information should only be accessed by the Returning Officer or with the Returning Officer's express authorisation for the purposes of validating the results. This information must be stored separately from the unique identifiers. These documents shall be retained for at least six months from the closing date of the elections and afterwards destroyed.

### 3.5 Timeline

- 3.5.1 The system will be capable of delivering a **result** within 21 days of being triggered, but the period may be longer.
- 3.5.2 The decision of the New Zealand Council in relation to the **timetable for the whole election** will be final, and will be made as soon as practicable, and within 48 hours of the election being triggered, normally by teleconference.

### 3.6 Promotion and Communications

- 3.6.1 A series of hustling **meetings** for eligible voters and other Party members, organised and funded by Party hubs/regions and chaired by the NZLP President or her/his nominee, will be organised. Any person appointed as a moderator for the meeting must be approved by the Returning Officer and act in a neutral role throughout the election period.

The final choice of meeting locations will be dependent on the time available and the level of organisation in each city, and at a minimum will cover the six largest population centres. There will also be a virtual web-hosted meeting so that every voter has an opportunity to participate.

Candidates will be expected to attend the hustling meetings and, where practicable, to arrive half an hour before the commencement of the hustling for media interviews. The meetings will be arranged in an essentially consistent way, for example around chairing and agenda design. The Returning Officer may prepare and distribute written guidance to apply to hustling meetings to ensure that they operate efficiently and in accordance with the principles of these rules (for example, without limitation, bans on candidate signage in the hall, permission for candidate leaflets on a table at the entrance to the hall; and allowing a private area for voting). Donations will be collected at the meetings, to be utilised for the costs of organising the meeting, with any surplus funds being applied to NZLP election costs. Apart from the speeches made by candidates, the meetings will be closed to the media. The meetings will not be open to people who are members of other political parties. The Returning Officer shall have discretion to allow unaccredited media to attend a meeting and shall also have discretion in special circumstances to allow any non-members to attend a meeting in consultation with the

relevant Regional Representative/s. Leaflets produced by the candidates will be made available at these events if they are provided in sufficient numbers to Head Office. Candidates may request that the Party transports any candidate materials to and between hustling meetings and the Party may not unreasonably refuse such a request.

- 3.6.2 Candidates will not be provided with **access to Party membership lists**, but the Party will offer a service whereby it will (on provision of at least 24hours' notice) undertake physical or e-mail distributions to all members, with the candidate meeting all real costs (including staff time etc). A customisation option for the selection and personalisation of emails or letters will be offered at cost. Such costs will have to be contained within the spending limit of the candidate. Candidates will also be provided with a list of LEC, branch, sector and affiliate contacts, as is the practice with internal NZLP elections. Distribution to affiliate voters' lists will be offered to all candidates on the basis of the service outlined above. All candidate material must comply with the Code of Conduct for candidates (*see Appendix D*).
- 3.6.3 Standard form **candidate statements, news items, standard length videos and contact details** will be published prominently on a distinct part of the Labour website, with candidates being requested to provide wording, high resolution photos etc. as required. Each candidate will have a web page within that part of the site, including their biography and a link to their own site. Candidates will be entitled to operate their own websites in accordance with the Code of Conduct for candidates.
- 3.6.4 During an election, a NZLP **Communications Officer** will coordinate media interviews, and requests for interview, with the candidates at all NZLP-organised events, and at other times the NZLP will direct all media enquiries to the Agents of the candidates.
- 3.6.5 Candidates will be expected to be present together when the nominations are announced to the media and to hear the results of the Leadership Election, location to be determined by the Party, in consultation with the candidates.
- 3.6.6 During an election, the Party shall provide each candidate with daily information about voter turn-out, broken down by section and individual affiliate.

### **3.7 Balance**

- 3.7.1 A permanent **Leadership Election Advisory Group (LEAG)**, with the status of a sub-committee of New Zealand Council, will be formed, initially by end February 2013 and subsequently at the first meeting of the New Zealand Council after each Conference or Congress. It will have the primary role of oversight of the Leadership Election process. Contained within this, a key

function of LEAG will be to consider serious complaints that are either referred by the Returning Officer or appealed following a decision of the Returning Officer.

- 3.7.2 LEAG will **comprise** the Party President, Senior Vice President and Senior Vice President (Maori) (or substitutes if any are Members of Parliament), one Affiliates representatives (nominated by the NZLP Affiliates Council), one Caucus representative (being the Senior Whip unless that person is not eligible under the rules, in which case it will be the Junior Whip, or then as otherwise nominated by the Caucus) and one Party elder (nominated by the NZ Council). The caucus representative may not be a member of LEAG if they are a candidate, nominee, nominator, seconder or a person involved in instigating the trigger (i.e. the person who requests a leadership confidence vote or one of the persons who requested a special meeting under the Rules). The Party President shall have a second, casting vote.

During a leadership election LEAG has a unique ability to act independently of Council, so that NZ Council members have the freedom to be political. NZ Council retains sole decision-making for serious decisions, e.g. whether to withdraw a candidate from the election.

- 3.7.3 In making decisions, **LEAG must act impartially**, giving effect to the rules. Where a member of LEAG has a conflict then they must be absent from making a decision relating to that issue or candidate. NZ Council makes a final decision on any conflict of interests where there is a dispute.
- 3.7.4 **LEAG will report to NZ Council** within six months of each leadership election conducted under this system on any recommended amendment of these Rules. The person who acted as the Returning Officer will report on queries/complaints. The General Secretary will conduct an evaluation, including interviews with key people, and report to LEAG.
- 3.7.5 **Material disseminated on behalf of candidates** (in the same envelope as the ballot papers, electronically or at the meetings) is to be of standard length and form.
- 3.7.6 All NZ Council members are entitled to take and advocate any position of their own choosing in a leadership election. Party staff must show complete **neutrality** in their work, but nothing in these Rules shall prevent staff members from exercising their vote as members.
- 3.7.7 Candidates must have **equal access to public and Caucus resources**, regardless of whether one of the candidates happens to be the incumbent in the role. On that basis, Caucus will develop rules which encompass the following, and these rules will be reflected in the Codes of Conduct:

- clarification of the position of Parliamentary staff, both to ensure fairness but also to protect them from infringing any parliamentary or ministerial service guidelines.
- under Parliamentary Service rules, no staff from the Leader's office (or the Prime Minister's office, if the Leader is also Prime Minister) will be allowed to assist any candidate for Leader on any matter primarily related to that election, but will still be able to assist Ministers, Spokespeople and other MPs with their day-to-day spokesperson roles etc.
- no lists of Party members held in the Leaders Office (e.g. mailing lists, e-mail lists) are to be utilised during the election for election purposes and the principles of the Privacy Act 1993 continue to apply (in particular, that information collected for one purpose may not be used for another purpose).
- Executive Assistants (or a Private Secretary, if a Minister) will be the only staff who may support a candidate in their bid for the Leadership, within Parliamentary rules.
- all other staff must either take unpaid leave for the duration of the leadership election – with no access to Party or Parliamentary resources – or act in accordance with the Parliamentary Rules, Caucus Rules and Code of Conduct for Parliamentary staff
- An obligation on the Senior Whip to ensure a broadly equal range of Parliamentary opportunities and to approve leave equitably for each candidate for sitting days during relevant sections of the Leadership Election

3.7.8 All candidates and Agents will have to sign a **Code of Conduct** for candidates, which is designed to help protect the integrity of the election process, aiming for the election to be as fair as practicable. See Appendix D of the Rules for the agreed Code. Candidates and their Agents may seek advice and guidance from the Returning Officer about compliance with the Code, and the Returning Officer will seek to resolve all queries as soon as practicable on a query being received. New Zealand Council may agree a Code to cover relevant matters at any time from the triggering of a Leadership Election.

3.7.9 LEAG and the Returning Officer will **meet with the candidates and their nominated Agents** as soon as possible after closure of nominations in a briefing meeting to talk through and confirm a commitment to comply with the Code of Conduct for candidates (*see Appendix D of the Rules*), and other relevant matters. Candidates and their nominated Agents are obliged to attend this meeting, although the Returning Officer has discretion to coordinate the meeting by teleconference. The Returning Officer must be reasonable in negotiating the times of the meeting. Failure to attend such a meeting or to sign the Code of Conduct for candidates

without reasonable excuse (as determined by the Returning Officer) will be treated as a withdrawal of the candidacy.

3.7.10 The Returning Officer will be responsible for **reporting to New Zealand Council on any alleged breach of the Code** and also has the power to require the candidate or the candidate's agent to cease acting inconsistently with the Code (for example, to immediately withdraw campaign material that breaches the Code).

3.7.11 Where **a candidate has acted inconsistently with the Rules or the Code of Conduct for candidates**, the Returning Officer has discretion to decide what might be an appropriate response, including, for example:

- Querying the action with candidate and the Agent
- Private instruction to a candidate and their Agent that a practice desist or that material be withdrawn
- Withdrawing the campaign mailing and distribution service provided by the Party
- A public warning
- Require an apology
- To recommend to NZ Council, in consultation with LEAG, that a candidate be barred or that the candidate be required to appoint a new Agent (in extreme cases)
- Identifying any of the above sanctions imposed in the election mailing to eligible voters.

3.7.12 The NZLP will not cover the **costs** incurred by any candidate.

### 3.8 Administration

The NZ Council reserves the right to **appoint an independent organisation** to conduct the ballot.

### 3.9 Reserve Powers for NZ Council

3.9.1 NZ Council shall be authorised to **suspend or cancel a leadership election** in exceptional circumstances including, without limitation, the following:

- The death of a candidate;
- The calling of a General Election;
- Where NZ Council considers that the democratic integrity of the election process has been seriously undermined.

3.9.2 Nothing in these Rules prevents NZ Council from **resolving to continue with the election** in these circumstances.

**4. Process during an election**

4.1 The **process** outlined in Appendix E shall apply during a Leadership Election.

## APPENDICES TO THE RULES

### A Affiliate section election

A1 As per 3.2 above, in **affiliate voting** each body (all currently unions) will propose their own internal election processes in regard to this leadership election, which shall be approved by NZ Council, taking into account the democratic structures within each affiliate. Such voting will be undertaken by a Union's National Conference delegate level, or amongst the eligible membership of a Union. No block voting will be allowed, and the votes must be cast by affiliated members, as per the NZLP Constitution. The 20% of the Electoral College allocated to affiliates is to be divided up on a proportional basis dependant on the number of members that each union has affiliated on, as per the NZLP Constitution.

A2 The **election process** for each affiliate will differ. They will be based on the following systems:

**CAWU** The ballot will be exercised by delegates to the National Conference according to the Rules of the CAWU. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

**DWU** The ballot will be exercised by delegates to the National Conference according to the Rules of the DWU Te Runanga Wai Inc. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

**EPMU** The ballot will be exercised by the delegates to the National Conference. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

**MUNZ** The ballot will be exercised by delegates to the National Council, representative of every branch of the Union. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

**MWU** The ballot will be exercised by delegates to the National Conference. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

**RMTU** The ballot will be exercised by delegates to the National Conference. In the case of a delegate being ineligible to vote due to membership of another political party then the vote will be exercised by their duly elected deputy.

**SFWU** All eligible financial members of the Union will be indirectly informed through Facebook, email (where on record), text (where on record), worksite notices and through workplace delegates that they have a vote and how to vote in the process. The vote can be activated in two ways. The members can either turn up at any of the advertised election hustings meetings, where they can be issued with and can cast a ballot (to be administered by SFWU staff), with the ballot being sealed at the end of the meeting; those voting will be checked off against a full list of eligible members by the Returning Officer or their appointee. The SFWU will appoint a Deputy Returning Officer for each meeting, and the Returning Officer may also appoint a scrutineer for the SFWU voting. If the member lives more than 32km from the location of any of those meetings/they have a personal emergency/they have a disability that prevents them attending and voting at a meeting, they may apply to the SFWU Deputy Returning Officer for a postal vote prior to the round of meetings commencing; if approved, that will be issued by the NZLP, and will be returned in the normal way. The SFWU will make available appropriate resources to the Returning Officer to enable this process to occur.

In all cases, the person appointed by NZ Council in 3.2.5 above is to act as **Returning Officer**, with Deputy Returning Officers appointed by each affiliate.

- A3 As per 3.4 above, all ballot papers in all three sections of the Electoral College will either be **issued** by post or made accessible electronically on pre-approved days, directly by the Party or by an independent body contracted by the Party. Affiliates will provide to the Party, or the independent body contracted by the party, the **labels for a mailing to those eligible to vote** in their ballot (or, in the case of the SFWU, those who are granted a postal vote), and will fund that mailing. Any **mailings of information** to members/delegates will be funded by the affiliate. Affiliates may publish and promote to their voters **endorsement of a candidate**, but must not use any process to bind the electors within that affiliate to a common position. The SFWU must make all election mailing material available at candidate hustings.
- A4 If required, an opportunity will be provided in Auckland or Wellington for all **candidates to meet jointly with the combined Executive Committees** etc of the affiliates, and/or affiliates will encourage eligible voting delegates to attend the candidate hustings as outlined in 3.6 above.
- A5 Affiliates will provide **equal access for all candidates** to their voters during the election period, to complement the policies and practices laid out in these Rules, in order to ensure balance during the process. This may include separate union-focussed meetings for all candidates.



- A6 There will be voting facilities made available at **candidate** hustings, as referred in 3.6 above. If an affiliate takes up this option, they will have to provide staffing for the balloting process.
- A7 Each affiliate election will **close** on the same day as the other sections.

**B Caucus section election**

- B1 The caucus procedures and rules relating to the triggering the election, the nomination of candidates and the election period must be **consistent with the New Zealand Labour Party Constitution** and these rules. The version of these rules agreed by NZ Council on August 23<sup>rd</sup> 2013 take precedence in the event of a conflict between the Caucus Rules and these rules.
- B2 In relation to **the process for instigating the trigger** in cases where MPs wish to establish whether or not the Leader continues to enjoy the support of 50%+1 (or, in the three yearly vote, 60% plus 1) of the Caucus, the following will be incorporated into the Caucus Rules:
- any Labour MP may place a leadership confidence vote on the agenda for any scheduled Caucus meeting by giving at least 7 days' notice to the Leader and Caucus Secretary.
  - a group of no fewer than 7 Labour MPs may requisition a special meeting of the Caucus by presenting a letter requesting such to the Leader and Caucus Secretary, such meeting to be called by the Leader as soon as possible and in any case no more than 7 days following receipt of such a letter.
- B3 All MPs and staff must **comply with the Codes of Conduct for leadership elections and any other Code produced**, from the point that an election is triggered (or requested in accordance with the NZLP Constitution and the Rules). Non-compliance with the Code will be referred to the NZ Council for a decision. Staff members who do not belong to the Labour Party are prohibited from attending meetings or otherwise becoming involved in the leadership elections – this does not apply to MPs' Executive Assistants or equivalents who are acting within the terms of their job description.
- B4 In relation to meeting **thresholds** as set down in the Constitution, the interpretation of the 60% plus 1 rule will include the rounding up of fractions (e.g. on 2013 numbers of 34, assuming all Caucus members vote and do not abstain, the endorsement threshold to be reached was 21.4, i.e. 22 votes).

- B5 Voting in Caucus in relation to the trigger will be by **secret ballot**. Printed ballot papers will be provided by the Returning Officer, and they will be placed in a ballot box.
- B6 In the event of an **election being triggered**, the Senior Whip will send a letter as soon as possible to the NZLP President and General Secretary to trigger the election. This letter may be signed and sent by email.
- B7 **Nominations** of candidates for the leadership election must be supported by a nominator and a seconder, both of whom must be members of the Labour Caucus and neither of whom can be the candidate being nominated. The nomination will be on paperwork provided by the Returning Officer, and returnable to the Returning Officer.
- B8 In all cases where the leadership is vacant, the **Deputy Leader will become the Acting Leader** until the election of a new leader
- B9 The **ballot papers for MPs** will be sent to the address registered for that member at Party headquarters, unless indicated otherwise to the Returning Officer.
- B10 **Ballot papers** will be returned to the Party (*see 3.4 above*), so no separate Caucus Returning Officer will be required. The caucus will be able to appoint a scrutineer for their section of the count.
- B11 The **Deputy Leader and Whips** will be elected in accordance with the Caucus Rules.
- B12 Should a vacancy in the leadership occur in the **3 months prior to the announced date of a general election** (where known) or in the absence of an announced date the statutory date (calculated according to the date on which the election is triggered or, in the case of a caucus vote, a meeting or special meeting is requested), a new Leader will be elected by Caucus majority vote. The new Leader will then be subject to confirmation within three months after the election, pursuant to the Party constitution (i.e. they would need to be endorsed by 60%+1 of the new Caucus, or a full leadership contest would be triggered).

## **C Party members section election**

- C1 The Party General Secretary will normally act as **Returning Officer** (*see 3.2.5*).
- C2 The election will be conducted under the Single Round Preferential Voting system, and in this section conducted on the basis of **One Member One Vote**. Family members aged over 15 and named on the NZLP membership record are to be treated as individual voters, and all members registered at the same address, including e-mail address, will be sent a separate voting pack.

- C3 Notification of **membership renewals** will be timed to precede a February confirmation vote.
- C4 The General Secretary in that role will rule on **disputes over membership status**. The agents of the candidates will be consulted over the approach taken to this.

## **SCHEDULE 6 - CONTRACTING AND FINANCE**

### **Application**

1. These Rules apply to—
  - (a) Labour Regional Councils, Labour Local Body Committees, LECs, Sector Councils, Branches and any Committee, Club or other organisation established by or under the auspices of any part of the Party; and
  - (b) the campaign funds of any candidate selected to contest any election on behalf of the Party; and
  - (c) the campaign funds of each person elected to office to represent the Party.

### **Guidelines**

2. Treasurers, Party officers and Party Organisations are required to follow the guidelines on finance and financial reporting as approved and issued by the NZ Council from time to time.

### **Express authority of Party required**

- 3.1 Except as provided in clause 4.1 any organisations may only manage Party funds or incur liabilities on behalf of the Party if, before the commencement of each financial year, or before managing Party funds or incurring liabilities, they have the express authorisation of NZ Council.
- 3.2 Such authorisation may be withdrawn by the NZ Council where an organisation fails to meet its requirements as set out in the financial guidelines.

### **Authority to bind the Party**

- 4.1 Each person or constituent body to whom this Schedule applies has the authority to enter into contracts in the name of the Party, provided that:
  - (a) the contract is for the purpose of a Party activity; and
  - (b) the cost to the Party of the contract is no more than that organisation has available in its bank account at the time it enters into the contract.
- 4.2 Except where prior approval has been obtained under clause 3.1, if any person or constituent organisation enters into a contract in the name of the Party whose cost is more than the amount available in its bank account at the time the contract is executed, that person or organisation is treated as unfinancial and is not permitted to take part in the affairs of the Party until:

- (a) New Zealand Council decides otherwise; and
- (b) that person or organisation has fulfilled any conditions New Zealand Council imposes (including repayment of any relevant amount).

#### **Guidelines and content**

- 5.1 The financial guidelines shall set out the criteria and process used by NZ Council to grant authorisation.
- 5.2 All organisations without such an authorisation must enter into an arrangement with an authorised organisation for the purposes of meeting their financial reporting and operating requirements as set out in the financial guidelines.

#### **Deposit and accounting of funds**

- 6.1 The funds of the persons and organisations referred to in clause 1 above must be deposited in an account owned and maintained by the Party in the name of that organisation, such that Head Office can view all transactions for accounting purposes.
- 6.2 Every constituent organisation must use the accounting system of Head Office.

#### **Making of payments**

- 7. Payments must be made on the instruction of the persons appointed under rule 10.10 and authorised by an appropriate minute in the records of the organisation concerned.

#### **Current accounts**

- 8. Only sufficient funds to meet the running expenses of the organisation concerned must be retained in current accounts.

#### **Financial year**

- 9. The Financial Year of the Party and all its constituent bodies commences on 1 January in each year and terminates on 31 December in that same year.

#### **Duties at end of financial year**

- 10. At the end of each financial year the Secretary-Treasurer of each organisation must prepare a Statement of Receipts and Payments and Balance Sheet on the prescribed form supplied by the NZ Council.

#### **Auditing of financial statement**

- 11. Each organisation operating in the name of, or for, the Party must, as soon as practicable after the end of the financial year, forward to the LEC two copies of the financial statement.

### **Duties of Labour Electorate Committee**

12. Each LEC must, as soon as practicable after the end of the financial year, forward to the NZ Council:
  - (a) A Statement of Receipts and Payments and Balance Sheet accepted by the Annual Meeting; and
  - (b) A copy of the financial statements received from each Branch, Club or Committee under its jurisdiction.

### **Duties of other bodies**

13. Each Labour Local Body Committee and Labour Regional Council must, as soon as practicable after the end of the financial year, forward a copy of the financial statements accepted by the Annual Meeting to the NZ Council.

### **Authorisation of persons canvassing for funds**

14. Where necessary, persons canvassing for funds for the Party must be provided with a written authorisation.

### **Restrictions on canvassing**

15. No Party organisation may canvas for funds outside its own area unless authorised by the NZ Council, or co-ordinated at the local level by the LEC.

### **Restrictions on fundraising**

16. No Party organisation shall initiate a fundraising lottery, raffle or other activity which has a major first prize of five thousand dollars (\$5,000) or more without the permission of the NZ Council.

### **Restrictions on grants or loans**

17. Grants or loans to any organisation not affiliated with the Party must not be made without the prior consent of the NZ Council.

### **Restrictions on borrowing money**

18. A person or organisation listed in clause 1 may only borrow money with the prior agreement of NZ Council, which may set any conditions it sees fit.

### **Controls on financial appeals**

19. All financial appeals for national or international objectives shall be controlled by the NZ Council.

### **Restrictions on deriving personal benefits**

- 20.1 No member may derive any pecuniary gain from the property or operations of the Party except as an employee, temporary or otherwise, or for services rendered or supplies made.
- 20.2 No member of the Party or any person associated with a member may participate in or materially influence any decision made by the Party in respect of the payment to or on behalf of that member or associated person of any income, benefit, or advantage whatsoever.
- 20.3 Any such income paid must be reasonable and relative to that which would be paid in an arms length transaction (being the open market value).
- 20.4 No Party organisation or entity may engage in any operations that would lead to any member deriving pecuniary gains, except as provided in clause 18.1.
- 20.5 The provisions and effect of this clause and clause 21(a) cannot be removed from this document, and will be included and implied into any document replacing this Constitution.

### **Winding up of Party**

- 21. In the event of the Party being wound-up:
  - (a) no member of the Party is personally entitled to participate or benefit in any way in the distribution of any assets of the Party both real and personal; and
  - (b) NZ Council, at its discretion, must distribute any remaining assets to either:
    - (i) another political party with similar aims and objectives; or
    - (ii) a charity.

### **Auditing Party organisations**

- 22.1 The following Party organisations must have their annual accounts, Statement of Receipts and Payments and Balance Sheet audited by the Party's qualified auditor as part of the Party's financial statements:
  - (a) Labour Regional Councils,
  - (b) Labour Local Body Committees,
  - (c) LECs,
  - (d) Branches and
  - (e) other organisations that own an interest in land or hold significant cash or investments.

- 22.2 The threshold for significant cash or investments under rule 20.1(b) will be determined by the NZ Council and published in the guidelines on finance and financial reporting approved and issued from time to time by the NZ Council.
- 22.3 The audited accounts of the Party must be presented to the Annual Conference or Congress.
- 22.4 The audited accounts of all other Party organisations must be presented at their Annual Meeting.

#### **Accounts for other Party organisations**

- 23 For Party organisations that are not required to have an Auditor certify their annual accounts, the Treasurer and one other officer must co-sign the Statement of Receipts and Payments and Balance Sheet of those organisations before presenting them to the Annual Meeting.

#### **Audit of fundraising activities**

- 24.1 Where regular fundraising activities, such as weekly or monthly lotteries and housie, are being conducted the accounts must be audited at more frequent intervals, and at least twice yearly.
- 24.2 This provision will also apply to clubs and other organisations conducting significant fundraising activities under the auspices of the Party.
- 24.3 An Annual Statement of Receipts and Payments and Balance Sheet must be given to the LEC in accordance with clause 11 of this schedule.